

3. The Government of India (GOI) has issued Office Memorandum No. 38/37/2016-P&PW(A) dated 12th May, 2017 and Office Memorandum F. No. 38/37/2016-P&PW(A) dated 6th July, 2017, regarding the implementation of Government's decision on the recommendations of the Seventh Central Pay Commission – Revision of pension of pre-2016 pensioners/family pensioners, etc. which was under consideration of the Government of Goa.

4. Now, the Government of Goa is pleased to accord its sanction to regulate the revision of pension/family pension of the pre-2016 pensioner's in accordance with the Office Memorandum No. 38/37/2016-P&PW(A) dated 12th May, 2017 and Office Memorandum F.No. 38/37/2016-P&PW(A) dated 6th July, 2017, which shall apply only to the Goa Government Pensioners/Family pensioners, w.e.f. 1-1-2016 onwards.

5. The pension/family pension of all the Government servant who have retired/died prior to 01-01-2016, shall be revised by notionally fixing their pay in the pay matrix recommended by the 7th CPC in the level corresponding to the pay in the pay scale/pay band and grade pay at which they retired/died, by notional pay fixation under each intervening Pay Commission based on the Formula for revision of pension. While fixing pay on notional basis, the pay fixation formulae approved by the Government and other relevant instructions on the subject in force at the relevant time shall be followed strictly. 50% of the notional pay as on 01-01-2016 shall be revised pension and 30% of this notional pay shall be the revised family pension w.e.f. 01-01-2016 as per the first Formulation. In case of family pensioners who were entitled to family pension at enhanced rate, the revised family pension shall be 50% of the notional pay as on 01-01-2016 and shall be payable till the period up to which family pension at enhanced rate is admissible as per rules. The amount of revised pension/family pension so arrived at shall be rounded off to next higher rupee.

6. The higher of the two Formulations i.e. the pension/family pension already revised in accordance with O.M. No. 8/1/2016-Fin.(R&C)/ (B) dated 30th November, 2016 or the revised pension/family pension as worked out in accordance with para 4 of the O.M. dated 12-05-2017, shall be granted to pre-2016 pensioners as revised pension/family pension w.e.f. 01-01-2016. In cases where the pension/family pension being paid w.e.f. 01-01-2016 in accordance with O.M. No. 8/1/2016-Fin.(R&C)/(B) dated 30th November, 2016 happens to be more than pension/family pension as per O.M. dated 12-05-2017 authorised under this Order, the pension/family pension already being paid shall be treated as revised pension/family pension w.e.f. 01-01-2016.

7. Further, for the purpose of calculation of notional pay w.e.f. 01-01-2016 of those Government servants who retired or died before 01-01-1986, the pay scale and the notional pay as on 01-1-1986 will be treated as the pay scale and the pay of the concerned Government servant as on 01-01-1986. In case of those Government servants who retired or died on or after 1-1-1986 but before 1-1-2016, the actual pay and the pay scale from which they retired or died would be taken into consideration for the purpose of calculation of the notional pay as on 01-01-2016 in accordance with para 4 of O.M. dated 12-05-2017.

8. The minimum pension w.e.f. 01-01-2016 will be Rs. 9000/- per month (excluding the element of additional pension to old pensioners). The upper ceiling on pension/family pension will be 50% and 30% respectively of the highest pay in the Government (i.e. Rs. 2,50,000/-).

9. The O.M. dated 12-05-2017 shall not be applicable for the purpose of revision of pension of those pensioners who are drawing Compulsory Retirement pension under Rule 40 of the CCS (Pension) Rules or Compassionate Allowance under Rule 41 of the CCS (Pension) Rules. The pensioners under

these categories would continue to be entitled to revised pension in accordance with the instructions contained in the O.M. No. 8/1/2016-Fin.(R&C)/(B) dated 30th November, 2016.

10. The minimum qualifying service requirement for Voluntary retirement of employees under the Government of Goa is 15 years. The revised pension in respect of those employees who have retired voluntarily with less than 20 years of qualifying service (except superannuation), shall be calculated proportionately in accordance with the actual qualifying service rendered.

11. The pay scales of certain categories of employees under the Government of Goa were revised during 4th Pay Commission and paid upto 31-12-1995. These revised pay scales were subsequently ignored during the 5th Pay Commission for the period w.e.f. 01-01-1996 to 31-12-2005 as per clause 3(a)(i) of Order No. 8/1/93/Fin.(R&C)/Part-1 dated 27-10-1997. The aforesaid pay scales of certain categories of employees were again revised under 6th Pay Commission w.e.f. 01-01-2006.

12. The pension/family pension of such categories of Government Employees whose revised pay scales under 4th Pay Commission were ignored under 5th Pay Commission and who have retired during the period 01-01-1996 to 31-12-2005, shall be revised by refixing their pay notionally in the 5th Pay scales corresponding to the pay scales drawn by them as on 31-12-1995 (4th Pay Commission) w.e.f. 01-01-1996 upto their retirement/death or 31-12-2005 whichever is earlier by ignoring clause 3(a)(i) of O.M. dated 27-10-1997. The revised pension as per the applicable concordance table under O.M. No. F. No. 38/37/2016-P&PW(A) dated 06-07-2017 of such categories of Government employees will be calculated based on the notional pay in the corresponding pay scales.

13. This order shall also not be applicable to the following class of pensioners;

(a) Freedom Fighter pensioners.

(b) Pensioners drawing pension which is granted after independence for political consideration (Ex-Rules).

(c) Pensioners of the other States (PAO Suspense).

(d) Goa State M.L.A. Pensioners.

(e) Ex-gratia/Montepio pensioners.

(f) Judicial & non-judicial officers/employees functioning in the courts whose pay are separately governed by order issued by the Ministry of Law & Justice (GOI).

(g) Employees of Corporations/Autonomous Bodies/Societies/Agencies, PSU's Panchayati Raj Institutions, Urban Local Bodies.

(h) Retired High Court and Supreme Court Judges and other Constitutional/Statutory Authorities whose pension etc., is governed by separate rules/orders.

14. The pension of the pensioners who are drawing monthly pension from the Government on permanent absorption in PSB/autonomous bodies will also be revised in accordance of O.M. dated 12-05-2017, however, separate orders will be issued for revision of pension of those pensioners who had earlier drawn one time lumpsum terminal benefits on absorption in PSB etc., and are drawing one-third restored pension as per the instructions issued in this regard from time to time.

15. The additional quantum of age related pension/family pension available to the old pensioners/family pensioners shall also be continued as per para 15 of the O.M. No. 38/37/2016-P&PW(A) dated 12th May, 2017. However, the monetary benefits of the same shall also accrue w.e.f. 01-01-2019. The amount of additional quantum of pension will be shown distinctly in the pension payment orders by the Directorate of Accounts while authorising the revised pension to be duly recorded by the respective pension disbursing

authorities on both the halves of the pension payment order.

16. No arrears on account of revision of pension/family pension on notional fixation of pay will be admissible for the period prior to 01-01-2019. The arrears on account of revision of pension/family pension in terms of O.M. dated 12-05-2017 would be admissible with effect from 01-01-2019.

17. The Government of India, Ministry of Personnel, P.G. and Pensions, Department of Pension & Pensioners' Welfare, New Delhi, vide O.M. No. 38/37/2016-P&PW(A) dated 6th July, 2017 has forwarded a concordance table for fixation of notional pay and pension/family pension of employees who retired/died in various grades during 4th, 5th and 6th Pay Commission periods. In case of those employees who retired/died before 1-1-1986, these concordance tables be used on their notional pay as on 01-01-1986 which was fixed in accordance with O.M. dated 10-02-1998. The pension of pre-2016 pensioners/family pensioners shall be revised w.e.f. 01-01-2016 in accordance with the instructions contained in O.M. dated 12-05-2017 by using the Concordance tables and actual monetary benefits paid w.e.f. 01-01-2019.

18. It shall be the responsibility of the concerned Head of Department (HOD's) and the administration/establishment branches/ Heads of Officers (HOO) attached to the various HOD's under which the Government servant had retired or was working last before his/her death to revise the pension/family pension of the pre-2016 pensioners/family pensioners notionally w.e.f. 01-01-2016 in accordance with Office Memorandum No. 38/37/2016-P&PW(A) dated 12th May, 2017 by using the concordance tables issued vide Office Memorandum F. No. 38/37/2016-P&PW(A) dated 6th July, 2017 and actual monetary benefits to be paid w.e.f. 01-01-2019 and issue a revised pension/family pension sanction order sanctioning revised pension/family pension in the prescribed format appended to this order within a period six months from the date of issue of this order.

19. On receipt of the revised pension cases from the HOO's, the Directorate of Accounts shall initiate further appropriate action expeditiously to scrutinize the cases and issue revised pension payment authority for release of the revised pensionary benefits within a period of three months from the date of receipt of the revised case from the HOO's.

20. The HOD/HOO shall sanction and forward the revised Pension Cases in the prescribed format (Annexure) appended to this order, to the Directorate of Accounts within six months from the date of issue of this order. Directorate of Accounts shall not accept any revised pension cases beyond the cut-off date without prior approval of Finance Department.

21. The Pension Disbursing Authorities (PBS's/Other AG's) on receipt of the revised pension/family pension authority from the Directorate of Accounts shall release the revised pension/family pension and the arrears to the respective pensioners within fifteen days of the receipt of revised pension payment authority from the Directorate of Accounts.

22. All the orders referred to above including the concordance tables, prescribed formats and illustration etc. are available on the website of the Directorate of Accounts, www.accountsgoa.gov.in.

23. In case of any doubts and queries in revising the pension/family pension, the matter shall be referred to Directorate of Accounts through Finance Department for appropriate decision in the matter.

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

Daulat A. Hawaldar, IAS, Secretary (Finance).

Porvorim, 1st August, 2019.

(Revision of Pension may be submitted in prescribed format)

ANNEXURE

(Name of Head of Office/Department)

Pre-2016 Revision as per O.M No. 38/37/2016-P&PW(A) dated 12-05-2017

No. _____

Date:

To,

The Dy. Director of Accounts,
Pension Section, Directorate of Accounts,
Panaji-Goa.**Sub.:- Revision of Pension of Pre-2016 pensioners/family pensioners.**

Sir/Madam,

I hereby request you to authorize the revised pension/family pension as sanctioned below, on account of the revision of the pre-2016 pensioners/family pensioners in terms of Government Office Memorandum No. dated.....

1. Pensioner's details

(a) PPO No.	_____	(f) Class of pension	Superannuation
(b) Name of the pensioner	_____	(g) Adhaar No.	_____
(c) Date of Birth	_____	(h) PAN No.	_____
(d) Designation	_____	(i) Phone No.	_____
(e) Name of Fly Pen(FP)	_____	(j) Email ID	_____
(f) Date of Birth of FP	_____		

2. Old Pay Details (as on Retirement)

(a) Date of Retirement/Death	_____	(d) Pay/Notional	
(b) Applicable Pay Commission	_____ Pay Commission	Pay/GP as on date	Rs. _____
(c) Pay Scale at the time of retirement	_____	of retirement	
(d) Qualifying Service (Y/M/D)	_____	(e) NPA	_____
		(f) other pay, if any	_____

3. Pre Revised Pension as on 31-12-2015

(a) Basic Pension	Rs. _____
(b) Commuted pension	Rs. _____
(c) Reduced pension(a-b)	Rs. _____
(d) Family Pension (Enh Rate)	Rs. _____
(e) Family Pension (Nor Rate)	Rs. _____

(4) Pension Revised as per 2nd Formulation Under 7th CPC

Rs. /- x 2.57 = Rs. /-

5(a) PAY FIXED (1st Formulation)

Basic pay at the time of retirement/death & subsequent Notional Pay. Rs. _____

(a) From 1-1-1986 to 31-12-1995	Rs. _____
(b) From 1-1-1996 to 31-12-2005	Rs. _____
(c) From 1-1-2006 to 31-12-2015	Rs. _____

5(b) Pay fixed under 7th CPC(as per 5(a) 1st Formulation)

(d) Corresponding Notional pay w.e.f. 1-1-2016- Rs. _____/- Table- _____ Revised Pension @ Rs. _____/-

6. Proposed revised pension (as per 5(b)) w.e.f 01-01-2016:(1st Formulation)

(a) Basic Pension	Rs. _____	(d) Family Pension (Enh Rate)	Rs. _____/-
(b) Commuted Pension	Rs. _____	(e) Family Pension (Nor Rate)	Rs. _____/-
(c) Reduced pension(a-b)	Rs. _____	(f) Additional Pension	Rs. _____/-

7. Revised pension is sanctioned w.e.f as per Formulation 1/Formulation 2 (tick whichever is beneficial) which is beneficial as indicated below.

(a) Basic Pension	Rs. _____	(d) Family Pension (Enh Rate)	Rs. _____/-
(b) Commuted Pension	Rs. _____	(e) Family Pension (Nor Rate)	Rs. _____/-
(c) Reduced pension (a-b)	Rs. _____	(f) Additional Pension	

The above information has been personally verified by me from the service records and documents available.

(Signature of Head of Office/Department)

Copy to

1. The concerned pensioner
- 2.

Disclaimer : signatory must cross check the correctness of the authority before signing it.

ILLUSTRATION-1

(Revision of Pension may be submitted in prescribed format)

ANNEXURE

(Name of Head of Office/Department)

Pre-2016 Revision as per O.M No. 38/37/2016-P&PW(A) dated 12-05-2017

No. _____

Date:

To,

The Dy. Director of Accounts,
Pension Section, Directorate of Accounts,
Panaji-Goa.

