

Panaji, 4th April, 2013 (Chaitra 14, 1935)

SERIES I No. 1

# OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

**NOTE**

There are two Extraordinary issues to the Official Gazette, Series I No. 52 dated 28-3-2013, as follows:—

(1) Extraordinary dated 28-3-2013 from pages 1985 to 1990 regarding the Goa Appropriation (Vote on Account) Act, 2013 — Not. No. 7/4/2013-LA from Department of Law & Judiciary and Maximum fares chargeable for Stage Carriages and City Buses — Not. No. D.Tpt/Est/922/Vol.-II/2013/1306 from Department of Transport.

(2) Extraordinary (No. 2) dated 31-3-2013 from pages 1991 to 2002 regarding the Goa Excise Duty (Admn.) Rules, 2013 — Not. 1/5/2012-Fin(R&C) from Department of Finance.

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**GOVERNMENT OF GOA**

Department of Civil Supplies & Consumer Affairs

**Order**

DCS/6-188/Vol-II/2013/376

Government is pleased to increase the profit margin of all the Fair Price Shops from the existing 5% to 10% on controlled commodities

i.e. foodgrains sold by them. As a consequence thereof the ex-godown rates of controlled commodities of foodgrains stands revised as given below:—

Sr. No.	Commodity	Ex-godown rate to FPS per tonne	Maximum Retail price per kilogram to consumers
1	2	3	4
1.	APL rice	Rs. 8,100.00	Rs. 8.95
2.	APL wheat	Rs. 5,970.00	Rs. 6.60

1	2	3	4
3.	BPL rice	Rs. 5,567.00	Rs. 6.15
4.	AAY rice	Rs. 2,715.00	Rs. 3.00
5.	Welfare Institution rice	Rs. 5,567.00	Rs. 6.15

This issues with the concurrence of the Finance Department vide their U. O. No. 759-F dated 14-9-2012.

This order comes into force with immediate effect.

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

*Vikas S. N. Gaunekar*, Director & ex officio Joint Secretary (C.S. & C.A.).

Panaji, 5th February, 2013.



Department of Forest

Order

5/3/2011/FOR/108

Sanction of the Government is hereby accorded to incur an expenditure of Rs. 3.75 crores (Rupees three crores seventy five lakhs only) towards release of Grant-in-Aid to Goa Forest Development Corporation for meeting the expenditure towards Salary Grants, Rejuvenation of Cashew Plantation and Development of Botanical Garden.

The expenditure shall be debited to the Budget Head as follows:—

2406—Forestry and Wild Life;	
01—Forestry;	
001—Direction and Administration;	
05—Forest Administration (NP);	Rs. 1.50
31—Grant-in-Aid.	crores

2406—Forestry and Wild Life;	
01—Forestry;	
800—Other Expenditure;	
13—Grants for Rejuvenation of Cashew Plantation (P);	
31—Grants-in-Aid.	Rs. 1.25
	crores

2551—Hill areas;	
01—Western Ghats;	
800—Other Expenditure;	
07—Maintenance of Botanical Garden-cum-Eco-Recreation Park at Salaulim Goa (P);	
31—Grants-in-Aid.	Rs. 1.00
	crore

**Grand Total Rs. 3.75 crores**

Certified that the pattern of assistance has been approved by the Government of Goa.

This issues with the concurrence of Finance Department vide its U. O. No. Fin (Exp.)Department/1412966 dated 19-3-2013.

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

*Siddhi Halarnakar*, Under Secretary (Forests).

Porvorim, 26th March, 2013.



Department of Law & Judiciary

Legal Affairs Division

Notification

10/3/2012-LA/33

The Indian Medical Council (Amendment) Act, 2012 (Central Act No. 20 of 2012), which has been passed by Parliament and assented to by the President of India on 12-05-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 12-05-2012, is hereby published for general information of the public.

*Julio Barbosa Noronha*, Under Secretary (Law).

Porvorim, 15th March, 2013.

THE INDIAN MEDICAL COUNCIL  
(AMENDMENT) ACT, 2012

AN

ACT

further to amend the Indian Medical Council Act, 1956.

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Indian Medical Council (Amendment) Act, 2012.

(2) It shall come into force on the 15th day of May, 2012.

2. *Amendment of section 3A of Act 102 of 1956.*— In section 3A of the Indian Medical Council Act, 1956, in sub-section (2), for the words “two years”, the words “three years” shall be substituted.

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**Notification**

10/3/2012-LA/37

The Constitution (Scheduled Tribes) Order (Amendment) Act, 2012 (Central Act No. 24 of 2012), which has been passed by Parliament and assented to by the President of India on 31-05-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 31-05-2012, is hereby published for general information of the public.

*Julio Barbosa Noronha*, Under Secretary (Law).

Porvorim, 15th March, 2013.

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THE CONSTITUTION (SCHEDULED  
TRIBES) ORDER (AMENDMENT)  
ACT, 2012

AN

ACT

*further to amend the Constitution (Scheduled Tribes) Order, 1950 to modify the list of Scheduled Tribes in the State of Karnataka.*

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2012.

2. *Amendment of Part VI of Constitution (Scheduled Tribes) Order, 1950.*— In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part VI.— *Karnataka*, in entry 37, after “Meda”, insert, C.O.22  
“Medara”.

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**Notification**

10/3/2012-LA/38

The Railway Property (Unlawful Possession) Amendment Act, 2012 (Central Act No. 25 of 2012), which has been passed by Parliament and assented to by the President of India on 02-06-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 04-06-2012, is hereby published for general information of the public.

*Julio Barbosa Noronha*, Under Secretary (Law).

