

Panaji, 16th April, 2015 (Chaitra 26, 1937)

SERIES I No. 3

OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

INDEX

Department	Notification/Corrigendum	Subject	Pages
1. Civil Supplies & Consumer Affairs Dir. & ex officio Jt. Secretary	Not.- DCS/S/Food Security/ /2014-15/08	Revised Guidelines for Identification of Eligible Households under section 10 of the National Food Security Act, 2013.	55
2. Labour Under Secretary	Not.- 24/24/2010-LAB/432	Goa Building and Other Construction Workers' (Regulation of Employment and conditions of Service) (First Amendment) Rules, 2015.	60
3. Law & Judiciary Under Secretary	Not.- 10/3/2014-LA	The Whistle Blowers Protection Act, 2011.	61
4. Printing & Stationery	Corrigendum	Correction.	73

GOVERNMENT OF GOA

Department of Civil Supplies & Consumer Affairs

Notification

DCS/S/Food Security/2014-15/08

(Under Chapter 4 of section 10 of the National Food Security Act, 2013)

Revised Guidelines for Identification of Eligible Households under section 10 of The National Food Security Act, 2013

I. *What is National Food Security Act, 2013 (NFSA).*— An Act to provide for food and

nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto.

As per the Chapter 4 of NFSA, 2013 under section 10 as below requires guidelines to be formulated by the State Government. This following document puts in place the guidelines for identification of priority households for the State.

Under Chapter 4 Identification of Eligible Households of NFSA, 2013 section 10 states that:

“The State Government shall, within the number of persons determined under section 9 for the rural and urban areas, identify—

(a) The households to be covered under the Antyodaya Anna Yojana to the extent specified under sub-section (I) of section 3, in accordance with the guidelines applicable to the scheme.

(b) The remaining households as priority households to be covered under the Targeted Public Distribution System, in accordance with such guidelines as the State Government may specify”.

II. *Identification of Priority Household (PHH).*— The households fulfilling the following eligibility criteria will be considered as eligible households for inclusion in the NFSA.

TABLE 1

Sr. No.	SECTION I Criteria	SECTION II Description	SECTION III Documents to meet the Criteria*
1	2	3	4
1.	Antyodaya Scheme (AAY)	All households having a Ration card belonging to AAY scheme issued by Department of Civil Supplies.	No documents or application need to be submitted, utilise database with the Department of Civil Supplies to issue NFSA card.
2.	Below Poverty Line (BPL) Scheme	All households having a Ration card belonging to BPL scheme issued by Department of Civil Supplies and those families identified as BPL by RDA.	No documents or application need to be submitted, utilise database with the Department of Civil Supplies to issue NFSA card. BPL families without Ration card to give BPL Certificate from RDA and submit application.
3.	Households income below Rs. 50,000 and for SC/ST households income below Rs. 1.2 lakhs	All households whose total household income is below 50,000 per annum & SC/ST households income is below Rs. 1.2 lakhs per annum.	Income Certificate issued by Revenue Department/any Gazetted officer/ /copy of Socio Economic and Caste Census (SECC) report showing household income below Rs. 50,000 per annum & SC/ST households income is below Rs. 1.2 lakhs per annum.
4.	Temporary Shelters	All homeless or staying in a temporary shelter.	Extract of Socio Economic and Caste Census (SECC) showing household identified as temporary shelter.
5.	Slums	All households in slums notified by Department of Town and Country Planning as slums.	Extract of Socio Economic and Caste Census (SECC) showing household identified as slum.
6.	Kaccha house/huts	All households residing in a Kaccha house or a hut.	Extract of Socio Economic and Caste Census (SECC) showing household identified as Kaccha house/Huts.