Sub.:- Revision of Pension of Pre-2016 pensioners/family pensioners.

Sir/Madam,

I hereby request you to authorize the revised pension/family pension as sanctioned below, on account of the revision of the pre-2016 pensioners/family pensioners in terms of Government Office Memorandum No. dated.....

1. Pensioner's details

(a) PPO No.	Goa-A/16177	(f) Class of pension	Superannuation
(b) Name of the pensioner	Shri Francis Xavier de Araujo	(g) Adhaar No.	_____
(c) Date of Birth	9-3-1951	(h) PAN No.	_____
(d) Designation	Dy. Conservator of Forest	(i) Phone No.	_____
(e) Name of Fly Pen (FP)	Angela Olinda e Araujo	(j) Email ID	_____
(f) Date of Birth of FP	11-09-1957		

2. Old Pay Details (as on Retirement)

(a) Date of Retirement/Death	31-03-11	(d) Pay/Notional	
(b) Applicable Pay Commission	Vlth Pay Commission	Pay/GP as on date	Rs. 24740+6600=
(c) Pay Scale at the time of retirement	15600-39100+6600	of retirement	Rs. 31340/-
(d) Qualifying Service (Y/M/D)	Rest. to Max. 33 yrs.	(e) NPA	_____
		(f) other pay, if any	_____

3. Pre Revised Pension as on 31-12-2015

(a) Basic Pension	Rs. 15670/-
(b) Commuted pension	Rs. 6268/-
(c) Reduced pension (a-b)	Rs. 9402/-
(d) Family Pension (Enh Rate)	Rs. 15670/-
(e) Family Pension (Nor Rate)	Rs. 9402/-

(4) Pension revised as per 2nd Formulation Under 7th CPC

Rs. 15670/- x 2.57 = Rs. 40,272/-

5(a) Pay fixed (1st Formulation)

Basic pay at the time of retirement/death & subsequent Notional Pay. _____

(a) From 1-1-1986 to 31-12-1995	_____
From 1-1-1996 to 31-12-2005	_____
(c) From 1-1-2006 to 31-12-2015	Rs. 31340/-

5(b) Pay fixed under 7th CPC(as per 5(a) (1st Formulation)

(d) Corresponding Notional pay w.e.f. 1-1-2016- Rs. 80900/-Table-34

Revised Pension @ Rs. 40450/- (b)

6. Proposed Revised Pension (as per 5(b)) w.e.f 01-01-2016: (1st Formulation)

(a) Basic Pension	Rs. 40450/-	(d) Family Pension (Enh Rate)	40450/-
(b) Commuted Pension	Rs. 6268/-	(e) Family Pension (Nor Rate)	24270/-
(c) Reduced pension(a-b)	Rs. 34182/-	(f) Additional Pension	

7. Revised pension as sanctioned w.e.f as per Formulation 1/Formulation 2 (tick whichever is beneficial) which is beneficial as indicated below.

(a) Basic Pension	40450/-	(d) Family Pension (Enh Rate)	40450/-
(b) Commuted Pension	6268/-	(e) Family Pension (Nor Rate)	24270/-
(c) Reduced pension(a-b)	34182/-	(f) Additional Pension	

The above information has been personally verified by me from the service records and documents available.

(Signature of Head of Office/Department)

Copy to

- 1.
- 2.

Disclaimer : signatory must cross check the correctness of the authority before signing it.

ILLUSTRATION-2

(Revision of Pension may be submitted in prescribed format)

ANNEXURE

(Name of Head of Office/Department)

Pre-2016 Revision as per O.M No. 38/37/2016-P&PW(A) dated 12-05-2017

No. _____

Date:

To,

The Dy. Director of Accounts,
Pension Section, Directorate of Accounts,
Panaji-Goa.

Sub.:- Revision of Pension of Pre-2016 pensioners/family pensioners.

Sir/Madam,

I hereby request you to authorize the revised pension/family pension as sanctioned below, on account of the revision of the pre-2016 pensioners/family pensioners in terms of Government Office Memorandum No. dated.....

1. Pensioner's details

(a) PPO No.	Goa-A/3829	(f) Class of pension	Superannuation
(b) Name of the pensioner	Smt. Tushi Pednekar	(g) Adhaar No.	_____
(c) Date of Birth	8-12-1936	(h) PAN No.	_____
(d) Designation	Primary School Teacher	(i) Phone No.	_____
(e) Name of Fly Pen (FP)	Vasant A. M. Mane	(j) Email ID	_____
(f) Date of Birth of FP	18-09-1930		

2. Old Pay Details (as on Retirement)

(a) Date of Retirement/Death	31-12-1996	(d) Pay/Notional	
(b) Applicable Pay Commission	Vth Pay Commission	Pay/GP as on date	Rs. 6200/-
(c) Pay Scale at the time of retirement	5000-150-8000	of retirement	
(d) Qualifying Service (Y/M/D)	26 yr. 06 mths, 06 days	(e) NPA	_____
		(f) other pay, if any	_____

3. Pre Revised Pension as on 31-12-2015

(a) Basic Pension	Rs. 5587/-
(b) Commuted pension	
(c) Reduced pension (a-b)	Rs. 5587/-
(d) Family Pension (Enh Rate)	Rs. 5587/-
(e) Family Pension (Nor Rate)	Rs. 4207/-

(4) Pension Revised as per 2nd Formulation under 7th CPC

Rs. 5587/- x 2.57 = Rs. 14,359/-

5(a) PAY FIXED (1st Formulation)

Basic pay at the time of retirement/death & subsequent Notional Pay.	Rs. 6200/-
(a) From 1-1-1986 to 31-12-1995	-----
(b) From 1-1-1996 to 31-12-2005	Rs. 6200/-
(c) From 1-1-2006 to 31-12-2015	Rs. 15740/-

5(b) Pay fixed under 7th CPC(as per 5(a)) (1st Formulation)

(d) Corresponding Notional pay w.e.f. 1-1-2016- Rs. 41100/-Table-20 Revised Pension @ Rs. 20550/-

6. Proposed revised pension (as per 5(b)) w.e.f 01-01-2016: (1st Formulation)

(a) Basic Pension	20550/-	(d) Family Pension (Enh Rate)	20550/-
(b) Commuted Pension		(e) Family Pension (Nor Rate)	12330/-
(c) Reduced pension(a-b)	20550/-	(f) Additional Pension	

7. Revised Pension as sanctioned w.e.f as per Formulation 1/Formulation 2 (tick whichever is beneficial) which is beneficial as indicated below.

(a) Basic Pension	Rs. 20550/-	(d) Family Pension (Enh Rate)	Rs. 20550/-
(b) Commuted Pension	0	(e) Family Pension (Nor Rate)	Rs. 12330/-
(c) Reduced pension(a-b)	Rs. 20550/-	(f) Additional Pension	

The above information has been personally verified by me from the service records and documents available.

(Signature of Head of Office/Department)

Copy to

- 1.
- 2.

1. Disclaimer: signatory must cross check the correctness of the authority before signing it.

Goa Legislature Secretariat

LA/LEGN/2019/1057

The following bill which was introduced in the Legislative Assembly of the State of Goa on 8th August, 2019 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

—————

The Goa Change of Name and Surname
(Amendment) Bill, 2019

(Bill No. 19 of 2019)

A

BILL

to amend the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990).

Be it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Change of Name and Surname (Amendment) Act, 2019.

(2) It shall come into force at once.

2. *Amendment of section 3.*— In section 3 of the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990) (hereinafter referred to as the “principal Act”),

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“1. Any person desirous of changing his name or surname or both in the following circumstances, namely:

(a) wrong or improper entry of name or surname;

(b) correction of spelling in the name or surname or to make correct version of name or surname;

(c) unpleasant or distasteful name or surname;

(d) name or surname erroneously written;

shall apply to the Registrar of respective jurisdiction in which his birth is recorded in the prescribed form along with an affidavit for correction of name or surname or both mentioning therein details like name, date of birth, parents name, name of the spouse, residential address, etc. and submit documents in which version of existing name or surname is mentioned:

Provided that if such a person is a minor, the application shall be made by his guardian.”;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) On receipt of the application, the Registrar shall publish the notice thereof by affixing it in the notice board of his office and publish the relevant notice in the Official Gazette and also in two local dailies/ newspapers, one english and other in vernacular language, having wide circulation in the State of Goa, calling for objections, if any, on the application within thirty days from the date of the notice.”;

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

“3A *Penalty.*— (1) Whoever changes his name or surname or both or publishes any notice/advertisement for such change without following the procedure as laid down in section 3 or procedure as laid down under any other law, shall be punished with imprisonment which shall not be less than seven days, but not exceed three months.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the offence under this Act shall be cognizable.”

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend section 3 of the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990), so as to lay down a proper procedure for changing the name and surname of a person. The Bill also seeks to insert new section 3A in the said Act so as to

prescribe penalty for not following the procedure as laid down under the law for such change of name and surname.

This Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

No financial implication is involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated Legislation is envisaged in this Bill.

Assembly Hall,
Porvorim, Goa.
8th August, 2019.

NILESH CABRAL
Minister for Law
& Judiciary

Assembly Hall,
Porvorim, Goa.
8th August, 2019.

NAMRATA ULMAN
Officiating Secretary,
Legislature.

ANNEXURE

.....
Extract of Sections 3 of the Goa Change of Name and Surname Act, 1990 (Goa Act No. 8 of 1990)
.....

Section 3. *Application for change of name and surname of any person.*— (1) Any person desirous of changing his name or surname or both as recorded in the birth register, shall apply to the Registrar of the respective jurisdiction in which his birth is recorded in the prescribed form:

Provided that if such a person is a minor, the application shall be made by his guardian.

(2) On receipt of the application, the Registrar shall publish the notice thereof by affixing it in the notice board of his office and publish the relevant notice in the Official Gazette calling for objections, if any, on the application within thirty days from the date of the notice.

(3) On receipt of the objections, the Registrar shall conduct an enquiry in the manner prescribed and pass such order as he deems fit within sixty days of the receipt of the application.

(4) In case no objections are received, or if the order under sub-section (3) is for granting the request of the applicant, the Registrar shall call for

the extract under section 17 of the Registration of Births and Deaths Act, 1969 (Central Act 18 of 1969) regarding the applicant's birth registration, enter the relevant particulars in his register and also the changed name and surname and thereafter issue the certificate in the prescribed form.

(5) Any person aggrieved by the order of the Registrar under sub-section (3), may, within thirty days from the date of communication of the order, prefer an appeal to the Chief Registrar and the order in appeal passed by the Chief Registrar shall be final.

—————
LA/LEGN/2019/1062

The following bill which was introduced in the Legislative Assembly of the State of Goa on 9th August, 2019 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

—————
The Goa Appropriation (No. 2) Bill, 2019
(Bill No. 10 of 2019)

A
BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2019-20.

Be it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India, as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 2) Act, 2019.

2. *Issue of Rs. 19548,69,07,000/- out of the Consolidated Fund of the State of Goa for the financial year 2019-20.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule to this Act amounting in the aggregate to the sums of Nineteen thousand

five hundred forty eight crore sixty nine lakh seven thousand rupees towards defraying the several charges which will arise for payment during the financial year 2019-20 in respect of the services and for purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the Schedule to this Act in relation to the said financial year.

SCHEDULE

(See sections 2 and 3)

Rs. in lakhs

Demand No.	Services and purposes	Sums not exceeding		Total
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	
1	2	3	4	5
01	Legislature Secretariat	4068.00	157.00	4225.00
A1	Raj Bhavan (Charged)	—	1005.99	1005.99
02	General Administration and Coordination	10540.41	—	10540.41
03	District and Sessions Court, North Goa	3042.95	—	3042.95
04	District and Sessions Court, South Goa	2679.00	—	2679.00
05	Prosecution	884.11	—	884.11
06	Election Office	8282.50	—	8282.50
07	Settlement and Land Records	1984.11	—	1984.11
08	Treasury and Accounts Administration, North Goa	148055.30	—	148055.30
09	Treasury and Accounts Administration, South Goa	538.20	—	538.20
A2	Debt Services (Charged)	—	272252.15	272252.15
10	Notary Services	1473.50	—	1473.50
11	Excise	2329.50	—	2329.50
12	Commercial Taxes	4538.13	—	4538.13
13	Transport	21933.50	—	21933.50
A3	Goa Public Service Commission (Charged)	—	584.00	584.00
14	Goa Sadan	558.18	—	558.18
15	Collectorate, North Goa	3801.13	—	3801.13
16	Collectorate, South Goa	3693.00	—	3693.00
17	Police	54950.80	—	54950.80
18	Jails	4259.00	—	4259.00
19	Industries Trade and Commerce	11662.30	—	11662.30
20	Printing and Stationery	1329.70	—	1329.70
21	Public Works	210536.90	—	210536.90
22	Vigilance	763.50	—	763.50
23	Home	1242.40	—	1242.40
24	Environment	975.00	—	975.00
25	Home Guards and Civil Defence	3011.20	—	3011.20