Porvorim, 15th March, 2013.

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THE RAILWAY PROPERTY (UNLAWFUL  
POSSESSION) AMENDMENT ACT, 2012

AN

ACT

*to amend the Railway Property (Unlawful Possession) Act, 1966.*

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Railway Property (Unlawful Possession) Amendment Act, 2012.

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

2. *Amendment of section 3.* — In the Railway Property (Unlawful Possession) Act, 1966 (hereinafter referred to as the principal Act), in section 3,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Penalty for theft, dishonest misappropriation or unlawful possession of railway property.”;

(ii) for the words “Whoever is found, or is proved”, the words “Whoever commits theft, or dishonestly misappropriates or is found, or is proved” shall be substituted;

(iii) after clause (b), the following *Explanation* shall be inserted, namely:—

*‘Explanation.—* For the purposes of this section, “theft” and “dishonest misappropriation” shall have the same meanings as assigned to them respectively in section 378 and section 403 of the Indian Penal Code.’. 45 of 1860.

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

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Punishment for abetment, conspiracy or connivance at offences.”;

(ii) for the words “Any owner”, the words “Whoever abets or conspires in the commission of an offence punishable under this Act, or any owner” shall be substituted;

(iii) the following *Explanation* shall be inserted, namely:—

*‘Explanation.—* For the purposes of this section, the words “abet” and “conspire” shall have the same meanings as assigned to them respectively in sections 107 and 120A of the Indian Penal Code.’. 45 of 1860.

4. *Amendment of section 8.*— In section 8 of the principal Act,—

(i) for the marginal heading, the following marginal heading shall be substituted, namely:—

“Inquiry how to be made.”;

(ii) in sub-section (1), for the words “When any person is arrested”, the words “When an officer of the Force receives information about the commission of an offence punishable under this Act, or when any person is arrested” shall be substituted.

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**Notification**

10/3/2012-LA/27

The Appropriation (Railways) Act, 2012 (Central Act No.14 of 2012), which has been passed by Parliament and assented to by the President of India on 27-03-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 28-03-2012, is hereby published for general information of the public.

*Julio Barbosa Noronha*, Under Secretary (Law).

Porvorim, 15th March, 2013.

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**THE APPROPRIATION (RAILWAYS)  
ACT, 2012**

AN

ACT

*to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services for the purposes of Railways during the financial year ended on the 31st day of March, 2010 in excess of the amounts granted for those services and for that year.*

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title.*— (1) This Act may be called the Appropriation (Railways) Act, 2012.

2. Issue of Rs. 1922,83,61,188 out of the Consolidated Fund of India to meet certain expenditure for the financial year ended on the 31st day of March, 2010.— From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of one thousand nine hundred twenty-two crores, eighty-three lakhs, sixty-one thousand, one hundred and eighty-eight rupees shall be deemed to have been authorised to be paid and applied to meet the amounts spent for defraying the charges in respect of the services relating to Railways specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 2010, in excess of the amounts granted for those services and for that year.

3. Appropriation.— The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 2010.

THE SCHEDULE  
(See sections 2 and 3)

No of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3	3	
		Rs.	Rs.	Rs.
3	General Superintendence and Services on Railways.....	....	24,21,286	24,21,286
4	Repairs and Maintenance of Permanent Way and Works .....	54,49, 81,635	....	54,49,81,635
5	Repairs and Maintenance of Motive Power .....	88,71,27,842	1,74,024	88,73,01,866
6	Repairs and Maintenance of Carriages and Wagons .....	161,20,05,393	....	161,20,05,393
8	Operating Expenses – Rolling Stock and Equipment .....	35,20,77,632	....	35,20,77,632
9	Operating Expenses – Traffic.....	26,30,83,601	...	26,30,83,601
12	Miscellaneous Working Expenses .....	39,87,35,318	...	39,87,35,318
13	Provident Fund, Pension and other Retirement Benefits .....	1512,26,50,695	...	1512,26,50,695
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation .....	4,51,03,762	...	4,51,03,762
<b>Total:</b>		<b>1922,57,65,878</b>	<b>25,95,310</b>	<b>1922,83,61,188</b>

**Notification**

10/3/2012-LA/28

The Appropriation (Railways) No. 2 Act, 2012 (Central Act No. 15 of 2012), which has been passed by Parliament and assented to by the President of India on 27-03-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 28-03-2012, is hereby published for general information of the public.

*Julio Barbosa Noronha*, Under Secretary (Law).

Porvorim, 15th March, 2013.

**THE APPROPRIATION (RAILWAYS) No. 2  
ACT, 2012**

AN

ACT

*to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the financial year 2011-12 for the purposes of Railways.*

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) No. 2 Act, 2012.

2. *Issue of Rs. 7711,29,69,000 out of the Consolidated Fund of India for the financial year 2011-12.*— From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of seven thousand seven hundred eleven crores, twenty-nine lakhs and sixty-nine thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2011-12, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes stated in the Schedule in relation to the said year.