1	2	3	4
7. Resettlement & Rehabilitation		Any household which is in the area notified by Goa Rehabilitation Board (GRB) or Water Resource Department (WRD) as resettlement and rehabilitation zone.	Copy of Allotment letter from Goa Rehabilitation Board (GRB) or Water Resource Department (WRD).
8. Dayanand Social Security Scheme (DSSS)		All households where any member of the household is a beneficiary of DSSS given by Directorate of Social Welfare.	No documents or application need to be submitted, utilise database with the Social Welfare Department to issue NFSA card.
9. Griha Aadhar (GA)		All households where any member of the household is a beneficiary of Griha Aadhar Scheme of Department of Women and Child Development having income less than Rs. 50,000 p. a.	No documents or application need to be submitted, utilise database with the Women and Child Department to issue NFSA card.
10. Transgender/HIV/AIDS patient		Any household where any member in the household if declared as a transgender/HIV/AIDS patient.	Utilise data given by Goa State AIDS Control Society (GSACS)#
11. Physically/Mentally challenged		Any household where any member is declared as disabled as physically or mentally challenged.	Disability certificate from competent authority or utilise data base of Social Welfare Department.
12. (i) Single women with dependents		(i) Household consisting of single unmarried women or a widow or a divorcee who is a head of family and or has dependents in the household and having income below Rs. 1.2 lakh per annum.	Income certificate from Revenue Department/any Gazetted Officer and declaration stating households consisting single women without or with dependant.
13. Orphans and minors		An orphan or minor headed household without a care giver.	Certificate from Gazetted Officer declaring orphan or minor headed household.
14. Occupationally vulnerable group		Any household whose family members are employed as unskilled labour including fisheries and scrap yards etc.	Self-declaration.
15. Destitutes		Institutes/organisations housing indigent persons.	Institutes/Organisations registered with Government or established by Trust/Associations etc. e.g. Old Age Homes, Childrens homes, Women Shelter Homes etc.

*All documents shall be self-certified by the Applicants are admissible.

#This Group will be included in the Priority households suo moto by the Department based on the report by Goa State AIDS Control Society (GSACS). The beneficiary need not submit any application in this group.

Applicants belonging to categories in Table-1 will not be required to submit Income certificate (except Sr. No. 3, 4, 5 & 14). Self-certification regarding their income, occupation and that they are not covered by exclusion criteria will be enough and field verification if required will be carried out on random basis and on case to case basis in case of any specific complaints only. Similarly self-certification as shelter less, being single women, children without protection or occupationally vulnerable group will be admissible. Applicants in category in Table 1, Sr. No. 3, 4, 5 & 12 shall submit the proof of income as stated.

Provided that the eligible Ration card holders from amongst The Griha Aadhar & DSS Schemes of the Government mentioned at Sr. No. 8, Sr. No. 9 and beneficiaries from other department database covered under Sr. No. 10 & 11 of Table 1 shall be issued NFSA card solely on the basis of the existing data obtained from respective departments in case such data can be mapped with Ration card data such cardholders need not file their application or declarations etc. for issue of NFSA card.

III. *Exclusion Criteria.*— Households meeting any of the below criteria will be excluded from Priority households.

(i) Household having annual income of above Rs. 50,000/- (applicable only for Sr. No. 3, 4, 5 & 9).

(ii) If any member of a household owns a light Motor Vehicle (Four Wheeler) other than a vehicle used for commercial purpose.

(iii) If any member of the household is an employee of Central/State Government, local

bodies, Corporation/autonomous bodies of Central/State/Local Government or Government Aided Institutions excepting daily wagers or casual/contract employees.

(iv) If the household has electricity connection above 4KW (not applicable in case of organizations/institutions).

(v) None of these exclusion criteria will be applicable in case of beneficiaries covered under Table 1, Sr. No. 15.

IV. *Documents to be submitted as proof of eligibility.*— (i) Any category specific certificate prescribed in table 1.

(ii) Copy of EPIC of all members of the family (major in age) (for other than institutions).

(iii) Copy of Aadhar Card of all the family members (wherever available).

(iv) Applicant is required to furnish the bank account details as may be prescribed.

(v) Residence proof of the applicant, if her residence is not the same as mentioned in her Aadhar card. (Not applicable in case of existing Ration card holders and Institutions/organizations/homes).

(vi) Existing Ration card photo copy, if any.

(vii) A declaration in the prescribed format that the applicant doesn't fall under any of the exclusion criteria.

V. *How to apply.*— A public notice will be issued inviting people to apply for inclusion of their household in the list of eligible households for getting subsidized food grains under the provisions of the National Food Security Act, 2013. (Only for those categories which are required to apply as given in Table 1.)

VI. *Place of submission.*— The application will be received in the office of concerned Taluka Office of Civil Supplies Department and/or at any of the local bodies at the village level.

Efforts will also be made to provide facility for filing application online.

VII. *Procedure for approval and finalization of eligible priority household.*— (i) Applications received will be scrutinized. Photograph and demographic details of applicant and/or other members of the household from Aadhar Data base or any other data base available with the Government for any other scheme may be used to avoid need for capture of fresh photograph and data of applicants and other members of households. This will also help prevent duplication and bogus cards.