1	2	3	4	5
26	Fire and Emergency Services	7962.43	—	7962.43
27	Official Language	1129.00	—	1129.00
28	Administrative Tribunal	207.60	—	207.60
29	Public Grievances	64.00	—	64.00
30	Small Savings and Lotteries	1809.50	—	1809.50
31	Panchayats	21431.94	—	21431.94
32	Finance	55106.08	—	55106.08
33	Revenue	6020.97	—	6020.97
34	School Education	162453.84	—	162453.84
35	Higher Education	41183.31	—	41183.31
36	Technical Education	6715.36	—	6715.36
37	Government Polytechnic, Panaji	3056.47	—	3056.47
38	Government Polytechnic, Bicholim	1589.26	—	1589.26
39	Government Polytechnic, Curchorem	784.77	—	784.77
40	Goa College of Engineering	5558.45	—	5558.45
41	Goa Architecture College	665.22	—	665.22
42	Sports and Youth Affairs	31462.79	—	31462.79
43	Art and Culture	12962.70	—	12962.70
44	Goa College of Art	725.05	—	725.05
45	Archives and Archaeology	3632.05	—	3632.05
46	Museum	837.50	—	837.50
47	Goa Medical College	43924.02	—	43924.02
48	Health Services	77450.93	—	77450.93
49	Institute of Psychiatry and Human Behaviour	4894.99	—	4894.99
50	Goa College of Pharmacy	1304.90	—	1304.90
51	Goa Dental College	5047.00	—	5047.00
52	Labour	7034.52	—	7034.52
53	Food and Drugs Administration	2021.62	—	2021.62
54	Town and Country Planning	6091.70	—	6091.70
55	Municipal Administration	47142.57	—	47142.57
56	Information and Publicity	4943.65	—	4943.65
57	Social Welfare	36679.21	—	36679.21
58	Women and Child Development	50145.78	—	50145.78
59	Factories and Boilers	787.30	—	787.30
60	Employment	2607.82	—	2607.82
61	Skill Development and Entrepreneurship	13016.03	—	13016.03
62	Law	11435.13	—	11435.13
63	Rajya Sainik Board	327.33	—	327.33
64	Agriculture	19132.63	—	19132.63
65	Animal Husbandry and Veterinary Services	15906.00	—	15906.00
66	Fisheries	8825.32	—	8825.32
67	Ports Administration	7146.61	—	7146.61
68	Forests	9609.21	—	9609.21
69	Handicraft, Textile and Coir	1294.34	—	1294.34
70	Civil Supplies	4953.99	—	4953.99
71	Co-operation	4698.02	—	4698.02
72	Science and Technology	10137.50	—	10137.50
73	State Election Commission	392.55	—	392.55

1	2	3	4	5
74	Water Resources	60784.55	—	60784.55
75	Planning, Statistics and Evaluation	1567.41	—	1567.41
76	Electricity	240555.30	—	240555.30
77	River Navigation	4871.20	—	4871.20
78	Tourism	21694.90	—	21694.90
79	Goa Gazetteer	49.50	—	49.50
80	Legal Metrology	560.30	—	560.30
81	Department of Tribal Welfare	24687.60	—	24687.60
82	Information Technology	39456.84	—	39456.84
83	Mines	3102.31	—	3102.31
84	Civil Aviation	3034.00	—	3034.00
85	Department of Rural Development	7623.00	—	7623.00
86	Non-Conventional Source of Energy	3441.74	—	3441.74
TOTAL		1680869.93	273999.14	1954869.07

STATEMENT OF OBJECTS AND REASONS

The Budget for the year 2019-20 was presented to the Legislative Assembly on the 30th January, 2019. The Demands for Grants have since been discussed and voted by the Assembly. The Appropriation Bill is, therefore, introduced in accordance with the provisions of Article 204 of the Constitution of India to provide for appropriation out of the Consolidated Fund of the State of Goa of the moneys required for the services during the financial year 2019-20.

Porvorim, Goa.
9th August, 2019.

Dr. PRAMOD SAWANT
Finance Minister/Chief Minister

Assembly Hall,
Porvorim, Goa.
9th August 2019.

NAMRATA ULMAN
Officiating Secretary to the
Legislative Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 2) Bill, 2019, by the Legislative Assembly of Goa.

LA/LEGN/2019/1063

The following bill which was introduced in the Legislative Assembly of the State of Goa on 9th August, 2019 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

—————

The Goa Appropriation (No. 3) Bill, 2019

(Bill No. 11 of 2019)

A

BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 2019-20.

Be it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India, as follows:—

1. *Short title.*— This Act may be called the Goa Appropriation (No. 3) Act, 2019.

2. *Issue of Rs. 976,18,40,000/- out of the Consolidated Fund of the State of Goa for the financial year 2019-20.*— From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule hereto amounting in the aggregate to the sums of nine hundred seventy six crore eighteen lakh forty thousand rupees towards defraying the several charges which will come in the course of payment during the financial year 2019-20 in respect of the services and for purposes specified in column (2) of the said Schedule.

3. *Appropriation.*— The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Goa under this Act, shall be appropriated for the services and purposes expressed in the said Schedule to this Act in relation to the said financial year.

SCHEDULE

(See sections 2 and 3)

Demand No.	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
1	2	3	4	5
02	General Administration and Coordination	180.00	—	180.00
05	Prosecution	90.00	—	90.00

1	2	3	4	5
10	Notary Services	301.07	—	301.07
11	Excise	308.39	—	308.39
12	Commercial Taxes	500.00	—	500.00
13	Transport	320.00	—	320.00
A3	Goa Public Service Commission (Charged)	—	102.00	102.00
16	Collectorate, South Goa	759.07	—	759.07
17	Police	1875.00	—	1875.00
19	Industries Trade and Commerce	130.00	—	130.00
20	Printing and Stationery	100.00	—	100.00
21	Public Works	—	83.02	83.02
23	Home	5.00	—	5.00
24	Environment	2000.00	—	2000.00
26	Fire and Emergency Services	480.00	—	480.00
30	Small Savings and Lotteries	10.00	—	10.00
31	Panchayats	11445.17	—	11445.17
35	Higher Education	1754.00	—	1754.00
42	Sports and Youth Affairs	2270.00	—	2270.00
45	Archives and Archaeology	600.00	—	600.00
46	Museum	30.00	—	30.00
47	Goa Medical College	11660.99	—	11660.99
48	Health Services	6130.00	—	6130.00
49	Institute of Psychiatry and Human Behaviour	85.00	—	85.00
51	Goa Dental College	60.00	—	60.00
52	Labour	88.00	—	88.00
53	Food and Drugs Administration	387.00	—	387.00
55	Municipal Administration	30100.00	—	30100.00
56	Information and Publicity	2510.00	—	2510.00
58	Women and Child Development	1506.31	—	1506.31
60	Employment	270.00	—	270.00
61	Skill Development and Entrepreneurship	480.00	—	480.00
62	Law	581.00	—	581.00
65	Animal Husbandry and Veterinary Services	1.00	—	1.00
67	Ports Administration	27.00	—	27.00
68	Forests	2035.38	—	2035.38
70	Civil Supplies	2101.00	—	2101.00
71	Co-operation	875.00	—	875.00
72	Science and Technology	12500.00	—	12500.00
74	Water Resources	130.00	—	130.00
76	Electricity	1725.00	—	1725.00
77	River Navigation	3.00	—	3.00
80	Legal Metrology	20.00	—	20.00
81	Department of Tribal Welfare	1000.00	—	1000.00
TOTAL		97433.38	185.02	97618.40

STATEMENT OF OBJECTS AND REASONS

The Supplementary Demands for Grants for the year 2019-20 (First Batch) was presented to the Legislative Assembly. This Bill is introduced in pursuance of Article 204 read with Article 205 of the Constitution of India to provide for appropriation of certain further sums from and out of the Consolidated Fund of the State of Goa, to meet the expenditure on certain services, granted by the Legislative Assembly for those services, during the financial year 2019-20.

Porvorim, Goa. Dr. PRAMOD SAWANT
9th August, 2019. Finance Minister/Chief
Minister

Assembly Hall, NAMRATA ULMAN
Porvorim, Goa. Officiating Secretary to the
9th August, 2019. Legislative Assembly of Goa.

Governor's Recommendation under Article 207
of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa, hereby recommend the introduction and consideration of the Goa Appropriation (No. 3) Bill, 2019, by the Legislative Assembly of Goa.

LA/LEGN/2019/1064

The following bill which was introduced in the Legislative Assembly of the State of Goa on 9th August, 2019 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

THE GOA AYURVEDIC AND OTHER
ALLIED INDIAN SYSTEMS OF
MEDICINE COUNCIL BILL, 2019

(Bill No. 20 of 2019)

A
BILL

*to provide for the constitution of the Goa
Council of Ayurvedic and other Allied*

Indian Systems of Medicine, registration of practitioners in said medicines, maintenance of register of practitioners, qualifications of practitioners, the practice of such medicines and with a view to encourage the study, spread of such system of medicines and to make certain other provisions, relating to the practitioners generally in the State of Goa.

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

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—

(1) This Act may be called the Goa Ayurvedic and Other Allied Indian Systems of Medicine Council Act, 2019.

(2) It shall extend to the whole of the State of Goa.

(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) "Ayurvedic System of Medicine" means the Ayurvedic System of medicine whether supplemented or not by such modern advances as may be declared by the Central Council, from time to time;

(b) "Central Council" means the Central council as defined under clause (c) of sub-section (1) of section 2 of the Indian Medicine Central Council Act, 1970 (48 of 1970);

(c) "Council" means the Goa Council of Ayurvedic and Other Allied Indian Systems of Medicine established under section 3 of this Act,

(d) "Director of Health Services" means the Director of Directorate of Health Services, Government of Goa;

(e) "Government" means Government of Goa;

(f) “Inspector” means the inspector appointed by the Council, under section 30;

(g) “member” means member of the Council;

(h) “Naturopathy System of Medicine” means the Naturopathy System of Medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine.

(i) “Notification” means a notification published in the Official Gazette;

(j) “Official Gazette” means the Official Gazette of the Government;

(k) “Other Allied Indian Systems of Medicine” means systems of medicines commonly known as Unani System of Medicine, Siddha System of Medicine, Yoga System of Medicine, Naturopathy System of Medicine and Sowa-Rigpa system of medicine;

(l) “practitioner” means a person who practices Ayurvedic System of medicine or other Allied Indian system of Medicines in the State of Goa as his principal occupation.

(m) “prescribed” means prescribed by the rules made under this Act;

(n) “President” means President of the Council;

(o) “register” means a register of practitioners prepared and maintained under section 22 of this Act;

(p) “registered practitioner” means a Practitioner whose name is for time being entered in the register;

(q) “Registrar” means the Registrar appointed under section 21 of this Act;

(r) “regulations” means regulations made under section 47 of this Act;

(s) “rules” means rules made under section 48 of this Act;

(t) “Schedule” means the Schedule appended to this Act;

(u) “Siddha System of Medicine” means the Siddha System of Medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine.

(v) “Sowa-Rigpa” system means Sowa-Rigpa system of medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine;

(w) “Unani system of Medicine” means the Unani System of Medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine;

(x) “Vice-President” means the Vice-President of the Council;

(y) “Yoga System of Medicine” means the Yoga System of Medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine.

CHAPTER II

3. *Establishment of the Council.*— (1) The Government may, as soon as may be, by notification in the Official Gazette, establish a Council to be called the Goa Council of Ayurvedic and Other Allied Indian Systems of Medicine. The Council shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in the said name.

(2) The Council shall consist of eleven members and shall be constituted in the following manner, namely:—

(a) four members who have put in at least five years practice in Ayurvedic System of medicine, elected by the registered practitioners from amongst themselves;

(b) One member each from the allied Indian System of Medicines to be nominated by the Government;

(c) The Director of Health Services, Directorate of Health Services, Government of Goa;

(d) Principal of Ayurveda College in the State of Goa to be nominated by the Government;

(3) The election of members referred to in clause (a) of sub-section (2) shall be held at such time and at such place and in such manner as may be prescribed.

4. *President and Vice President.*— The Government shall nominate any member of the Council as President of the Council, and the Vice President shall be elected by the members from amongst themselves.

5. *Term of office.*— (1) The term of office of a member shall be two years from the date of election or nomination as a member. The Government may, however, from time to time, by notification in the Official Gazette, extend this term by such period not exceeding two years in the aggregate, as may be specified in the notification.

(2) Where the term of office of the members has expired and a new Council has not for any reason been constituted, the Government may, by order, appoint an Administrator for such period as may be specified in the order, who shall exercise all the powers and discharge all the duties conferred and imposed on the Council by or under this Act or any other law.

(3) An outgoing member, the President and the Vice-President, shall be eligible for re-nomination or re-election for one more term.

6. *All members of the first Council to be constituted shall be nominated by the Government.*— Notwithstanding anything contained in this Chapter, all members of the first Council to be constituted shall be nominated by the Government and shall hold office for the period of three years from its constitution. The nominated Council shall ensure to hold elections for constitution of a regular Council before the expiry of its term.

7. *Resignation.*— The President, Vice-President or any member of the Council may at any time resign his office by addressing a letter to the Government.

8. *Filling of casual vacancies of President, Vice-President or a member.*— If the President or Vice-President or a member of the Council dies or resigns or due to any cause, whatsoever, ceases to be the President or Vice-President or a member, the vacancy so created shall be filled by fresh nomination or election as the case may be, within such period as may be prescribed and the person so nominated or elected shall hold office for the remainder of the term of the office of the President, Vice-President or member, as the case may be, in whatsoever place he has been so nominated or elected.