**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
3	General Superintendence and Services on Railways .....	....	3,05,000	3,05,000
4	Repairs and Maintenance of Permanent Way and Works.....	....	67,54,000	67,54,000
5	Repairs and Maintenance of Motive Power.....	....	4,15,000	4,15,000
6	Repairs and Maintenance of Carriages and Wagons.....	194,42,30,000	....	194,42,30,000
8	Operating Expenses—Rolling Stock and Equipment .....	419,28,62,000	6,03,000	419,34,65,000
9	Operating Expenses—Traffic .....	116,09,59,000	....	116,09,59,000
10	Operating Expenses—Fuel .....	1692,30,85,000	2,25,36,000	1694,56,21,000
11	Staff Welfare and Amenities .....	2,09,20,000	3,51,000	2,12,71,000
12	Miscellaneous Working Expenses .....	425,12,94,000	....	425,12,94,000
13	Provident Fund, Pension and Other Retirement Benefits	1077,60,91,000	9,07,000	1077,69,98,000
16	Assets—Acquisition, Construction and Replacement— <i>Other Expenditure</i> Capital .....	3714,09,79,000	67,06,78,000	3781,16,57,000
<b>TOTAL</b>		<b>7641,04,20,000</b>	<b>70,25,49,000</b>	<b>7711,29,69,000</b>

**Notification**

10/3/2012-LA/29

The Appropriation (Railways) Vote on Account Act, 2012 (Central Act No. 16 of 2012), which has been passed by Parliament and assented to by the President of India on 27-03-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 28-03-2012, is hereby published for general information of the public.

*Julio Barbosa Noronha*, Under Secretary (Law).

Porvorim, 15th March, 2013.

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**THE APPROPRIATION (RAILWAYS) VOTE ON ACCOUNT ACT, 2012**

AN

ACT

*to provide for the withdrawal of certain sums from and out of the Consolidated Fund of India for the services of a part of the financial year 2012-13 for the purposes of Railways.*

Be it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. *Short title.*— This Act may be called the Appropriation (Railways) Vote on Account Act, 2012.

2. *Withdrawal of Rs. 41833,61,30,000 from and out of the Consolidated Fund of India for the financial year 2012-13.*— From and out of the Consolidated Fund of India there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of forty-one thousand eight hundred thirty-three crore, sixty-one lakh and thirty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2012-13, in respect of the services relating to Railways specified in column 2 of the Schedule.

3. *Appropriation.*— The sums authorised to be withdrawn from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes stated in the Schedule in relation to the said year.

**THE SCHEDULE**  
(See sections 2 and 3)

No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consolidated Fund	Total
1	2	3		
		Rs.	Rs.	Rs.
1	Railway Board .....	37,63,67,000	....	37,63,67,000
2	Miscellaneous Expenditure (General) .....	127,38,17,000	11,83,000	127,50,00,000
3	General Superintendence and Services on Railways .....	885,42,81,000	....	885,42,81,000
4	Repairs and Maintenance of Permanent Way and Works.....	1464,46,49,000	5,50,000	1464,51,99,000

1	2	3	
		Rs.	Rs.
5	Repairs and Maintenance of Motive Power.....	669,28,10,000	.... 669,28,10,000
6	Repairs and Maintenance of Carriages and Wagons.....	1551,85,55,000	33,000 1551,85,88,000
7	Repairs and Maintenance of Plant and Equipment.....	843,70,59,000	.... 843,70,59,000
8	Operating Expenses—Rolling Stock and Equipment .....	1226,79,12,000	.... 1226,79,12,000
9	Operating Expenses—Traffic .....	4229,39,19,000	50,000 4229,39,69,000
10	Operating Expenses—Fuel .....	3557,78,73,000	2,29,000 3557,81,02,000
11	Staff Welfare and Amenities .....	723,78,03,000	.... 723,78,03,000
12	Miscellaneous Working Expenses .....	767,57,61,000	26,95,53,000 794,53,14,000
13	Provident Fund, Pension and Other Retirement Benefits.....	3186,77,66,000	9,70,000 3186,87,36,000
14	Appropriation to Funds .....	7261,16,67,000	.... 7261,16,67,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over-Capitalisation.....	4,28,83,000	.... 4,28,83,000
16	Assets—Acquisition, Construction and Replacement—		
	Revenue .....	9,98,33,000	1,67,000 10,00,00,000
	<i>Other Expenditure</i>		
	Capital .....	10162,41,90,000	14,83,33,000 10177,25,23,000
	Railway Funds.....	4747,62,50,000	83,33,000 4748,45,83,000
	Railway Safety Fund .....	333,06,67,000	26,67,000 333,33,34,000
<b>TOTAL</b>		<b>41790,40,62,000</b>	<b>43,20,68,000 41833,61,30,000</b>



Law (Establishment) Division

GOA STATE LITIGATION POLICY

**Notification**

11/2/2011-LD(Estt.)/483

“Goa State Litigation Policy” formulated on the lines of the National Litigation Policy is hereby published for general information of the public.

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

Vasanti H. Parvatkar, Under Secretary, Law (Estt.).

Porvorim, 1st April, 2013.

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I. *Introduction*.— Whereas at the National Consultation for Strengthening the Judiciary toward Reducing Pendency and Delays held on the 24th and 25th October, 2009 the Union



Minister for Law and Justice, presented resolutions which were adopted by the entire Conference unanimously.

And wherein the said Resolution acknowledged the initiative undertaken by the Government of India to frame a National Litigation Policy with a view to ensure conduct of responsible litigation by the Central Government and urges every State Government to evolve similar policies.

Now, therefore, as per directives of the National Litigation Policy, Vide O. M. of Government of India, Ministry of Law & Judiciary, New Delhi, No. 44(03)/2010-Judl., dated 30th June, 2010, Government of Goa is pleased to formulate its State Litigation Policy 2010 for the State of Goa on the lines of the National Litigation Policy 2010 as herein under:—

And whereas Government of India, issued Office Memorandum bearing No. 44(03)/2010-Judl., dated 30-06-2010 to the State to implement National Litigation Policy, 2010 within the State of Goa.