(ii) Field verification may be conducted wherever necessary.

(iii) Before declaring any household as eligible, the Taluka officer will issue a public notice that he intends to include such household(s) in the category of eligible households and will publish it on notice board of his office and on the department website for a minimum period of 7 days.

(iv) Any objection for inclusion of any household in the category of eligible household can be filed with the Taluka officer within 07 days of publication of the list. The Taluka officer will consider the objection. Opportunity of being heard will be given to the applicant before rejecting her application in response to any such objection.

(v) After disposing of the objections received, the Taluka officer will include the applicant household in the list of eligible Household category and issue a NFSA card to the beneficiary as prescribed.

(vi) After this the Taluka officer of Civil Supplies within a further period of 30 days as a part of Social Audit will arrange to send the list of NFSA beneficiaries (pertaining to particular local body) so finalised by him to the concerned local body for their comments and objections, if any.

The local body shall place the list in the public domain for at least seven days to invite objections to the same & then place the same before executive body of the local body for

its say on the objections, if any and recommendation to the Taluka officer. The local body shall return the list along with its objections, suggestions and recommendations, if any within 30 days of its receipt from the Taluka officer. The failure on the part of local body to return back the list as aforesaid shall have the presumption that the local body had no objections or suggestions to be made and that the list prepared by the Taluka officer shall be deemed to have been recommended by the local body.

(vii) The Taluka officer shall then after receipt of the list from the local body if received with any objections shall hear the parties concerned and accordingly correct the list of beneficiaries already finalised as per decision by deletion/ /addition as the case is. The Taluka officer shall also send the copy of the decision to the local body concerned and the beneficiary concerned whose name has been deleted/added to the list within 15 days thereafter.

VIII. *Procedure for implementing NFSA.*— (i) The eligible households will be given the entitled quantity of food grains at the notified rates from the date to be notified by the Government. Allocation of food grains to the shops will be made accordingly and shop owners will be informed appropriately.

(ii) The Ration cards of eligible households, so determined will be printed or Smart Card will be issued afresh in a phased manner or appropriate system will be adopted as per decision of the Ministry of Food & Public Distribution, Government of India in this regard. Till the fresh card is issued the existing card will be endorsed as eligible card under NFSA, 2013 for the appropriate category i.e. AAY or other Priority household and these cardholders will keep getting the entitled food grains on existing Ration card.

(iii) Eldest female member in the household will be made Head of household as prescribed in the NFSA, 2013 and the new card will be titled as "Goa Food Security Card" (other than for institutions where Officer incharge of the Institution will be designated as Head of Household).

(iv) Photograph & other data of Head of Household & other members of the household will be taken and/or imported from UID or EPIC data base. Copies of Aadhar card of all the family members wherever available will also be obtained and fed into the database. An undertaking will also be taken from the head of the household at the time of issue of new ration card that the household doesn't fall in any of the exclusion criteria.

(v) The new Ration card data base will contain Aadhar numbers (wherever available) and EPIC (Electoral Photo Identity Card) numbers (mandatory) of all the major family members and this will be used as a KYC tool to avoid duplication. Non submission of copy of Aadhar Card (wherever available)/EPIC within the time prescribed by the department or knowingly submitting of wrong information in the form or undertaking shall lead to removal of the family from the list of AAY/Priority Category till such time requirement is fulfilled.

IX. *Help Desks.*— Help desks will be established in the office of each Taluka Office to guide the applicants and help them in filling up the application forms. The help desk will also do the preliminary scrutiny of the application forms and attached documents to facilitate submission of complete application along with the prescribed documents. This will expedite the sanction process and avoid inconvenience to the applicants.

X. *Publicity and Awareness.*— People may also be contacted through NGOs and Public representatives and through various other communication means.

Vulnerable households in existing survey data like socio economic and caste census, survey of homeless people in the State will also be contacted and encouraged to avail benefit. Wide publicity will be given to these guidelines.

Vikas S. N. Gaunekar, Director & ex officio Joint Secretary (Civil Supplies & Consumer Affairs).

Panaji, 7th April, 2015.

Department of Labour

Notification

24/24/2010-LAB/432

In exercise of the powers conferred by section 62 read with section 40 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996) and after consultation with the expert committee constituted vide Notification No. 24/24/2010-Lab/530 dated 02-08-2013, published in the Official Gazette, Series II No. 22, dated 29-08-2013, the Government of Goa hereby makes the following rules so as to amend the Goa Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2008, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) (First Amendment) Rules, 2015.