9. *Removal of a member.*— (1) If any member during the period for which he has been nominated or elected,—

(a) absents himself without sufficient cause from three consecutive ordinary meetings of the Council; or

(b) becomes subject to any of the disqualification mentioned in section 10 of this Act; or

(c) being a legal practitioner, appears in any suit or proceedings, civil or criminal, against the Council; or

(d) obtains any employment under the Council or has without the previous sanction of the Government, acquired, directly or indirectly, by himself or by partner, any share or interest in any contract with, by or on behalf of the Council; or

(e) has so frequently abused in any manner his position as such member as to render his continuance detrimental to the interest of the Council, the Government may remove him from membership:

Provided that when the Government proposes to take action under the foregoing provisions of these sections, an opportunity of being heard shall be given to the

member concerned, and when such action is taken, the reason therefore shall be placed on record.

(2) The decision of the Government shall not be questioned in any court of law.

10. *Disqualification of membership.*— Any person,—

(a) who is an undischarged insolvent;
or

(b) who has been adjudged to be of unsound mind by a competent authority;
or

(c) who has been convicted of an offence involving moral turpitude which, in the opinion of the Government, renders him unfit to be member of the Council; or

(d) whose name has been removed from the register under section 26 of this Act; shall not be eligible for being elected or nominated or for continuing to be a member of the Council.

11. *Duties of President.*— Unless provided otherwise by the Act or prevented by reasonable cause, it shall be the duty of the President,—

(a) to convene and preside over all meetings of the Council;

(b) otherwise to control in accordance with any regulations to be made in this behalf, the transaction of business, at all meetings of the Council;

(c) to perform such other duties as are required or imposed on him by or under this Act or rules framed thereunder.

12. *Delegation by President of his powers and duties to the Vice-President.*— (1) The President may empower, by general or special order, the Vice-President to exercise under his control any one or more of his powers, duties or functions.

(2) An order by the President under sub-section (1) may specify any condition and

impose any restriction in respect of the exercise of such power or performance of any duty or the discharge of any function.

(3) In particular, such order may specify the condition that any order by Vice-President in exercise of a power conferred on him by sub-section (1) shall be liable to rescission or revision by the President upon appeal to the President within a specified time.

13. *Duties of Vice-President.*— The Vice-President shall,—

(a) in the absence of the President from a meeting of the Council and unless prevented by a reasonable cause, preside, regulate the conduct of business of meeting of the Council and maintain and enforce order at the meeting.

(b) during the vacancy in the office of President or the incapacity or temporary absence of the President, perform any other duty or power of the President.

(c) at any time perform any duty and exercise when occasion arises, any power delegated to him by President under section 12 of this Act.

14. *Nomination of members in default of election.*— If the registered practitioners fail by such date as may be prescribed, to elect the requisite number of members of the Council or to fill up any vacancy on the Council, the Government may fill up such vacancies or vacancy by nomination of persons or person qualified to be elected.

15. *Notification of election, nominations of vacancies.*— Every nomination or election to any vacancy in the office of the President, the Vice-President, or a member of the Council shall be notified in the Official Gazette.

16. *Payment of allowance to members.*— Members of the Council shall be paid out of the funds of the Council such travelling and daily allowances, not exceeding those payable to grade I Government officer, as may be prescribed.

CHAPTER—III

Conduct of business

17. *Meeting of the Council.*— The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner as may be provided by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by circulating notice to each member.

18. *Procedure at meetings of Council.*— (1) Every meeting shall be presided over by the President or in his absence by the Vice-President.

(2) If, at a meeting, neither the President nor the Vice-President is present, the members present shall elect one of the members present to be the President of the meeting and such President shall perform all the duties and may exercise all the powers of the President of the Council when presiding at such meeting.

(3) All questions at a meeting of the Council shall be decided by majority of votes of the members present and voting.

(4) In case of an equality of votes, the President of the meeting shall have a second or casting vote.

(5) In order to constitute a meeting of the Council, four members present shall form its quorum.

19. *The minute book and resolutions.*— (1) The names of the members present, the proceedings held and resolutions passed at a meeting of the Council shall be entered in a book to be called the minute book.

(2) The minutes shall be read out at the meeting, or the next ensuing meeting and after being passed as correct by the members (or a majority of them) present at the meeting, shall be certified as passed under the signature of the President of the meeting at which it is passed.

(3) A copy of the proceedings of every meeting of the Council shall, within fifteen days from the date of meeting, be forwarded to the Government or any other authority appointed by it in this behalf.

20. *Validity of proceedings.*— (1) Vacancy in the Council shall not vitiate any act or proceedings of the Council.

(2) Disqualification of member or defect in the election or nomination of member of the Council and/or of the President or Vice-President shall not vitiate any act or proceeding of the Council in which such person has taken part.

CHAPTER IV

Staff and Registration

21. *Registrar, other Officers and servants of the Council.*— (1) The Council shall with the previous approval of the Government appoint a Registrar who shall be the secretary of the Council. The Registrar shall receive such salary and allowances and shall be governed by such conditions of service as may be prescribed. The President may, from time to time, grant him leave and may temporarily appoint a person to take his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) Any order of the Council appointing, punishing or removing the Registrar from his office shall be subject to the approval of the Government.

(3) The Council may appoint such other officers and servants as may be necessary for carrying out the purposes of this Act:

Provided that the number, designation, pay and allowances of such officers and servants shall be fixed under the regulations framed by the Council:

Provided further that the powers of the Council to punish, dismiss, discharge and remove any officer or servant of the Council, shall be subject to rules framed by the Government and regulations framed by the Council.

(4) All questions of recruitment, promotion, leave, and other conditions of service relating to staff of the Council shall be governed by rules, framed by the Government.

(5) The Registrar or any other officer or servant appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code 1860 (45 of 1860).

22. *Order by Council for maintenance of register.*— (1) The Council shall, as soon as may be after the commencement of this Act and from time to time as occasion may require, make orders regulating the maintenance of a register.

(2) The register shall be kept in such form as may be prescribed.

23. *Duties of Registrar.*— (1) Subject to the provisions of this Act or subject to any general or special orders of the Council, it shall be the duty of the Registrar to keep the register and discharge such other functions as are required to be discharged by him under this Act or by the rules made thereunder.

(2) The Registrar shall, so far as practicable, keep the register correct and up to date and may from time to time, enter therein any material alteration in the addresses or qualifications of the practitioners. He shall also remove from the register the name of the registered practitioner who die or who under the provisions of this Act, cease to be entitled to remain on the register.

(3) No alterations in the entries in respect of additional qualifications shall be made unless such fee as may be prescribed is paid.

(4) For the purpose of this section, the Registrar may write to any registered practitioner at the address which is entered in the register to inquire, whether he has ceased to practice or has changed his residence and if no answer is received to the said letter within three months, the Registrar may issue a registered reminder, and in case no reply is received to the reminder within one month from the date of its issue, he may

remove the name of the said practitioner from the register:

Provided that the Council may, if it thinks fit, direct that the name of the practitioner be re-entered in the register.

24. *Persons entitled to registration.*— (1) Every person possessing the qualification mentioned in the Schedule shall subject to the provisions contained in this Act and on payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in the register subject to such conditions as the Council may specify:

Provided that an application for entry in the register made by a person, whose case is not clearly governed by the provisions of this Act or by the rules and regulations made thereunder, shall be referred to Council for such decision as it may deem fit.

(2) Any person aggrieved by the decision of the Registrar regarding the registration of any person or the making or removal of any entry in the register may, within ninety days of such registration or entry, appeal to the Council.

(3) Such appeal shall be heard and decided by the Council in the prescribed manner.

(4) The Council may on its own motion or on the application of any person and after calling for an explanation from the person concerned and considering the same, cancel or alter any entry in the register, if, in the opinion of the Council such entry was fraudulently or incorrectly made or obtained.

25. *Renewal fees.*— (1) On payment of such renewal fee for such period as may be prescribed the name in the register shall be maintained after the same is first entered in the register:

Provided that if the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register:

Provided further that the name so removed may be restored to the register on payment

of such fees in such manner as may be prescribed.

26. *Removal of names from the register.*— The Council may direct that the name of any practitioner who has been convicted of a cognizable offence as stated in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), and of the practitioner who discloses such defect of moral character which, in the opinion of the Council, sufficient to make him unfit to practice his profession, shall be removed from the register after due enquiry. The Council may after sufficient cause being shown, direct that the name of the practitioner so removed shall be re-entered in the register.

27. *Power of Council to call for information from medical institution.*— The Council shall have power to call upon the governing body or authorities of a medical institution, examining body or other institution recognized or desirous of being recognized by the Government,—

(a) to furnish such reports, returns or other information as the Council may require, to enable it to judge the efficiency of the instructions given therein in Ayurvedic or other allied Indian Systems of Medicine;

(b) to provide facilities to enable a member of the Council deputed by the Council in this behalf to be present at the examination held by such medical institution, examining body or other institution.

28. *Publication of names entered in the register.*— (1) The Registrar shall, in every year and from time to time as occasions may require, on or before a date to be fixed in this behalf by the Council, cause to be published in the Official Gazette in such manner as the Council may specify, a full or supplementary list of names of practitioners for the time being entered in the register and setting forth,—

(a) all names entered in the register arranged in alphabetical order;

(b) the registered address and appointment held by or actual employment of each person whose name is entered in the register; and

(c) the registered titles, degrees, and qualifications of each such person and the date on which each such title or degree was granted or qualification acquired:

Provided that the Registrar shall, from time to time, get published in the Official Gazette the names of such practitioners whose names have been duly removed from register under any of the provisions of this Act.

(2) In any proceeding it shall be presumed that every person whose name is entered in the register is a registered practitioner; and that any person whose name is not so entered is not a registered practitioner.

Explanation:— In the case of person whose name has been entered in the register after the last publication of the list, a certified copy signed by Registrar, of the entry of the name of such person in the register, shall be evidence that such person is registered under this Act. Such certificate shall be issued free of cost.

29. *Examinations.*— (1) The Council may, by regulations, lay down the qualifications required for admission to a course or training in Ayurvedic and other Allied Indian Systems of Medicine, the duration of such training, the qualifying examinations and may make necessary arrangements to give such training and may hold such examinations and confer diplomas.

(2) It shall be the duty of the Council to secure the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic system of medicine and other Allied Indian Systems of Medicine and for the purpose of securing such a standard, the Council shall have authority to call, the governing body or the authorities of any institutions giving instructions in such system,—

(a) to furnish such particulars as the Council may require of any course of study or of any examination held by such institution with reference to the grant of any qualifications; and

(b) to permit inspectors appointed by the Council to inspect the institution.

(3) The Council may form a standing syllabus and examination committee consisting of persons from amongst its members for the purposes of sub-sections (1) and (2).

30. *Appointment of Inspector.*— (1) The Council may appoint such number of Inspectors as it may deem fit on such salary as the Council may with the previous sanction of the Government determine.

(2) It shall be the duty of the Council to secure the maintenance of an adequate standard proficiency for the practice of Ayurvedic System of Medicine and other Allied Indian Systems of Medicine. For the purpose of securing the maintenance of such standard the Council shall have authority to call the governing body of the recognized institution to permit Inspectors appointed by the Council in this behalf to inspect such recognized institution, dispensary and the hospitals attached to it and to attend and be present at all or any of the examinations held by the institutions. Every recognized institution shall comply with the directions issued by the Council from time to time.

(3) The Inspector shall, in accordance with any general or special directions of the Council, inspect dispensaries, hospitals, and the institutions affiliated to Council and shall report to the Council in regard to the course of study pursued and training imparted at every such Institutions and on any other matter with regard to which the Council may require him to report.

(4) The Inspectors shall not interfere with the conduct of any examination but it shall be their duty to report to the Council their opinion as to the sufficiency or insufficiency

of every examination which they attend and any other matter in regard to such institution on which the Council may require them to report.

(5) Every recognized institution and every examination held by such institution shall be inspected by the inspectors at least once in five years, and more frequently if the Council so desires.

(6) The Council shall forward a copy of every such report to the institution in respect of which the report was made, and shall also forward a copy of such report, together with any observations made thereon by the Council, to the Government.

31. *Grant and withdrawal of Recognition.*— The Council may grant recognition to any institution imparting instructions to students for preparing them for the qualifying examination and may, at any time, withdraw such recognition, if in the opinion of the Council, the Institution is unable to impart instructions of the required standard.

CHAPTER V

Functions and Finance of the Council

32. *Powers of the Council.*— The Council shall have the power,—

(i) to recognize Ayurvedic system of medicine and other Allied System of medicines for the purpose of affiliation;

(ii) to prescribe courses of study and curricula for general instruction or special or refresher courses in institutions affiliated to the council;

(iii) to hold examinations and to grant and confer degrees and diplomas to and on persons who have pursued a course of study in the institutions affiliated to the Council;

(iv) to conduct exhibitions and award medals and also to grant scholarships to those who obtain high positions at the examinations or are poor and deserving with sanction of the Government;

(v) to grant to students scholarships for special studies in research and manufacture of Ayurvedic System of medicine and other Allied Indian Systems of Medicine, whether in India or abroad;

(vi) to receive from students such fees as may be prescribed for admission to the examination;

(vii) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Council and to make arrangements for promoting the health, general welfare of the students;

(viii) to appoint examiners and publish the results of the examinations held by it;

(ix) to suspend or withdraw the recognition of any institution which is not run in accordance with the conditions specified in this Act or rules framed thereunder;

Provided that no such action shall be taken without affording the management of such an institution an opportunity of making representation as it may deem fit;

(x) to establish or aid research institutions and to make arrangement for post-graduate study in Ayurvedic System of medicine and other Allied Indian System of Medicines;

(xi) to publish journals of Ayurvedic System of Medicines and other Allied Indian System of Medicines;

(xii) to do such acts, not inconsistent with the provisions of this Act, as may be necessary for the furtherance of the objects of this Act.