The Goa State Litigation Policy is as follows:—

II. *The Vision/Mission.*— (1) The Goa State Litigation Policy is based on the recognition that Government and its various agencies are the predominant litigants in Courts and Tribunals in this State. Its aim is to transform Government into an *Efficient* and *Responsible* litigant. This policy is also based on the recognition that it is the responsibility of the Government to protect the rights of citizens, to respect fundamental rights and those in charge of the conduct of Government litigation should never forget this basic principle.

#### “EFFICIENT LITIGANT” MEANS

Ø Focusing on the core issues involved in the litigation and addressing them squarely.

Ø Managing and conducting litigation in a cohesive, co-ordinated and time-bound manner.

Ø Ensuring that good cases are won and bad cases are not needlessly preserved with.

Ø A litigant who is represented by competent and sensitive legal persons: competent in their skills and sensitive to the facts that Government is not an ordinary litigant and that a litigation does not have to be won at any cost.

#### “RESPONSIBLE LITIGANT” MEANS

Ø That litigation will not be resorted to for the sake of litigating.

Ø That false pleas and technical points will not be taken and shall be discouraged.

Ø Ensuring that the correct facts and all relevant documents will be placed before the court.

Ø That nothing will be suppressed from the court and there will be no attempt to mislead any court or Tribunal.

(2) Government must cease to be a compulsive litigant. The philosophy that matters should be left to the courts for ultimate decision has to be discarded. The easy approach, “Let the court decide, I leave the matter to the Court. Court may pass appropriate order” must be eschewed and condemned.

A prior notice issued under section 80 of CPC should be replied parawise and failing to answer the same by the concern officer should be dealt seriously.

(3) The purpose underlying this policy is also to reduce Government litigation in Courts so that valuable court time would be spent in resolving other pending cases so as to achieve the Goal in the National Legal Mission to reduce average pendency time from 15 years to 3 years. Litigators on behalf of Government have to keep in mind the principles incorporated in the National mission for judicial reforms which includes identifying bottlenecks which the Government and its agencies may be concerned with and also removing unnecessary Government cases. Prioritisation in litigation has to be achieved with particular emphasis on welfare legislation, social reform, weaker sections and senior citizens and other categories requiring assistance must be given utmost priority.

(4) *The Stakeholders:* (A) In ensuring the success of this policy, all stakeholders will have to play their part – the Ministry of Law & Justice, Heads of various Departments, Law Officers and Government Counsel, and individual officers all connected with the concerned litigation. The success of this policy will depend on its strict implementation. Nodal Officers will be appointed by Heads of Department.

“Head of Department” means the administrative person ultimately responsible for the working of the Department or Agency, as the case may be.

(B) The appointment of Nodal Officers must be done carefully. The Nodal Officer has a crucial and important role to play in the overall and specific implementation of this Policy, including but not limited to the references made hereinafter. Every Ministry must be mindful of the responsibility to appoint proper Nodal Officers who have legal background and expertise. They must be in a position to pro-actively manage litigation. Whilst making such appointments, care must be taken to see that there is continuity in the incumbents holding office. Frequent changes in persons holding the position must be avoided. Nodal Officers must also be subjected to training so that they are in a position to understand what is expected of them under the Goa State Litigation Policy.

(C) Accountability is the touch-stone of this Policy. Accountability will be at various levels; at the level of officers in charge of litigation, those responsible for defending cases, all the lawyers concerned and Nodal Officers. As part of accountability, there must be critical appreciation on the conduct of cases. Good cases which have been lost must be reviewed and subjected to detailed scrutiny to ascertain responsibility. Upon ascertainment of responsibility, suitable action will have to be taken. Complacency must be eliminated and replaced by commitment.

(D) There will be State Committees to monitor the implementation of this Policy and accountability. The Nodal Officers and the

Heads of Department will ensure that all relevant data is sent to the State Empowered Committees. The Empowered Committee at the State level shall be chaired by the Advocate General and such other members not exceeding six in number as may be nominated by the Ministry of Law with Law Secretary to be the Member-Secretary. Besides this there shall be District Level Committees for North and South which shall submit its reports to the State Committee. The State Empowered Committees shall submit comprehensive reports to the Ministry of Law. It shall be the responsibility of the State Empowered Committee to receive and deal with suggestions and complaints including from litigants and Government Departments and take appropriate measures in connection therewith, in consultation with the District Committee, if so desired.

III. *Government Representation.*— (A) While it is recognized that Government Panels are a broad based opportunity for a cross section of lawyers, Government Panels cannot be vehicles for sustaining incompetent and inefficient persons. Persons who recommend names for inclusion on the Panel are requested to be careful in making such recommendations and to take care to check the credentials of those recommended with particular reference to legal knowledge and integrity.

(B) Screening Committees for constitution of Panels will be introduced at every level to assess the skills and capability of people who are desirous of being on Government Panels before their inclusion on the Panel. The Ministry of Law shall ensure that the constitution of Screening Committees will include Screening Committee should include technical personnel from the Departments of Excise, Revenue, PWD on the panel alongwith a Legal Personnel, Finance Personnel, Commercial Department and representatives of the Department concerned. The Screening Committees will make their recommendations to the Ministry of Law. Emphasis will be on identifying areas of core competence, domain expertise and areas of specialization. It cannot be assumed that all lawyers are capable of conducting every form of litigation.

(C) Government advocates must be well equipped and provided with adequate infrastructure. Efforts will be made to provide the agencies which conduct Government litigation with modern technology such as computers, internet links, etc. Common research facilities must be made available for Government lawyers as well as equipment for producing compilations of cases.