(2) They shall come into force at once.

2. *Amendment of rule 28.*— In rule 28 of the Goa Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2008, (hereinafter referred to as the "principal Rules"), in sub-rule (3), for the expression "Rs. 50/- (Rupees fifty only)", the expression "Rs. 10/- (Rupees ten only)" shall be substituted.

3. *Amendment of rule 276.*— In rule 276 of the principal Rules, for the letters and figures "Rs. 1,000", the letters and figures "Rs. 2,000" shall be substituted.

4. *Amendment of rule 278.*— In rule 278 of the principal Rules, in sub-rule (5), for the words "one hundred and fifty rupees", the words "three hundred rupees" shall be substituted.

5. *Substitution of rule 279.*— For rule 279 of the principal Rules, the following rule shall be substituted, namely:—

(1) "279 Grant for purchase or construction of house. The Board may on application made by a member, in Form XXIX sanction an amount not exceeding fifty thousand rupees as a grant for purchase or

construction of a house. The member shall produce along with the application such documents as may be specified by the Board”.

6. *Amendment of rule 280.*— In rule 280 of the principal Rules, in sub-rule (1), for the words “one hundred and fifty rupees” and “five thousand rupees”, the words “three hundred rupees”, and “ten thousand rupees” shall be respectively substituted.

7. *Amendment of rule 282.*— In rule 282 of the principal Rules, for the words “one thousand rupees”, the words “five thousand rupees only” shall be substituted.

8. *Amendment of rule 283.*— In rule 283 of the principal Rules, for the words “fifteen thousand rupees” and “fifty thousand rupees”, the words “thirty thousand rupees” and “rupees one lakh” shall be respectively substituted.

9. *Amendment of rule 285.*— In rule 285 of the principal Rules, for the words “two hundred rupees”, “twenty rupees” and “one thousand rupees”, the words “four hundred rupees”, “forty rupees” and “two thousand rupees” shall be respectively substituted.

10. *Amendment of rule 287.*— In rule 287 of the principal Rules, for the words “two thousand rupees”, the words “four thousand rupees only” shall be substituted.

11. *Amendment of rule 288.*— In rule 288 of the principal Rules, for the words “one hundred rupees”, the words “two hundred rupees only” shall be substituted.

12. *Insertion of new rule 288A.*— After rule 288 of the principal Rules, the following rule shall be inserted, namely:—

“288A. *Interim Relief to the beneficiaries affected by disaster.*— (1) Pending disbursement of benefits under approved schemes, the committee, comprising of Minister (Labour) as chairman, Secretary (Labour) and Commissioner Labour and Employment, as its members, may extend immediate relief to the beneficiaries affected by disaster, catastrophes or natural calamities, etc., upto an amount of Rupees ten lakhs among all eligible beneficiaries of the affected area which shall include cash payment to beneficiaries and expenditure

towards all the facilities and benefits granted to such beneficiaries.

(2) The Committee shall decide about the modalities regarding disbursement of such relief, quantum and procedure to be followed for such disbursement”.

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

Shashank V. Thakur, Under Secretary (Labour).

Porvorim, 10th April, 2015.



Department of Law & Judiciary
Legal Affairs Division

Notification

10/3/2014-LA

The Whistle Blowers Protection Act, 2011 (Central Act No. 17 of 2014), which has been passed by Parliament and assented to by the President on 09-05-2014 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 12-05-2014, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).
Porvorim, 10th March, 2015.

THE WHISTLE BLOWERS PROTECTION
ACT, 2011

Arrangement of sections

CHAPTER I

Preliminary

Sections

1. Short title, extent and commencement.
2. Provisions of this Act not to apply to Special Protection Group.
3. Definitions.

CHAPTER II

Public Interest Disclosure

4. Requirement of public interest disclosure.

CHAPTER III

Inquiry in relation to Public Interest Disclosure

5. Powers and functions of Competent Authority on receipt of public interest disclosure.
6. Matters not to be inquired by Competent Authority.

Sections

CHAPTER IV

Powers of Competent Authority

7. Powers of Competent Authority.
8. Certain matters exempt from disclosure.
9. Superintendence of Competent Authority over appropriate machinery.
10. Competent Authority to take assistance of police authorities, etc., in certain cases.

CHAPTER V

Protection to the persons making disclosure

11. Safeguards against victimisation.
12. Protection of witnesses and other persons.
13. Protection of identity of complainant.
14. Power to pass interim orders.