33. *Budget.*— (1) The Council shall prepare and lay before it at a meeting to be held in every year before such date, as may be prescribed a complete account of the actual and abstracted receipts and expenditure for the year ending on 31st day of March next following such date together, with a budget

estimates of the income and expenditure of the Council for the year commencing on the first of April next following.

(2) The Council shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and submit the budget for approval to the Government, or to such authority, as the Government may, by order, direct.

(3) Subject to the like provisions, the Council may suggest variation or alteration in the budget, as circumstances may render desirable.

34. *Revised budget.*— As soon as may be after the first day of October, the revised budget for the year shall be framed, and such revised budget shall, so far as may be subject to all the provisions applicable to a budget made under section 33.

35. *Ayurvedic and other Allied Indian Systems of Medicine fund.*— There shall be established Ayurvedic and other Allied Indian Systems of medicine fund and there shall be placed to the credit thereof,—

(a) grants and loans received from the Government;

(b) all fees received by the Council;

(c) contributions received from any local authority; and

(d) all sums received by, or on behalf of the Council, from sources other than those mentioned in the forgoing clauses.

36. *Custody and Investment of Ayurvedic and other Allied Indian Systems of Medicine Fund.*— The Ayurvedic and other allied Indian Systems of Medicine Fund shall be kept in the State Bank of India or with the previous sanction of the Government, in any other bank.

CHAPTER VI

Privileges and Rights of Registered Practitioners

37. *Privileges and Rights of Registered Practitioners.*— Notwithstanding anything

contained in any law for the time being in force,—

(i) The expression legally qualified registered practitioner of Ayurvedic System of Medicine or other Allied Systems of Indian Medicine or any word importing a person, recognized by law as Ayurvedic System of Medicine or Member of Ayurvedic System of Medicine or other Allied Systems of Indian Medicine shall in all Acts, extended to the State of Goa or in all Acts of Legislature in their application to the State of Goa, in so far as such Acts relate to any of the matters specified in list II or list III in the Seventh Schedule of the Constitution of India be deemed to include a registered practitioner.

(1) A Registered practitioner shall be eligible to hold any appointment as a physician or other medical officer in any dispensary, hospital supported by or receiving a grant from the Government or any other local authority and treating patients or in any other establishment, body or institution dealing with Ayurvedic System of Medicine or other Allied Indian Systems of Medicine.

(2) Unless the Council otherwise directs, a registered practitioner shall be entitled to,—

(a) sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified Ayurvedic System of Medicine or other Allied Indian Systems of Medicine practitioner;

(b) sign or authenticate a medical or fitness certificate required by any law or rule to be signed or authenticated by duly qualified practitioner of Ayurvedic System of medicine or other Allied Indian Systems of Medicine;

(c) give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act,

1872 (Central Act 1 of 1872) or on any matter relating to Ayurvedic System of Medicine or other Allied Indian Systems of Medicine.

38. *Exemption from serving on inquest.*— Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires from serving on any inquest or as a juror or assessor under the code of Criminal Procedure, 1973 (Central Act 2 of 1974).

CHAPTER VII

Offences

39. *Right to practice.*— No person shall practice Ayurvedic System of Medicine or other Allied Indian Systems of Medicine unless he is duly registered under this Act or qualified and entitled to practice such medicine under any law for time being in force.

40. *Conferring, granting or issuing degree, diploma, license, etc., by unauthorized person or institution.*— (1) No person other than an association or institution recognized or authorized under this Act shall confer, grant or issue any degree, diploma, license, certificate or other document so as to practice the Ayurvedic System of Medicine or other Allied Indian System of Medicines or hold itself out as entitled to confer, grant or issue such documents or certificates.

(2) (a) No person, other than a registered practitioner under this Act, or whose name has been entered in the Central Register of Indian Medicine maintained by the Central Council shall practice Ayurvedic System of Medicine or other Allied Indian System of Medicines.

(b) The Registered practitioners of Ayurvedic System of Medicine or other Allied Indian System of Medicines whose names are entered in the register maintained by the Goa Board of Indian medicines and homoeopathy shall be considered as registered practitioners and their names shall be

transferred to the register maintained by the Council.

(c) No practitioner shall practice in the State of Goa on the ground that he is registered in any other State or Union Territory.

(d) No practitioner shall be registered on the ground that he is holding registration certificate from any State or Union Territory unless he possesses a recognized medical qualification conferred by any college/university recognized by the Council.

(e) All the qualifications, degrees or diplomas conferred by Colleges/Institutions included in the II and III Schedule attached to Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) shall be considered as recognized qualification.

(f) Any Practitioner who do not possess recognized qualification and were or are practicing Ayurvedic System of Medicine or other Allied Indian System of Medicines in any other State or Union territory and desire to establish his practice in the State of Goa shall have to obtain degree/diploma by passing such examination as held by the Council.

(3) Whoever contravenes the provisions of this section shall be punishable for first such offences, with imprisonment which may extend to one year or with fine which may extend to Rs. 1,00,000 or with both, and for such subsequent offence with double the fine and imprisonment specified for first offence.

(4) Whoever contravenes the provisions of section 39 of this Act shall on conviction be punished for first such offence with imprisonment which may extend to one year or with fine which may extend to Rs. 1,00,000 or with both, and for such subsequent offence with double the fine and imprisonment specified for first offence.

41. *False assumption of certificate or diploma to be an offence.*— Whoever falsely assumes or uses any title or description or

any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by an association or institution recognized or authorized under this Act or that he is qualified to practice the Ayurvedic System of Medicine and other Allied Indian System of Medicines under the provisions of this Act shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs. 50,000 or with both for the first such offence and for such subsequent offences with double the fine and imprisonment specified for first offence.

CHAPTER VIII

Miscellaneous

42. *Appeals to Government from decision of the Council.*— (1) An appeal shall lie to the Government from every decision of the Council under this Act, except a decision made by the Council as an appellate authority.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of communication of such order.

43. *Bar to suit and other legal proceedings.*— (1) No suit or other legal proceeding shall lie against the Government in respect of an act done in exercise of the powers conferred by this Act.

(2) No suit, prosecution or other legal proceedings shall lie against the Council or any member, or any officer or servant of the Council or any person acting under the direction of the Council or of the President or the Vice-President or of any officer or servant of the Council in respect of anything which is done in good faith or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

44. *Control of Council by Government.*— (1) The Government may give such direction to the Council as it may deem fit and the Council shall comply with all such directions.

(2) If, at any time, it shall appear to the Government that the Council has failed to exercise or has exceeded or abused power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by or under this Act, the Government may, if it considers such failure excess, or abuse to be of a serious character notify the particulars thereof to the Council; and if the Council fails to remedy such default excess or abuse within such time as may be fixed by the Government in this behalf, the Government may dissolve the Council and appoint an administrator to perform all or any of the powers and duties of the Council, for such period as it may think fit:

Provided that it shall take steps within six months of such dissolution, to constitute a new Council under the provisions of this Act.

45. *Court competent to try offences under this Act and take cognizance of offences.*— (1) No court other than the court of a magistrate of the first Class shall take cognizance of, or try a offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by rules made in this behalf.

46. *Delegation of power.*— The Government or the Council may delegate such of its power and to such authority as the Government or the Council, as the case may be, deem necessary.

47. *Power to make regulations.*— (1) the Council may, by notification, make regulations, not inconsistent with this Act and the rules made thereunder, for the purpose of giving effect to the provisions of this Act.

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

(a) time, place of meeting of the council and manner in which the meeting of the

council shall be summoned under section 17;

(b) number, designation, pay, allowance of officers and servants of the council under section 21;

(c) qualifications required for admission to a course or training in Ayurvedic system of medicine and other Allied System of medicine under section 29;

(d) Any other matter which is required to be or may be laid down by regulations.

(3) The Government may, by notification in the Official Gazette, cancel or modify any regulation.

48. *Power to make Rules.*— (1) The Government may, from time to time, make rules for the purpose of carrying into effect the provisions of this Act.

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

(a) the time and place at which and the manner in which election shall be held under sub-section (3) of section 3;

(b) period to fill the vacancies under section 8;

(c) allowance to be paid to the members of the council under the section 16.

(d) conditions of service under section 21.

(e) maintenance of register under section 22.

(f) fees to be paid and conditions for registration under section 24(1);

(g) manner in which the appeal shall be heard and decided under section 24(3);

(h) renewal fee and manner of payment under section 25(1);

(i) manner of publication of names under section 28(1);

(j) fees to be paid under section 32(vi).

SCHEDULE

(See Section 24)

Qualifications for Registration

Part-I

Recognized Medical Qualifications in Ayurvedic System of Medicine granted by Universities, Councils or other Medical Institutions in India recognized by the Central Council of Indian Medicine under Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970).

Part-II

Recognized Medical Qualification in Unani and Siddha System of Medicine granted by Universities, Councils or other Medical Institutions in India recognized by the Central Council of Indian Medicine under Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970).

Part-III

Recognized Qualification in "Yoga and Naturopathy" granted by University, Council or other Institution in India approved by Central Government.

Part-IV

Recognized Qualification in "Sowa-Rigpa" granted by University, Council or other Institution in India approved by Central Government.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to provide the constitution of the Goa Ayurvedic and other Allied Indian Systems of Medicine in the State of Goa.

The Bill seeks to provide registration of practitioners possessing recognized qualifications in the Ayurvedic and other Allied Indian Systems of Medicine in the State of Goa.

The Bill further seeks to provide maintenance of register of practitioners of Ayurvedic and other Allied Indian Systems of Medicine in the State of Goa.

The Bill also seeks to encourage the study and spread such system of Ayurvedic and other Allied Indian Systems of Medicine and to make certain other provisions related to the practitioners of these systems of medicine in the State of Goa.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Council will receive registration fees from practitioners to enroll their name in the register and renewal fees for the retention of his/her name in the register after the name is first entered in the register.

A travelling and daily allowance is proposed to be paid to member of the council.

An appointment of Registrar, who shall be the Secretary of the Council and requisitioning of the services of Data Entry Operator, will be required for the establishment of the council. The other expenses will be towards purchase of office furniture, computer and other material.

Thus approximately, the financial implication that shall be involved will be to the tune of Rs. 10.00 lakhs per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (3) of the Bill empowers the Government to appoint a date by Notification in the Official Gazette for bringing the Act into force.

Clause 3 (1) of the Bill empowers the Government to issue notification for constitution of the Goa Ayurvedic and other Allied Indian Systems of Medicine Council.

Clause 3 (3) of the Bill empowers the Government to frame rules to specify the time, place and the manner in which election of the members of the Council to be held.

Clause 5(1) of the Bill empowers the Government to extend the term of office of member by issuing notification.

Clause 5 (2) of the Bill empowers the Government to issue order for appointing an Administrator.

Clause 8 of the Bill empowers the Government to frame rules for specifying the period for filling up of the casual vacancy.

Clause 16 of the Bill empowers the Government to frame rules for specifying allowances payable to the members of the Council.

Clause 17 of the Bill empowers the Council to frame regulations for specifying the manner in which the meetings of the Council shall be summoned.

Clause 21 (1) of the Bill empowers the Government to frame rules for prescribing the salary and allowances and other conditions of the services of the Registrar.

Clause 21 (3) of the Bill empowers the Council to frame regulations for specifying the number, designations, pay and allowances of its officers and servants.

Clause 22 (2) of the Bill empowers the Government to frame rules for prescribing the form of a register.

Clause 23 (3) of the Bill empowers the Government to frame rules for prescribing the fees.

Clause 24 (1) of the Bill empowers the Government to frame rules for prescribing the fees to be paid for the registration.

Clause 24 (3) of the Bill empowers the Government to frame rules for prescribing the manner of hearing of appeal by the Council.

Clause 25 (1) of the Bill empowers the Government to frame rules for prescribing the fees to be paid for renewal of registration and also the manner in which such fee is to be paid.

Clause 25 (2) of the Bill empowers the Government to frame rules for prescribing fees to be paid by the defaulter in case renewal fees is not paid before the due date

of renewal of registration and also the manner in which such fee is to be paid.

Clause 29 (1) of the Bill empowers the Government to frame regulations for specifying the qualifications required for admission to a course of training in Ayurvedic and other Allied Indian Systems of Medicine, the duration of such training and qualifying examination.

Clause 32 (5) of the Bill empower the Government to frame rules for prescribing the fees to be charged for the admission to the examination of the Council.

Clause 45 (2) of the Bill empowers the Government to empower an officer to make a complaint before the court.

Clause 47 of the Bill empowers the Council to make regulations for the purpose of giving effect to the provisions of the Act.

Clause 48 of the Bill empowers the Government to frame rules for carrying out the provisions of the Act.

These delegations are of normal character.

Porvorim, Goa. Shri VISHWAJIT P. RANE
8th August 2019. Minister for Health.

Assembly Hall. NAMRATA ULMAN
Porvorim, Goa. Officiating Secretary to the
8th August, 2019 Legislative Assembly of Goa.

Governor's Recommendation under Article 207
of the Constitution of India

In pursuance of article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa hereby recommend the introduction and the consideration of the Goa Council of Ayurvedic and other allied Indian System of Medicine Bill, 2019 by the Legislative Assembly of Goa.