(D) Training programs, seminars, workshops and refresher courses for Government advocates must be encouraged. There must be continuing legal education for Government lawyers with particular emphasis on identifying and improving areas of specialization. Law College will be associated in preparing special courses for training of Government lawyers with particular emphasis on identifying and improving areas of specialization. Most importantly, there must be an effort to cultivate and in still values required for effective Government representation.

(E) National and State Conferences of Government advocates will be organized so that matters of mutual interest can be discussed and problems analysed.

(F) It will be the responsibility of all Law Officers to train Panel lawyers and to explain to them what is expected of them in the discharge of their functions.

(G) Panels will be drawn up of willing, energetic and competent lawyers to develop special skills in drafting pleadings on behalf of Government. Such Panels shall be flexible. More and more advocates must be encouraged to get on to such Panels by demonstrating keenness, knowledge and interest.

(H) *Nodal Officers* will be responsible for active case management. This will involve verifying whether the department has furnished all relevant records, constant monitoring of cases particularly to examine whether cases have gone "off track" or have been unnecessarily delayed.

(I) Incomplete briefs are frequently given to Government Counsel. This must be

discontinued. The Advocates-on-Record will be held responsible if incomplete briefs are given. It is the responsibility of the person in charge of the Nodal Officers concerned, to ensure that proper records are kept of cases filed and that copies retained by the Department are complete and tally with what has been filed in Court. If any Department or Agency has a complaint in this regard it can complain to the Empowered Committee.

(J) There should be equitable distribution of briefs so that there will be broad based representation of Government. Advocate General will be associated with regard to distribution of briefs in the High Court. Complaints that certain Panel advocates are being preferred in the matter of briefing will be inquired into seriously by the State Empowered Committee.

(K) Government lawyers are expected to discharge their obligations with a sense of responsibility towards the court as well as to Government. If concessions are made on issues of fact or law, and it is found that such concessions were not justified, the matter will be reported to the State Empowered Committee and remedial action would follow.

(L) While Government cannot pay fees which private litigants are in a position to pay, the fees payable to Government lawyers will be suitably revised to make it remunerative. Optimum utilization of available resources and elimination of wastage will itself provide for adequate resources for revision of fees. It should be ensured that the fees stipulated as per the Schedule of Fees should be paid within a reasonable time. Malpractice in relation to release of payments must be eliminated.

IV. *Adjournments*.— (A) Accepting that frequent adjournments are resorted to by Government lawyers, unnecessary and frequent adjournments will be frowned upon and infractions dealt with seriously.

(B) In fresh litigations where the Government is a defendant or a respondent in the first instance, a reasonable adjournment may be applied for, for obtaining instructions.

However, it must be ensured that such instructions are made available and communicated before the next date of hearing. If instructions are not forthcoming, the matter must be reported to the Nodal Officer and if necessary to the Head of the Department.

(C) In Appellate Courts, if the paper books are complete, then adjournments must not be sought in routine course. The matter must be dealt with at the first hearing itself. In such cases, adjournments should be applied for only if a specific query from the court is required to be answered and for this, instructions have to be obtained.

(D) One of the functions of the Nodal Officers will be to co-ordinate the conduct of litigation. It will also be their responsibility to monitor the progress of litigation, particularly to identify cases in which repeated adjournments are taken. It will be the responsibility of the Nodal Officer to report cases of repeated and unjustified adjournments to the Head of Department and it shall be open to him to call for reasons for the adjournment. The Head of the Agency shall ensure that the Records of the case reflect reasons for adjournment, if these are repeated adjournments. Serious note will be taken of cases of negligence or default and the matter will be dealt with appropriately by referring such cases to the State Empowered Committee. If the advocates are at fault, action against them may entail suspension/removal of their names from Government Panels.

(E) Cases in which costs are awarded against the Government as a condition of grant of adjournment will be viewed very seriously. In all such cases the Head of Department must give a report to the State Empowered Committee of the reasons why such costs were awarded. The names of the persons responsible for the default entailing the imposition of costs will be identified. Suitable action must be taken against them.

V. *Pleadings/Counters*.— (A) Suits or other proceedings initiated by or on behalf of Government have to be drafted with precision and clarity. There should be no repetition either in narration of facts or in the grounds.

(B) Appeals will be drafted with particular attention to the Synopsis and list of dates which will carefully crystallize the facts in dispute and the issues involved. The relevant files will be scrutinized in totality alongwith opinions recorded therein for grounds and facts slipshod and loose drafting will be taken serious note of. Defaulting advocates may be suspended/removed from the Panels.

(C) Care must be taken to include all necessary and relevant documents in the appeals paper book. If it is found that any such documents are not annexed and this entails an adjournment or if the court adversely comments on this, the matter will be enquired into by the Nodal Officer and reported to the Head of Department for suitable action.

(D) It is noticed that Government documentation in court is untidy, haphazard and incomplete, full of typing errors and blanks. Special formats for Civil Appeals, Special Leave Petitions, Counter Affidavits will be formulated and circulated by way of guidance and instruction as a Government Advocates Manual. This will include not only contents but also the format, design, font size, quality of papers, printing, binding and presentation. It is the joint responsibility of the Drafting Counsel and the Advocate on Record to ensure compliance.

(E) Counter Affidavits in important cases will not be filed unless the same are shown to and vetted by Law Officers. This should, however, not delay the filing of counters.

VI. *Filing of Appeals*.— (A) Appeals will not be filed against ex parte interim orders unless it causes great inconvenience and prejudice. Attempt must first be to have the order vacated. An appeal must be filed against an order only if the order is not vacated and the continuation of such order causes prejudice.

(B) Appeals must be filed intra court in the first instance. Direct recourse to High Court/Supreme Court must not be resorted to except in extraordinary cases.