CHAPTER VI

Offences and Penalties

15. Penalty for furnishing incomplete or incorrect or misleading comments or explanation or report.
16. Penalty for revealing identity of complainant.
17. Punishment for false or frivolous disclosure.
18. Punishment to Head of Department in certain cases.
19. Offences by companies.
20. Appeal to High Court.
21. Bar of jurisdiction.
22. Court to take cognizance.

CHAPTER VII

Miscellaneous

23. Report on disclosures.
24. Protection of action taken in good faith.
25. Power of Central Government to make rules.
26. Power of State Government to make rules.
27. Power to make regulations.
28. Notification and rules to be laid before Parliament.
29. Notification issued and rules made by State Government to be laid before State Legislature.
30. Power to remove difficulties.
31. Repeal and savings.

The Whistle Blowers Protection Act, 2011

AN

ACT

to establish a mechanism to receive complaints relating to disclosure on any allegation of

corruption or wilful misuse of power or wilful misuse of discretion against any public servant and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimisation of the person making such complaint and for matters connected therewith and incidental thereto.

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

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—
(1) This Act may be called the Whistle Blowers Protection Act, 2011.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. *Provisions of this Act not to apply to Special Protection Group.*— The provisions of this Act shall not apply to the armed forces of the Union, being the Special Protection Group constituted under the Special Protection Group Act, 1988. 34 of 1988.

3. *Definitions.*— (1) In this Act, unless the context otherwise requires.— (a) "Central Vigilance Commission" means the Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Act, 2003; 45 of 2003.

(b) "Competent Authority" means—

(i) in relation to a Member of the Union Council of Ministers, the Prime Minister;

(ii) in relation to a Member of Parliament, other than a Minister, the Chairman of the Council of States if such Member is a Member of the Council of States or the Speaker of the House of the People if such Member is a Member of the House of the People, as the case may be;

(iii) in relation to a Member of the Council of Ministers in a State or Union territory, the Chief Minister of the State or Union territory, as the case may be;

(iv) in relation to a Member of Legislative Council or Legislative Assembly of a State or Union territory, other than a Minister, the Chairman of the Legislative Council if such Member is a Member of the Council or the Speaker of the Legislative Assembly if such Member is a Member of the Assembly, as the case may be;

(v) in relation to—

(A) any Judge (except a Judge of the Supreme Court or of a High Court) including any person empowered by law to discharge, whether by himself or as a member of any body of persons, any adjudicatory functions; or

(B) any person authorised by a court of justice to perform any duty, in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such court; or

(C) any arbitrator or other person to whom any cause or matter has been referred for decision or report by a court of justice or by a competent public authority,
the High Court;

(vi) in relation to—

(A) any person in the service or pay of the Central Government or remunerated by the Central Government by way of fees or commission for the performance of any

public duty [except Ministers, Members of Parliament and members or persons referred to in clause (a) or clause (b) or clause (c) or clause (d) of article 33 of the Constitution], or in the service or pay of a society or local authority or any corporation established by or under any Central Act, or an authority or a body owned or controlled or aided by the Central Government or a Government company as defined in section 617 of the Companies Act, 1956, owned or controlled by the Central Government; or

(B) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election in relation to elections to Parliament or a State Legislature; or

(C) any person who holds an office by virtue of which he is authorised or required to perform any public duty (except Ministers and Members of Parliament); or

(D) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the Central Government or from any corporation established by or under a Central Act, or any authority or body or a Government company as defined in section 617 of the Companies Act, 1956 owned or controlled or aided by the Central Government; or

(E) any person who is a chairman, member or employee of any Central Service Commission or Board, by whatever name called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf of such Commission or Board; or

(F) any person who is a Vice-Chancellor or member of any governing body, professor, associate professor, assistant professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University established by a Central Act or established or controlled or funded by the Central Government or any person whose services have been availed of by such University or any such other public authority in connection with holding or conducting examinations; or

(G) any person who is an office bearer or an employee of an educational, scientific, social, cultural or other institution, in whatever manner established, receiving or having received any financial assistance from the Central Government or any local or other public authority,

the Central Vigilance Commission or any other authority, as the Central Government may, by notification in the Official Gazette, specify in this behalf under this Act;