Raj Bhavan. MRIDULA SINHA
Dated, 8th August 2019. Governor of Goa.

LA/LEGN/2019/1065

The following bill which was introduced in the Legislative Assembly of the State of Goa on 9th August, 2019 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

**THE GOA INDIA SYSTEM OF MEDICINE
AND HOMOEOPATHY COUNCIL
(AMENDMENT) BILL, 2019**

(Bill No. 21 of 2019)

A

BILL

to amend the Goa Indian System of Medicine and Homoeopathy Council Act, 2001 (Goa Act No. 63 of 2001).

Be it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Indian System of Medicine and Homoeopathy Council (Amendment) Act, 2019.

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

2. *Amendment of long title.*— In the long title of the Goa Indian System of Medicine and Homoeopathy Council Act, 2001 (Goa Act No. 63 of 2001) (hereinafter referred to as the “principal Act”), the words “Indian system of medicines and” shall be omitted.

3. *Amendment of short title.*— In the short title of the principal Act, the words “Indian System of Medicine and” shall be omitted.

4. *Amendment of section 2.*— In section 2 of the principal Act,

(i) in clause (a) the words “Indian system of medicines and” shall be omitted;

(ii) in clause (e), the words “ and Indian system of medicines means System of Medicines commonly known as “Asthang, Ayurvedic or Siddha or Unani or Unani Tibb”” shall be omitted.

(iii) in clause (h), the words “Indian system of medicines and” shall be omitted.

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

(i) in sub-section (1) and in all other sections and the Schedule-I, the words “Indian system of medicines and” wherever they occur, shall be omitted;

(ii) in sub-section (2), in clause (a) and in all other sections, the words “Indian system of medicine and” wherever they occur, shall be omitted.

6. *Amendment of section 40.*— In section 40 of the principal Act, the expression “Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) and” shall be omitted.

7. *Amendment of Schedule-I.*— In the Schedule-I to the principal Act, item 2 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Goa Indian System of Medicine and Homoeopathy Council Act, 2001 (Goa Act No. 63 of 2001) so as to enact a separate legislation for registration of practitioners of Ayurvedic and other Allied Indian System of medicines and for that purpose to constitute a council and the matters connected therewith and incidental thereto.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED
LEGISLATION

No delegated legislation is envisaged in this Bill.

Porvorim, Goa. Shri VISHWAJIT P. RANE
8th August, 2019 Minister for Health.

Porvorim, Goa. Smt. NAMRATA ULMAN
8th August, 2019 Officiating Secretary to the
Legislative Assembly of Goa.

ANNEXURE

Bill No. 21 of 2019

**Extracts of section 2 clause (a); (e) (h);
sub-section (1) of section 3 and clause (a) of
sub-section (2) of section 3; section 40; and
Schedule I of the Goa Indian System of
Medicine and Homoeopathy Council
Act, 2001.**

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

(a) "Board" means the Goa Board of Indian system of medicines and Homeopathy established under section 3, of this Act;

(b) "Chairman" means Chairman of the Board;

(c) "Director of Health Services" means the Director of Directorate of Health Services, Goa.

(d) "Government" means Government of Goa.

(e) "Homoeopathy" means Homoeopathic System of Medicines and includes the use of biochemic remedies and Indian System of Medicines means System of Medicines commonly known as "Asthang, Ayurvedic or Siddha or Unani or Unani Tibb"

(f) "Inspector" means the Inspector appointed under section 30;

(g) "member" means member of the Board;

(h) "practitioner" means a person who practices the Indian system of medicines and homoeopathy as a principle occupation;

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

(j) "register" means a register of practitioners prepared and maintained under this Act;

(k) "registered practitioner" means a practitioner whose name is for the time being entered on the register;

(l) "registrar" means Registrar appointed under section 21 of this Act;

(m) "regulations" means regulation made under section 47 of this Act;

(n) "rules" means rules made under this Act;

(o) "Schedule" means Schedule to this Act;

CHAPTER II

3. *Establishment of Board.*— (1) The Government may, as soon as may be, by notification in the Official Gazette, establish a Board to be called the Goa Board of Indian System of medicines and Homoeopathy. The Board shall be a body corporate and shall have perpetual succession and a common seal and may by the said name sue and be sued.

(2) The Board shall consist of nine members and shall be constituted in the following manner, namely:-

(a) Six members who have put in at least 5 years practice in Indian System of medicine and homoeopathy, elected by the registered practitioners from amongst themselves.

(b) One practitioner nominated by the Government.

(c) One member from the public having interest in homoeopathy nominated by the Government; and

(d) The Director or a Deputy Director of the Directorate of Health Services of Goa, nominated by the Government.

(e) The election of members referred to in clause (a) of sub-section (2) shall be held at such time and at such place and in such manner as may be prescribed.

40. *Conferring, granting or issuing diploma, license, etc., by unauthorized person or institution.*— (1) No person other than an association or institution recognised or authorized under this Act shall confer, grant or issue any degree, diploma, license,

certificate or other document stating to practice the Indian system of medicines and homoeopathic system of medicine or hold itself out as entitled to confer, grant or issue such documents or certificates.

(2) (a) No person, other than a registered practitioner under this Act, shall practice Indian system of medicines and homoeopathy system of Medicine.

(b) All the practitioners of Indian system of medicines and homoeopathy registered in the Directorate of Health Services, under Dip-L-146 8 in force in the State of Goa shall be considered as registered practitioner and their names shall be transferred to the register maintained by the Board.

(c) No practitioner shall practice in the State of Goa on the ground that he is registered in any other State or Union Territory.

(d) No practitioner shall be registered on the ground that he is holding registration certificate from any State or Union Territory unless he possesses a recognised medical qualification conferred by any College/University recognised by the Board.

(e) All the qualifications, degrees or diplomas conferred by Colleges/Institutions included in the II and III Schedule attached to Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) and the Homoeopathy Central Council Act, 1973 (Central Act 59 of 1973), shall be considered as recognized qualification.

(f) All practitioners who do not possess recognised qualification and were or are practicing Indian system of medicines and homoeopathy in any other State or Union Territory and desire to establish their practice in the State of Goa shall have to obtain degree/diploma on passing the examination specified under sub-section (3) of Section 32.

(3) Whoever contravenes the provisions of this section shall be punishable, for first such offence, with imprisonment which may extend to one year or with fine which may extend to Rs. 1,000 or with both, and for such subsequent offence with double the fine and imprisonment specified for first offence.

(4) Whoever contravenes the provisions of section 39 of this Act, shall on conviction be punished for first such offence with imprisonment which may extend to one year or with fine which

may extend to Rs. 1,000 or with both, and for such subsequent offence with double the fine and imprisonment specified for first offence.

SCHEDULE I

1. All the Institutions included in the Homoeopathy Central Council Act, 1973.

2. All the Institutions included in the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970).

3. Indian system of medicines and homoeopathy doctors registered under Directorate of Health Services under article of Portaria 1468.

4. Indian system of medicines and homoeopathy doctors passing the final examination held by the Goa Board of Indian system of medicines and homoeopathy.

LA/LEGN/2019/1066

The following bill which was introduced in the Legislative Assembly of the State of Goa on 9th August, 2019 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

THE GOA CLINICAL ESTABLISHMENTS (REGISTRATION AND REGULATION) BILL, 2019

(Bill No. 22 of 2019)

A

BILL

to provide for the registration and regulation of clinical establishments in the State of Goa and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Goa Clinical

Establishments (Registration and Regulation) Act, 2019.

(2) It extends to the whole of the State of Goa.

(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) “authority” means the District Registering Authority appointed under section 7 of this Act;

(b) “certificate” means certificate of registration issued under section 27 of this Act ;

(c) “clinical establishment” means,—

(i) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium or an institution, by whatever name called, that offers services, facilities requiring diagnosis, treatment or care for illness, injury, deformity, abnormality or pregnancy in any recognized system of medicine established and administered or maintained by any person or body of persons, whether incorporated or not; or

(ii) a place established as an independent entity or part of an establishment referred to in sub-clause (i), in connection with the diagnosis or treatment of diseases where pathological, bacteriological, genetic, radiological, chemical, biological investigations or other diagnostic or investigative services with the aid of laboratory or other medical equipment, are usually carried on, established and administered or maintained by any person or body of persons, whether incorporated or not and shall include a clinical establishment owned, controlled or managed by—

(a) the Government or a Department of the Government;

(b) a trust, whether public or private;

(c) a corporation (including a society) registered under a Central, Provincial or State Act, whether or not owned by the Government;

(d) a local authority; and

(e) a single doctor/group of doctors, but does not include the clinical establishments owned, controlled or managed by the Armed Forces.

Explanation.— For the purpose of this clause, “Armed Forces” means the forces constituted under the Army Act, 1950 (Central Act 46 of 1950), the Air Force Act, 1950 (Central Act 45 of 1950) and the Navy Act, 1957 (Central Act 62 of 1957);

(d) “Council” means the Council constituted under section 3 of this Act;

(e) “emergency medical condition” means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) of such a nature that the absence of immediate medical attention could reasonably be expected to result in,—

(i) placing the health of the individual or with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy; or

(ii) serious impairment to bodily functions; or

(iii) serious dysfunction of any organ or part of a body;

(f) “Government” means the Government of Goa;

(g) “Grievance Redressal Officer” means person appointed by every clinical establishment under the provisions of section 9 of this Act;

(h) “National Council” means the National Council for clinical establishments established under section 3 of the Clinical

Establishments (Registration and Regulation) Act, 2010 (Central Act 23 of 2010);

(i) "National register" means the register maintained by the Central Government under section 39 of the Clinical Establishments (Registration and Regulation) Act, 2010 (Central Act 23 of 2010);

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

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

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

(m) "recognized system of medicine" means allopathy, yoga, naturopathy, ayurveda, homoeopathy, siddha and unani system of medicines or any other system of medicine as may be recognized by the Central Government;

(n) "registration" means registration of the Clinical Establishments under this Act;

(o) "rules" means rules made under this Act;

(p) "standards" means the conditions that are specified in section 9 for the registration of clinical establishments;

(q) "State" means the State of Goa;

(r) "state register" means the register maintained by the authority and the Government under sections 34 and 35 respectively of this Act containing the number of clinical establishments registered;

(s) "to stabilize" (with its grammatical variations and cognate expressions)" means, with respect to an emergency medical condition specified in clause (e), to provide such medical treatment of the condition as may be necessary to assure,

within reasonable medical probability; that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a clinical establishment.

CHAPTER II

Council For Clinical Establishments

3. *Constitution of Council for Clinical Establishments.*— (1) The Government shall, by notification, constitute a Council to be called the Goa Council for Clinical Establishments.

(2) The Council shall consist of the following members, namely:—

- (a) Secretary to the Government of Goa in Health Department _____ Chairman.
- (b) Dean, Goa Medical College _____ Member.
- (c) Six Representatives out of which one to be elected by each Executive Committee of,
 - (i) Goa Medical Council ___ Member.
 - (ii) Goa Dental Council ___ Member.
 - (iii) Goa Nursing Council ___ Member.
 - (iv) Goa State Pharmacy Council _____ Member.
 - (v) Goa Board of Indian System of Medicine and Homoeopathy (Ayurveda and Homoeopathy) _____ Member.
 - (vi) Any other Council in recognized System of Medicine _____ Member.
- (d) Three representatives to be elected by Indian Medical Association, Goa branch _ Members.
- (e) One representative from paramedical systems but other than from clause (c) to be nominated by the Government _____ Member.

(f) One representative to be elected by Members of Association of Private Nursing Homes in the State of Goa. _____ Member.

(g) Two representatives to be nominated by the Government _____ Members.

(h) Director of Health Services, Government of Goa _____ Member Secretary.

(3) The elected and the nominated members of the Council, shall hold office for three years, but shall be eligible for re-election or re-nomination for one more term of three years only:

Provided that the person nominated or elected, as the case may be, shall hold office for so long as he holds the appointment of the office by virtue of which he was nominated or elected, as the case may be, to the Council.

(4) The allowances payable to the members of the Council other than ex-officio members shall be such as may be prescribed by the Government.

4. *Disqualification for appointment as member.*— A person shall be disqualified for being elected or nominated or for continuing as a member of the Council if he,—

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or

(b) has been charge-sheeted in any crime where punishment is imprisonment; or

(c) is an undischarged insolvent; or

(d) is of unsound mind, and stands so declared by a competent court; or

(e) has been removed or dismissed from the service of the Government or a

corporation owned or controlled by the Government; or

(f) is a whole time Officer or servant of the Council; or

(g) has, in the opinion of the Government, such financial or other interest in the Council as is likely to affect prejudicially the discharge by him of his functions as a member.

5. *Functions of the Council.*— The Council shall perform the following functions, namely:—

(a) compiling and updating the State Register of clinical establishments;

(b) sending monthly returns for updating the National Register of clinical establishments;

(c) representing the State in the National Council;

(d) hearing of appeals against the Orders of the authority;

(e) publication on annual basis a report on the state of implementation of standards by the clinical establishments;

(f) ensure implementation of minimum standards;

(g) perform any other function determined by the Government from time to time.

6. *Power to seek advice or assistance.*— The Council may associate with itself any person or body whose assistance or advice it may desire in carrying out any of the provisions of this Act.