(C) Given that Tribunalisation is meant to remove the loads from Courts, challenge to

orders of Tribunals should be an exception and not a matter of routine.

(D) In Service matters, no appeal will be filed in cases where:

(a) The matter pertains to a purely individual grievance without any major repercussion;

(b) The matter pertains to a case of pension or retirement benefits without involving any principle and without setting any precedent or financial implications.

(E) Further, proceedings will not be filed in service matters merely because the order of the High Courts affects a number of employees. Appeals will not be filed to espouse the cause of one section of employees against another.

*E. 1. Cases of Agitation.*— (a) Unless involving serious damage to public property or serious injury to official/policemen and matters of grievous nature, should not be filed in the Court as routine cases.

(b) Cases with less than 3 years sentence unless involving crime against children or women and not linked with activities of terrorism, antinational act, rape, murder, attempted murder, kidnapping and such serious social crime should not be appealed beyond District & Session Courts.

(F) Proceedings will be filed challenging orders of High Courts or Tribunal only if:—

(a) There is a clear error of record and the finding has been entered against the Government;

(b) The judgment of the Tribunal or High Court is contrary to a service rule or its interpretation by a High Court or the Supreme Court;

(c) The judgment would impact the working of the administration in terms of morale of the service, the Government is compelled to file a petition; or

(d) If the judgment will have recurring implications upon other cadres or if the

judgment involves huge financial claims being made.

(G) Appeals in Revenue matters will not be filed:—

(a) If the stakes are not high and are less than that amount to be fixed by the Revenue Authorities; unless where it is likely to affect adversely future cases if relied;

(b) If the matter is covered by a series of judgments of the Administrative Tribunal or of the District and Sessions Courts or its sub-ordinate Courts or of the High Courts which have held the field and which have not been challenged in the Supreme Court;

(c) Where the assesses has acted in accordance with long standing industry practice;

(d) Merely because of change of opinion on the part of jurisdictional officers.

*H. Appeals will not be filed in the Supreme Court unless.*— (a) The case involves a question of law;

(b) If it is a question of fact, the conclusion of the fact is so perverse that an honest judicial opinion could not have arrived at that conclusion;

(c) Where public finances are adversely affected;

(d) Where there is substantial interference with public justice;

(e) Where there is a question of law arising under the Constitution;

(f) Where the High Court has exceeded its jurisdiction;

(g) Where the High Court has struck down a statutory provision as ultra vires;

(h) Where the interpretation of the High Court is plainly erroneous.

(I) In each case, there will be a proper certification of the need to file an appeal. Such certification will contain brief but cogent reasons in support. At the same time, reasons will also be recorded as to why it was

not considered fit or proper to file an appeal.

(VII) *Limitation.*— Delayed Appeals: (A) It is recognized that good cases are being lost because appeals are filed well beyond the period of limitation and without any proper explanation for the delay or without a proper application for condonation of delay. It is recognized that such delays are not always bonafide particularly in cases where high revenue stakes are involved.

(B) Each Head of Department will be required to call for details of cases filed on behalf of the Department and to maintain a record of cases which have been dismissed on the ground of delay. The Nodal Officers must submit a report in every individual case to the Head of Department explaining all the reasons for such delay and identifying the persons/ causes responsible. Every such case will be investigated and if it is found that the delay was not bonafide, appropriate action must be taken. Action will be such that it operates as a deterrent for unsatisfactory work and malpractices in the conduct of Government litigation. For this purpose, obtaining of the data and fixing of responsibility will play a vital role. Data must be obtained on a regular basis annually, bi-monthly or quarterly.

(C) Applications for condonation of delay are presently drafted in routine terms without application of mind and resorting to word processed “boiler plate”. This practice must immediately stop. It is responsibility of the drafting counsel to carefully draft an application for condonation of delay, identifying the areas of delay and identifying the causes with particularity. Drafting advocates who fail to adhere to this may be suspended/removed from the Panel.

(D) Every attempt must be made to reduce delays in filing appeals/applications. It shall be responsibility of each Head of Department to work out an appropriate system for elimination of delays and ensure its implementation.

(E) Belated appeals filed beyond the period of limitation cannot be approached merely

from the point of view that courts have different approaches towards condonation of delay. Since some courts liberally grant condonation of delay, a general apathy seems to have taken over. The tendency on the part of Government counsel to expect leniency towards Government for condonation of delay must be discouraged. The question of limitation and delay must be approached on the premise that every court will be strict with regard to condonation of delay.

(F) If the delay in filing appeals/revision/ application is on account of gross negligence of any of the officers, he should be penalized after holding inquiry and costs if any is awarded, the same shall be recovered from the erring officer.

(G) The Government Advocates are bound to apply for certified copies on the same day and furnish the same to the Department as soon as he receives them alongwith his opinion. It shall be the responsibility of the Government Advocate to make the department aware of the Orders passed so that there is no delay on the ground of lack of knowledge of the order passed or that the Department is not aware that an order is passed.

Monthly report to be furnished by the Advocate specifying the status of case.

(VIII) *Alternative dispute resolution.*—

#### **Arbitration**

(A) More and more Government departments and PSUs are resorting to arbitration particularly in matters of drilling contracts, hire of ships, construction of highways, etc. Careful drafting of commercial contracts, including arbitration agreements must be given utmost priority. The Ministry of Law recognizes that it has a major role to play in this behalf.

(B) The resort to arbitration as an alternative dispute resolution mechanism must be encouraged at every level, but this entails the responsibility that such an arbitration will be cost effective, efficacious, expeditious and

conducted with high rectitude. In most cases arbitration has become a mirror of court litigation. This must be stopped.

(C) It is recognized that the conduct of arbitration at present leaves a lot to be desired. Arbitrations are needlessly dragged on for various reasons one of them is by repeatedly seeking adjournments. This practice must be deplored and stopped.

(D) The Head of Department will call for the data of pending arbitrations. Copies of the roznama, etc. (record of proceedings) must be obtained to find out why arbitrations are delayed and ascertain who is responsible for adjournments. Advocates found to be conducting arbitrations lethargically and inefficiently must not only be removed from the conduct of such cases but also not briefed in future arbitrations. It shall be the responsibility of the Head of Department to call for regular review meetings to assess the status of pending arbitration cases.

(E) Lack of precision in drafting arbitration agreements is a major cause of delay in arbitration proceedings. This leads to disputes about appointment of arbitrators and arbitrability which result in prolonged litigation even before the start of arbitration. Care must be taken whilst drafting an arbitration agreement. It must correctly and clearly reflect the intention of the parties particularly if certain items are required to be left to the decision of named persons such as engineers are not meant to be referred to arbitration.

(F) Arbitration agreements are loosely and carelessly drafted when it comes to appointment of arbitrators. Arbitration agreements must reflect a well defined procedure for appointment of arbitrators. Sole arbitrator may be preferred over a Panel of three Arbitrators. In technical matters, reference may be made to trained technical persons instead of retired judicial persons.

(G) It is also found that certain persons are "preferred" as arbitrators by certain departments or corporations. The arbitrator

must be chosen solely on the basis of knowledge, skill and integrity and not for extraneous reasons. It must be ascertained whether the arbitrator will be in a position to devote time for expeditious disposal of the reference.

(H) It is found that if an arbitration award goes against Government it is almost invariably challenged by way of objections filed in the arbitration. Very often these objections lack merit and the grounds do not fall within the purview of the scope of challenge before the courts. Routine challenge to arbitration awards must be discouraged. A clear formulation of the reasons to challenge Awards must precede the decision to file proceedings to challenge the Awards.

(IX) *Specialised Litigation.*— (A) Proceedings seeking judicial review including in the matter of award of contracts or tenders.

Such matters should be defended keeping in mind Constitutional imperatives and good governance. If the proceedings are founded on an allegation of the breach of natural justice and it is found that there is substance in the allegations, the case shall not be proceeded with and the order may be set aside to provide for a proper hearing in the matter. Cases where projects may be held up have to be defended vigorously keeping in mind public interest. They must be dealt with and disposed off as expeditiously as possible.

(B) Cases involving vires, or statutes or rules and regulations.

In all such cases, proper affidavits should be filed explaining the rationale between the statute or regulation and also making appropriate averments with regard to legislative competence.

(C) *Public Interest Litigation (PILS).*— Ø Public Interest Litigations must be approached in a balanced manner. On the one hand PILs should not be taken as matters of convenience to let the courts do what Government finds inconvenient. It is recognized that the increase of PILs stems from a perception that there is governmental

inaction. This perception must be changed. It must be recognized that several PILs are filed for collateral reasons including publicity and at the instance of third parties. Such litigation must be exposed as being not bonafide.

Ø PILs challenging public contracts must be seriously defended. If interim orders are passed stopping such projects then appropriate conditions must be insisted upon for the Petitioners to pay compensation if the PILs is ultimately rejected being previous.

(D) *PSU Litigations.*— Ø Litigation between Public Sector Undertakings *inter se* between Government Public Sector Undertakings is causing great concern. Every effort must be made to prevent such litigation. Before initiating such litigation, the matter must be placed before the highest authority in the public sector such as the CMD or MD. It will be his responsibility to endeavour to see whether the litigation can be avoided. If litigation cannot be avoided, then alternative dispute resolution methods like mediation must be considered Section 89 of the Code of Civil Procedure must be resorted to extensively at the very beginning of the proceedings.

(X) *Review of Pending cases.*— (A) All pending cases involving Government will be reviewed this Due Diligence process shall involve drawing upon statistics of all pending matters which shall be provided for by all Government Departments (including PSUs). The Office of the Advocate General shall also be responsible for reviewing all pending cases and filtering frivolous and vexatious matters from the meritorious ones.

(B) Cases will be grouped and categorized. The practice of grouping should be introduced whereby cases should be assigned a particular number of identity according to the subject and statute involved. In fact, further sub-grouping will also be attempted to facilitate this process, standard forms must be devised which lawyers have to fill up at the time of filing of

cases. Panels will be set up to implement categorization, review such cases to identify cases which can be withdrawn. These include cases which are covered by decisions of courts and cases which are found without merit withdrawn. This must be done in a time bound fashion.



## Department of Mines

Directorate of Mines & Geology



### Notification

DMG/MIN/RULES/ADM/01/12-13/63

In exercise of the powers conferred by section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (Central Act 67 of 1957) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa Minor Mineral Concession Rules, 1985, as follows:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Minor Mineral Concession (Amendment) Rules, 2013.

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

2. *Amendment of rule 7E.*— In Goa Minor Mineral Concession Rules, 1985 in rule 7E, in sub-rule (1), for the expression “The depth of mining in such cases may be restricted to 3m/ /water level, whichever is less”, the expression “The depth of mining in such cases may be restricted to 3m from the sand bed not exceeding depth of 9 mts. below water level at low tide level” shall be substituted.

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

*Prasanna A. Acharya*, Director & ex officio  
Joint Secretary (Mines & Geology).

Panaji, 3rd April, 2013.