CHAPTER III

Registration and Standards for Clinical Establishments

7. *Appointment of an authority.*— The Government shall, by notification, set up an authority to be called the District Registering Authority for each district for registration of

clinical establishments, with the following members, namely:—

- (a) District Collector _____ Chairperson.
- (b) Representative of Indian Medical Association, Goa branch, as nominated by it _____ Member.
- (c) Representative of Private Nursing Homes, as nominated by it _____ Member.
- (d) Representative of Goa Board of Indian System of Medicine and Homoeopathy, as nominated by the Government _____ Member.
- (e) Two members as nominated by the Government _____ Members.
- (f) One member, each from
 - (i) Goa Dental Council;
 - (ii) Goa Nursing Council;
 - (iii) Goa Pharmacy Council;
 - and (iv) Goa Medical Council, as nominated by the Government. _____ Members.
- (g) Medical Superintendent of the Government District Hospital _____ Member-Secretary.

8. *Registration for Clinical Establishments.*— No person shall run a clinical establishment unless it has been duly registered in accordance with the provisions of this Act.

9. *Conditions for registration.*— (1) For registration and continuation, every clinical establishment shall fulfill the following conditions, namely:—

- (i) the minimum standards of facilities and services as may be prescribed;
- (ii) the minimum requirement of personnel as may be prescribed;
- (iii) appointment of a grievance redressal officer;

(iv) provisions for maintenance of medical records and reporting as may be prescribed;

(v) such other conditions as may be prescribed.

(2) In clinics run by single doctor the doctor himself shall be a grievance officer. The name of the grievance officer and his contact number shall be displayed in a prominent place in the clinical establishment. Any complaint submitted shall be responded within 15 days, failing which, the complainant shall be free to approach the authority.

(3) The clinical establishment shall undertake to provide within the staff and facilities available, such medical examination and treatment as may be required to stabilize the emergency medical condition of any individual who comes or is brought to such clinical establishment.

10. *Classification of Clinical Establishments.*— (1) Clinical establishments of different systems shall be classified into such categories as may be prescribed.

(2) Different standards may be prescribed for different categories referred to in subsection (1):

Provided that in prescribing the standards for clinical establishments, the Government shall have regard to the local conditions.

PROCEDURE FOR REGISTRATION

11. *Application for provisional certificate of registration.*— (1) For the purposes of provisional certificate of registration of the clinical establishment, an application in such form along with such fee and details as may be prescribed, shall be made to the authority.

(2) The application shall be made in person, or by post, or online.

(3) If any clinical establishment is in existence at the time of the commencement of this Act, an application for its registration shall be made within three months from the

date of the commencement of this Act and a clinical establishment which comes into existence after the commencement of this Act shall apply for its registration before starting its operations.

(4) If any clinical establishment is already registered under any existing law requiring registration of such establishment, even then it shall apply for registration as referred to in sub-section (1).

(5) If any clinical establishment is offering services in more than one category then such establishment shall apply for separate registration for each such category:

Provided that if diagnostic centre (basic lab facilities) is a part of the hospital, no separate registration is required.

12. *Provisional Certificate.*— The authority shall, within a period of ten days from the date of receipt of application under section 11, grant to the applicant a certificate of provisional registration in such form and containing such particulars and such information, as may be prescribed.

13. *No inquiry prior to provisional registration.*— (1) The authority shall not conduct any inquiry prior to the grant of provisional registration.

(2) Notwithstanding the grant of the provisional certificate of registration, the authority shall, within a period of forty-five days from the grant of provisional registration, cause to be published in such manner, as may be prescribed, all particulars of the clinical establishment so registered provisionally.

14. *Validity of provisional registration.*— Subject to the provisions of section 20, every provisional registration shall be valid to the last day of the twelfth month from the date of issue of the certificate of provisional registration and such registration shall be renewable.

15. *Display of certificate of registration.*— The certificate shall be affixed in a

conspicuous place in the clinical establishment in such manner so as to be visible to everyone visiting such establishment.

16. *Duplicate certificate.*— In case the certificate is lost, destroyed, mutilated or damaged, the authority shall issue a duplicate certificate, on the request of the clinical establishment, on the payment of such fees as may be prescribed.

17. *Certificate to be non-transferable.*— (1) The certificate of registration shall be non-transferable.

(2) In the event of change of ownership or management, the clinical establishment shall inform the authority of such change in such manner as may be prescribed.

(3) In the event of change of category or location, or on ceasing to function as a clinical establishment, the certificate of registration in respect of such clinical establishment shall be surrendered to the authority and the clinical establishment shall apply afresh for grant of certificate of registration.

18. *Publication of expiry of registration.*— The authority shall cause to be published within such time and in such manner, as may be prescribed, the names of clinical establishments whose registration has expired.

19. *Renewal of provisional registration.*— The application for renewal of provisional registration shall be made within thirty days before the expiry of the validity of the certificate of provisional registration accompanied by renewal fee as prescribed and, in case the application for renewal is made after the expiry of the provisional registration, the authority shall allow renewal of registration on payment of such enhanced fees, as may be prescribed.

20. *Time limit for provisional registration.*— Where the clinical establishment in respect of which standards have been notified by the Government, provisional registration shall not be granted or renewed beyond:

(i) the period of two years from the date of notification of the standards in case of clinical establishments which come into existence before the commencement of this Act;

(ii) the period of two years from the date of notification of the standards for clinical establishments which come into existence after the commencement of this Act but before the notification of the standards; and,

(iii) the period of six months from the date of notification of standards for clinical establishments which come into existence after standards have been notified.

21. *Application for permanent registration.*— Application for the permanent registration by a clinical establishment shall be made to the authority in such form and be accompanied by such fees as may be prescribed.

22. *Verification of application.*— The clinical establishment making application under section 21 shall submit evidence of having complied with the prescribed minimum standards in such manner as may be prescribed.

23. *Display of information for filing objections.*— As soon as the clinical establishment submits the required evidence of having complied with the minimum standards, the authority shall cause to be displayed for information of the public at large and for filing objections, if any, in such manner, as may be prescribed, all evidence submitted by the clinical establishment of having complied with the minimum standards for a period of thirty days before processing for grant of permanent registration.

24. *Communication of objections.*— If objections are received within the period referred to in the preceding section, such objections shall be communicated to the clinical establishment for response within a period of forty-five days of its receipt.

25. *Standards for permanent registration.*— Permanent registration shall be granted only when a clinical establishment fulfils the conditions for registration specified in section 9.

26. *Allowing or disallowing of registration.*— The authority shall pass an Order within the next thirty days thereafter either,—

(a) allowing the application for permanent registration; or

(b) disallowing the application:

Provided that the authority shall record it's reasons, if it disallows an application for permanent registration.

27. *Certificate for permanent registration.*— (1) The authority shall, if it allows an application of the clinical establishment, issue a certificate of permanent registration in such form and containing such particulars, as may be prescribed.

(2) The certificate shall be valid for a period of five years from the date of issue.

(3) For the purposes of sub-section (1), the provisions of sections 15, 16, 17 and 18 shall also apply.

(4) The application for renewal of permanent registration shall be made within six months before the expiry of the validity of the certificate of permanent registration accompanied by renewal fee as prescribed and, in case the application of renewal is not submitted within said period, the authority may allow renewal of registration on payment of such enhanced fees as may be prescribed.

28. *Fresh application for permanent registration.*— The disallowing of an application for permanent registration shall not debar a clinical establishment from applying afresh for permanent registration under section 21 and after providing such evidence, as may be required, of having rectified the deficiencies on which grounds the earlier application was disallowed.

29. *Cancellation of registration.*— (1) If, at any time, after any clinical establishment has been registered, the authority is satisfied that,-

(a) the conditions of the registration are not being complied with; or

(b) such clinical establishment has engaged the services of any doctor or paramedical staff appointed by the Government or Public Sector Undertaking except in emergency cases; or

(c) the person entrusted with the management of the clinical establishment has been imposed penalty thrice as provided in section 38 of this Act; it may issue a notice to the clinical establishment to show cause within thirty days time as to why it's registration under this Act should not be cancelled for the reasons to be mentioned in the notice.

(2) If, after giving a reasonable opportunity to the clinical establishment, the authority is satisfied that there has been a breach of any of the provisions of Act or the rules made thereunder, it may, by an order, without prejudice to any other action that it may take against such clinical establishment, cancel its registration.

(3) Every order made under sub-section (2) shall take effect —

(a) where no appeal has been preferred against such order, immediately on the expiry of the period prescribed for such appeal; and

(b) where such appeal has been preferred and it has been dismissed, from the date of the order of such dismissal:

Provided that the authority, after cancellation of registration, for reasons to be recorded in writing, may restrain immediately the clinical establishment from carrying on if there is imminent danger to the health and safety of patients.

30. *Inspection of registered clinical establishments.*— (1) The authority or an officer authorized by it shall have the right to cause an inspection of, or inquiry in respect of, any registered clinical establishment, its building, laboratories and equipment and also of the work conducted or done by the clinical establishment, to be made by such multi-member inspection team as it may direct and to cause an inquiry to be made in respect of any other matter connected with the clinical establishment and that establishment shall be entitled to be represented thereat.

(2) The authority shall communicate to the clinical establishment its views with reference to the results of such inspection or inquiry and may, after ascertaining the opinion of the clinical establishment thereon, advise that establishment upon the action to be taken.

(3) The clinical establishment shall report to the authority, the action, if any, which is proposed to be taken or has been taken upon the results of such inspection or inquiry and such report, shall be furnished within such time, as the authority may direct.

(4) Where the clinical establishment does not, within a reasonable time, take action to the satisfaction of the authority, it may, after considering any explanation furnished or representation made by the clinical establishment, issue such directions as that authority deems fit, and the clinical establishment shall comply with such directions.

31. *Power to enter.*— The authority or an officer authorized by it may, if there is any reason to suspect that anyone is carrying on a clinical establishment without registration, enter and search in the manner prescribed, at any reasonable time and the clinical establishment shall offer reasonable facilities for inspection or inquiry and be entitled to be represented thereat:

Provided that no such person shall enter the clinical establishment without giving notice of his intention to do so.

32. *Levy of fees by Government.*— The Government may charge fees for different categories of clinical establishments as may be prescribed.

33. *Appeal.*— (1) Any person, aggrieved by an order of the authority refusing to grant or renew a certificate of registration or cancelling or revoking a certificate of registration may, in such manner and within such period as may be prescribed, prefer an appeal to the Council:

Provided that the Council may entertain an appeal preferred after the expiry of the prescribed period if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(2) Every appeal under sub-section (1) shall be made in such form and be accompanied by such fee as may be prescribed.

CHAPTER IV

Register of Clinical Establishments

34. *Register of clinical establishments.*— (1) The authority shall, within a period of one year from its establishment, compile, publish and maintain in digital format a register of clinical establishments, registered by it and it shall enter the particulars of the certificate so issued in a register to be maintained in such form and manner, as may be prescribed by the Government.

(2) Each authority, shall supply in digital format to the Council a copy of every entry made in the register in such manner, as may be prescribed to ensure that the State Register is constantly up-to-date with the registers maintained by the registering authority in the State.

35. *Maintenance of State Register of clinical establishments.*— (1) The Government shall maintain in digital and in such form and containing such particulars, as may be prescribed, a State Register of clinical establishments in respect of clinical establishments in the State.

(2) The Government shall supply in digital format to the Central Government a copy of the State Register and shall inform the Central Government all additions to and other amendments in such register made, for a particular month by the 15th day of the following month.

36. *Furnishing of returns.*— Every clinical establishment shall, within such time or within such extended time, as may be prescribed in that behalf, furnish to the authority or the Council such returns or the statistics and other information in such manner, as may be prescribed by the Government from time to time.

37. *Information to be submitted.*— The clinical establishment other than that of the Government shall not allow any doctor or para medical staff or other employee of the Government or public sector undertaking to carry out any work therein without express permission from the Government, except in an emergency case. The clinical establishment shall report to the authority the name of any doctor or para-medical staff or employee, whose services are/were being utilized in the clinical establishment, alongwith details of the emergency case.

CHAPTER V

Penalties

38. *Penalty.*— (1) Whoever carries on a clinical establishment without registration and in contravention of section 8 shall be punishable with summary closure of the facility and fine which may extend to, fifty thousand rupees for first contravention, two lakhs rupees for second contravention and five lakhs rupees for any subsequent contravention.

(2) Whoever carries on a clinical establishment or appoints any person therein or carries on a clinical practice, without the required medical qualifications shall be punishable with fine of Rupees one lakh and the registration of such clinical establishment shall be cancelled.

(3) Whoever knowingly serves in a clinical establishment which is not duly registered under this Act, shall be punishable with fine which may extend to twenty-five thousand rupees.

(4) where a doctor or para-medical staff or other employee of the Government or public sector undertaking is found working in any private clinical establishment, the registration of such private clinical establishment shall be cancelled by following the procedure laid down under section 29 and such doctor or para-medical staff or employee shall be liable for the departmental disciplinary action under the relevant rules for the time being in force, and also punishable with fine which may extend to twenty-five thousand rupees for first contravention and two lakhs rupees for every subsequent contravention.

Provided that no such fine shall be imposed nor such departmental disciplinary action shall be initiated where the services of such doctor or para-medical staff or employee have been utilized in an emergency case, without payment of any remuneration to him and he immediately informs his employer in writing about the services rendered by him and the nature of the emergency case.

(5) Whoever contravenes any provision of this Act shall, if no specific penalty is provided, be punishable with fine which may extend to, ten thousand rupees, for first contravention, fifty thousand rupees for second contravention and five lakhs rupees for any subsequent contravention.