## Department of Personnel

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**Notification**

1/2/2011-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post, in the Institute of Psychiatry and Human Behaviour, Government of Goa, namely:—

1. *Short title, application and commencement.*— (1) These rules may be called the Government of Goa, Institute of Psychiatry and Human Behaviour, Group 'C', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 2013.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

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

2. *Number, classification and scale of pay.*— The number of posts, classification of the said post and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts specified in column (2) of the said Schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of

recruitment to the said post, age limit, qualifications and other matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. *Disqualification.*— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. *Power to relax.*— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. *Saving.*— Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

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

*Yetindra M. Maralkar*, Additional Secretary  
(Personnel).

Porvorim, 19th March, 2013.

SCHEDULE

1	2	3	4	5	6	7	8	9	10	11	12	13	
Name/ Designation of the post	Number of posts	Classifi- cation	Scale of pay	Whether selec- tion post or non- selec- tion post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifica- tions required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion or by deputation/ transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/ transfer is to be made	If a D.P.C. exists, what is its compo- sition	Circum- stances in which the Goa Public Service Commission is to be consulted in making recruitment
						6(a)							
Librarian. 01 (2013) Subject to variation depen- dent on work- load.	01	Group 'C', Non- Ministe- rial, Non- -Gaze- ted.	PB-1 Rs. 5,200- -20,200 + Grade Pay Rs. 2,800/-.	Selec- tion. Non- selec- tion.	Not exceeding 40 years (Relaxable for Govern- ment servants upto 5 years in accor- dance with the instruc- tions or orders issued by the Govern- ment).	No. Essential: (1) Degree of a recognised University or equivalent. (2) Diploma in Library Science of a recognised University or equivalent. (3) Knowledge of Konkani.  Desirable: (1) At least two years working experience as Librarian in any aided Library recognized by the Government. (2) Knowledge of Marathi. (3) Preliminary training in Word Processing and Data Entry.	N.A.	Two years.	By direct recruitment.	N.A.	Group 'C', D.S.C./D.P.C.	N.A.	

**Notification**

2/5/95-PER

- Read: (i) Notification No. 2/5/95-PER dated 2-1-2003, published in the Official Gazette, Series I No. 44 dated 30-1-2003.
- (ii) Notification No. 2/5/95-PER dated 21-1-2008, published in the Official Gazette, Series I No. 45 dated 7-2-2008.
- (iii) Notification No. 2/5/95-PER dated 23-9-2008, published in the Official Gazette, Series I No. 27 dated 3-10-2008.
- (iv) Notification No. 2/5/95-PER dated 20-8-2010, published in the Official Gazette, Series I No. 23 dated 2-9-2010.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules so as to amend the Goa State Civil Service (Grant of leave to seek employment in India or abroad) Rules, 2002, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa State Civil Service (Grant of leave to seek employment in India or abroad) (Fourth Amendment) Rules, 2013.

(2) They shall come into force at once.

2. *Amendment of rule 1.*— In sub-rule (3) of rule 1 of the Goa State Civil Service (Grant of leave to seek employment in India or abroad) Rules, 2002 (hereinafter referred to as the “principal Rules”), for the words “Police Department”, the words “Officers of the Police Department of the rank of Police Sub-Inspector and above”, shall be substituted.

3. *Amendment of rule 2.*— In rule 2, of the principal Rules,—

(a) in clause (b),—

(i) the words “at a time” shall be omitted; and

(ii) for the words “six years”, the words “four years”, shall be substituted;

(b) after clause (p), the following new clause shall be inserted, namely:—

“(pp) While granting extraordinary leave to the Government employee, the concerned Department may, with approval of Government, appoint a substitute employee, on contract basis, in place of the employee granted extraordinary leave. The period of such contract appointment shall be co-terminus with the period of extraordinary leave granted to the Government employee;”.

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

*Umeshchandra L. Joshi*, Under Secretary (Personnel-I).

Porvorim, 26th March, 2013.



Department of Water Resources

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**Notification**

4/4/CE-WRD-EO/25

In exercise of powers conferred by Section 33 of Goa, Daman and Diu Irrigation Act, 1973 (Act 18 of 1973), the Government of Goa, hereby determine the rates leviable for water supply for the purposes other than irrigation by amending part B and C of Government Notifications No. 309/83/CE-Irrg dated 1-2-1988 and No. 4/4/CE-WRD-EO/2004-05/131 dated 10-05-2004 as under:—

(B) Water rates for water drawn from a canal or an irrigation structure or a scheme constructed and maintained by the Government for purposes other than irrigation, including domestic, commercial or industrial, shall be as under:

• A flat rate of Rs. 150/- for every 10,000 litres of water drawn or part thereof shall be levied. The person drawing shall make arrangements to draw water and also measurement of flow.

(C) Water rates for water drawn from any canal other than the one constructed and maintained by the Government shall be as under:

• For authorized irrigation purposes, the water rates shall be 20% of the rates for the respective crops mentioned in part A of Government Notification No. 309/83/CE-Irrg dated 01-02-1988.

• For authorized use for purposes other than irrigation, including domestic, commercial or industrial, a flat rate of Rs. 100/- for every 10,000 litres or part

thereof shall be levied. The person drawing shall make arrangements for measuring the flow of water.

This Notification shall come into effect from publication in Official Gazette and shall supersede the part B and C of Government Notifications No. 309/83/CE-Irrg. dated 01-02-1988 and No. 4/4/CE-WRD-EO/2004-05/131 dated 10-05-2004. The other parts of Notification No. 309/83/CE-Irrg dated 01-02-1988 shall remain unchanged.

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

*S. T. Nadkarni*, Chief Engineer & ex officio Additional Secretary (WR).

Panaji, 1st April, 2013.

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