(6) Before imposing fine under sub-sections (1), (2), (3), (4) and (5), the authority shall hold an inquiry in the prescribed manner by giving to the person concerned a reasonable opportunity of being heard.

(7) While holding an inquiry the authority shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document

which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has committed the acts contravened as specified in sub-sections (1), (2), (3), (4) or (5), it may, by order, impose the fine specified in those sub-sections to be deposited within thirty days of the order in such account as the Government may by order specify in this behalf.

(8) While determining the quantum of fine, as specified in sub-section (5), the authority shall take into account the financial position of the person, category, size and type of the clinical establishment and local conditions of the area in which clinical establishment is situated.

(9) Any person aggrieved by the decision of the authority may prefer an appeal to the Council within a period of three months from the date of the said decision.

(10) The manner of filing the appeal referred to in sub-section (9) shall be such as may be prescribed.

39. *Disobedience of directions, obstruction and refusal of information.*— (1) Whoever willfully disobeys any direction lawfully given by any person or authority empowered under this Act to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered under this Act to discharge, shall be liable to a penalty which may extend to five lakh rupees.

(2) Whoever being required by or under this Act to supply any information willfully withholds such information or gives information which he knows to be false or which he does not believe to be true, shall be liable to a penalty which may extend to five lakh rupees.

(3) For the purpose of adjudging under sub-sections (1) and (2), the authority shall hold an inquiry in the prescribed manner after giving any person concerned a

reasonable opportunity of being heard for the purpose of imposing any penalty.

(4) While holding an inquiry the authority shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the authority, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, it is satisfied that the person has failed to comply with the provisions specified in sub-sections (1) and (2), it may by order impose the penalty specified in those sub-sections to be deposited within thirty days of the order in the account of the Government.

(5) While determining the quantum of penalty under this section, the authority shall take into account the category, size and type of the clinical establishment and local conditions of the area in which the establishment is situated.

(6) Any person aggrieved by the decision of the authority may prefer an appeal to the Council within a period of three months from the date of the said decision.

(7) The manner of filing the appeal referred to in sub-section (6) shall be such as may be prescribed.

(8) The penalty levied under sections 38 and 39 shall be credited to such account as the Government may by order specify in this behalf.

40. *Contravention by Companies.*— (1) Where a person committing contravention of any of the provisions of this Act or of any rule made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the contravention and shall be liable to fine:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that contravention and shall be liable to fine.

Explanation— For the purpose of this section,—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

41. *Offences by Government Departments.*— (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this

Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded and punished accordingly.

42. *Recovery of fine.*— Whoever fails to pay the fine, the Council may prepare a certificate signed by an officer authorized by it specifying the fine due from such person and send it to the Collector of the District in which such person owns any property or resides or carries on his business and the said Collector, on receipt of such certificate, shall proceed to recover from such person the amount specified thereunder, as if it were an arrear of land revenue.

CHAPTER VI

Miscellaneous

43. *Protection of action taken in good faith.*— (1) No suit, prosecution or other legal proceedings shall lie against any authority or any member of the Council or any officer authorized in this behalf in respect of anything, which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

(2) No suit or other legal proceedings shall lie against the Government in respect of any loss or damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rule made thereunder.

44. *Power to give directions.*— Without prejudice to the foregoing provisions of this Act, the authority shall have power to issue such directions, including furnishing returns, statistics and other information for the proper functioning of clinical establishments and such directions shall be binding.

45. *Employees of the authority etc. to be public servants.*— Every employee of the authority and the Council shall be deemed to, when acting or purporting to act in pursuance of any of the provisions of this Act, be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

46. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the Legislative Assembly.

47. *Power to make rules.*— (1) The Government may, by notification, make rules for carrying out all or any of the provisions 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:—

(i) allowances payable to the members of the Council under sub-section (4) of section 3;

(ii) minimum standards of facilities and services under clause (i) of sub-section (1) of section 9;

(iii) minimum requirement of personnel under clause (ii) of sub-section (1) of section 9;

(iv) the maintenance of medical records and reporting by the clinical establishment

under clause (iv) of sub-section (1) of section 9;

(v) other conditions for registration under clause (v) of sub-section (1) of section 9;

(vi) classification of clinical establishments under sub-section (1) of section 10;

(vii) standards for different categories of clinical establishments under sub-section (2) of section 10;

(viii) the form of application, fee and details under sub-section (1) of section 11;

(ix) the form of, and the particulars and information to be contained in, the certificate of provisional registration under section 12;

(x) the manner of publication of all particulars of the clinical establishments under sub-section (2) of section 13;

(xi) the fees to be paid to issue a duplicate certificate under section 16;

(xii) the manner of informing the change of ownership or management of the clinical establishment to the authority under sub-section (2) of section 17;

(xiii) the manner in which the authority shall publish the names of the clinical establishments whose registration has expired under section 18;

(xiv) the renewal fee and enhanced fees to be charged for renewal after expiry of the provisional registration under section 19;

(xv) the form of the application and fees to be paid for permanent registration of clinical establishment under section 21;

(xvi) the manner of submitting evidence of the clinical establishments having complied with the minimum standards under section 22;

(xvii) the manner of displaying information of the clinical establishments

having complied with the minimum standards for filing of objection under section 23;

(xviii) the form and particulars of the certificate of permanent registration under sub-section (1) of section 27;

(xix) renewal fee and enhanced fees under sub-section (4) of section 27;

(xx) the manner of entry and search of clinical establishments under section 31;

(xxi) the fees to be charged by the Government for different categories of clinical establishments under section 32;

(xxii) the manner and period within which an appeal may be preferred to the council under sub-section (1) of section 33;

(xxiii) the form and fees to be paid for an appeal under sub-section (2) of section 33;

(xxiv) the form and manner in which the State Register to be maintained under sub-section (1) of section 34;

(xxv) the manner of supply to the council in digital format the entry made in the register under sub-section (2) of section 34;

(xxvi) the form of the State Register and the particulars to be contained therein under sub-section (1) of section 35;

(xxvii) the manner and time within which returns, statistics and other information to be furnished to the authority or council under section 36;

(xxviii) the manner of holding an inquiry by authority under sub-section (6) of section 38 and sub-section (3) of section 39;

(xxix) the manner of filing an appeal under sub-section (10) of section 38 and sub-section (7) of section 39;

(xxx) any other matter which is required to be or may be prescribed by the Government.

(3) Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly of Goa while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

48. *Repeal and savings.*— (1) The Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004) is hereby repealed.

(2) Notwithstanding such repeal,—

(a) anything done or any action taken under the repealed Act shall be deemed to have been done or taken under the corresponding provisions of this Act;

(b) all applications made under the repealed Act for registration or renewal prior to the commencement of this Act and pending consideration on the date of commencement of this Act shall abate and the fee paid, if any, in respect of such application shall be refunded to the applicant and such applicants may apply afresh for registration under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to provide registration and regulation of clinical establishments in the State of Goa and for that purpose, inter alia, seeks to constitute the Goa Council for Clinical Establishments.

The Bill also seeks to lay down the conditions for registration of clinical establishments including the minimum standards of facilities and services by the clinical establishments.

The Bill also seeks to repeal the Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004).

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

Requisitioning of the services of two Data Entry Operators through Infotech Corporation of Goa.

An honorarium of Rs. 1500/- to be paid to the members of Council as Sitting fees. These expenses besides expenses towards purchase of office furniture, computer and other material will be to the tune of Rs.10.00 lakh per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (3) of the Bill empowers the Government to appoint a date by Notification in the Official Gazette for bringing into force the Act.

Clause 3 (1) of the Bill empowers the Government to issue Notification for constituting a Goa Council for Clinical Establishments.

Clause 3 (4) of the Bill empowers the Government to frame rules for specifying allowances to be payable to the members of the Goa Council for Clinical Establishment.

Clause 7 of the Bill empowers the Government to set up the District Registering Authority by Notification in the Official Gazette.

Clause 9 (1) (i) of the Bill empowers the Government to frame rules to specify the

minimum standards of facilities and services required for clinical establishment.

Clause 9(1) (ii) of the Bill empowers the Government to frame rules specifying the minimum requirement of personnel required for the clinical establishments.

Clauses 9(1) (iv) and (v) of the Bill empowers the Government to frame rules specifying the provisions for maintenance of medical records and reporting by the Clinical Establishment and other conditions of registration.

Clause 10(1) of the Bill empowers the Government to frame rules to classify the clinical establishments into different categories.

Clause 10 (2) of the Bill empowers the Government to frame rules specifying different standards for different categories of clinical establishments.

Clauses 11(1) of the Bill empowers the Government to frame rules specifying the form or application and details of an application for registration of clinical establishment and fee to be accompanied therewith.

Clause 12 of the Bill empowers the Government to frame rules specifying the form of certificate of provisional registration, and the particulars and information it should contain.

Clause 13(2) of the Bill empowers the Government to frame rules specifying the manner in which all particulars of the clinical establishment to be published by the District Registering Authority.

Clause 16 of the Bill empowers the Government to frame rules specifying the fees to be paid for duplicate certificate.

Clause 17 of the Bill empowers the Government to frame rules specifying the

manner in which the change of ownership or management of the clinical establishment shall be informed to the District Registering Authority.

Clause 18 of the Bill empowers the Government to frame rules specifying the time within which and the manner in which the names of clinical establishments whose registration has expired to be published.

Clause 19 of the Bill empowers Government to frame rules specifying the renewal fee and enhanced fees to be paid in case the application for renewal of registration is made after the expiry of the provisional registration.

Clause 21 of the Bill empowers the Government to frame rules specifying the form in which an application for the permanent registration by the clinical establishment shall be made and the amount of fee to be accompanied with such application.

Clause 22 of the Bill empowers the Government to frame rules specifying the manner in which, the evidence in respect of compliance of the minimum standards is to be submitted by the Clinical Establishment.

Clause 23 of the Bill empowers the Government to frame rules specifying the manner in which evidence submitted by the clinical establishment shall be displayed.

Clause 27(1) of the Bill empowers the Government to frame rules specifying the form in which certificate of permanent registration to be issued and the particulars it should contain.

Clause 27(4) of the Bill empowers the Government to frame rules specifying the renewal fee and enhanced fees to be paid in case the application for renewal of certificate of permanent registration is made after expiry of validity of the certificate of permanent registration.

Clause 31 of the Bill empowers the Government to frame rules specifying the manner in which authority or officer may enter and search the clinical establishment.

Clause 32 of the Bill empowers the Government to frame rules specifying the fees to be charged for different categories of clinical establishments.

Clause 33(1) of the Bill empowers the Government to frame rules specifying the manner in which and the period within which an appeal to the Council is to be made against the order of the authority.

Clause 33(2) of the Bill empowers the Government to frame rules specifying the form and manner in which an appeal to be made and the amount of fees to be accompanied with such appeal.

Clause 34(1) of the Bill empowers the Government to frame rules specifying the form of register to be maintained.

Clause 34(2) of the Bill empowers the Government to frame rules specifying the manner in which entry is to be made in the register.

Clause 35(1) of the Bill empowers the Government to frame rules specifying the form of the State Register and the particulars it shall contain.

Clause 36 of the Bill empowers the Government to frame rules specifying the manner in which returns, statistics and other information to be furnished to the District Registering Authority or Council and the time within which it is to be furnished.

Clause 38(6) of the Bill empowers the Government to frame rules for specifying the manner in which inquiry is to be made by the Authority.

Clause 38(7) of the Bill empowers the Government to issue order for specifying the account of the Government for depositing fine.

Clause 38 (10) of the Bill empowers the Government to frame rules for specifying the manner of filing the appeal under sub-clause (9) of clause 38 before the Council.

Clause 39 (3) of the Bill empowers the Government to frame rules for specifying the manner in which inquiry is to be made by the Authority.

Clause 39(7) of the Bill empowers the Government to frame rules for specifying the manner of filing the appeal under sub-clause (6) of clause 39 before the Council.

Clause 46 of the Bill empowers the Government to issue an order for the purpose of removing any difficulty which may arise in giving effect to the provisions of the Act.

Clause 47 of the Bill empowers the Government to make rules for carrying out the provisions of the Act.

These delegations are of normal character.

Porvorim, Goa. Shri VISHWAJIT P. RANE
8th August, 2019. Minister for Health

Assembly Hall, Smt. NAMRATA ULMAN
Porvorim, Goa. Officiating Secretary to the
8th August, 2019. Legislative Assembly of Goa.

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Governor's Recommendation under Article 207
of the Constitution of India

In pursuance of article 207 of the Constitution of India, I, Mridula Sinha, Governor of Goa hereby recommend the introduction and the consideration of the Goa Clinical Establishments (Registration and Regulation) Bill, 2019 by the Legislative Assembly of Goa.

Raj Bhavan MRIDULA SINHA
Dated, 8th August 2019. Governor of Goa.

Department of Transport

Directorate of Transport

Corrigendum

No. D.Tpt/EST/1482/2016/2861

Read: Government Notification No. D.Tpt/
EST/1482/2016/2164 dated 12-06-2019
published in the Official Gazette,
Govt. of Goa, Series I No. 11 dated
13-06-2019.

At para 3 of the above said Notification,
the words “for a period of one year from
said date” shall be deleted and the words
“until further order” shall be inserted.

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

Rajan Satardekar, Director & ex-officio
Addl. Secretary (Tpt.).

Panaji, 13th August, 2019.

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