(vii) in relation to—

(A) any person in the service or pay of the State Government or remunerated by the State Government by way of fees or commission, for the performance of any public duty (except Ministers, Members of Legislative Council or Legislative Assembly of the State), or in the service or pay of a

society or local authority or any corporation established by or under a Provincial or State Act, or an authority or a body owned or controlled or aided by the State Government or a Government company as defined in section 617 of the Companies Act, 1956, owned or controlled by the State Government; or

(B) any person who holds an office by virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election in relation to municipality or Panchayats or other local body in the State; or

(C) any person who holds an office by virtue of which he is authorised or required to perform any public duty in relation to the affairs of the State Government (except Ministers and Members of Legislative Council or Legislative Assembly of the State); or

(D) any person who is the president, secretary or other office-bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the State Government or from any corporation established by or under a Provincial or State Act, or any authority or body or a Government company as defined in section 617 of the Companies Act, 1956 owned or controlled or aided by the State Government; or

(E) any person who is a chairman, member or employee of any State Service Commission or Board, by

whatever name called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf of such Commission or Board; or

(F) any person who is a Vice-Chancellor or member of any governing body, professor, associate professor, assistant professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University established by a Provincial or State Act or established or controlled or funded by the State Government and any person whose services have been availed of by such University or any such other public authority in connection with holding or conducting examinations; or

(G) any person who is an office-bearer or an employee of an educational, scientific, social, cultural or other institution, in whatever manner established, receiving or having received any financial assistance from the State Government or any local or other public authority,

the State Vigilance Commission, if any, or any officer of the State Government or any other authority, as the State Government may, by notification in the Official Gazette, specify in this behalf under this Act;

(viii) in relation to members or persons referred to in clause (a) or clause (b) or clause (c) or clause (d) of article 33 of the Constitution, any authority or authorities as the Central Government or the State Government, as the case may be, having jurisdiction in respect thereof, may, by notification in the Official Gazette, specify in this behalf under this Act;

(c) "complainant" means any person who makes a complaint relating to disclosure under this Act;

(d) "disclosure" means a complaint relating to,—

(i) an attempt to commit or commission of an offence under the Prevention of Corruption Act, 1988; 49 of 1988.

(ii) wilful misuse of power or wilful misuse of discretion by virtue of which demonstrable loss is caused to the Government or demonstrable wrongful gain accrues to the public servant or to any third party;

(iii) attempt to commit or commission of a criminal offence by a public servant, made in writing or by electronic mail or electronic mail message, against the public servant and includes public interest disclosure referred to in sub-section (2) of section 4;

(e) "electronic mail" or "electronic mail message" means a message or information created or transmitted or received on any computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message;

(f) "Government company" means a company referred to in section 617 of the Companies Act, 1956; 1 of 1956.

(g) "notification" means a notification published in the Gazette of India or, as the case may be, the Official Gazette of a State;

(h) "public authority" means any authority, body or institution falling within the jurisdiction of the Competent Authority;

(i) "public servant" shall have the same meaning as assigned to it in clause (c) of section 2 of the Prevention of Corruption Act, 1988 but shall not include a Judge 49 of 1988. of the Supreme Court or a Judge of a High Court;

(j) "prescribed" means prescribed by rules made by the Central Government and the State Government, as the case may be, under this Act;

(k) “regulations” means the regulations made by the Competent Authority under this Act.

CHAPTER II

Public Interest Disclosure

4. *Requirement of public interest disclosure.*— (1) Notwithstanding anything contained in the provisions of the Official Secrets Act, 1923, any public servant or any other person including any non-governmental organisation, may make a public interest disclosure before the Competent Authority.

(2) Any disclosure made under this Act shall be treated as public interest disclosure for the purposes of this Act and shall be made before the Competent Authority and the complaint making the disclosure shall, on behalf of the Competent Authority, be received by such authority as may be specified by regulations made by the Competent Authority.

(3) Every disclosure shall be made in good faith and the person making disclosure shall make a personal declaration stating that he reasonably believes that the information disclosed by him and allegation contained therein is substantially true.

(4) Every disclosure shall be made in writing or by electronic mail or electronic mail message in accordance with the procedure as may be prescribed and contain full particulars and be accompanied by supporting documents, or other materials, if any.

(5) The Competent Authority may, if it deems fit, call for further information or particulars from the person making the disclosure.

(6) No action shall be taken on public interest disclosure by the Competent Authority if the disclosure does not indicate the identity of the complainant or public servant making public interest disclosure or the identity of the complainant or public servant is found incorrect or false.

CHAPTER III

Inquiry in relation to Public Interest Disclosure

5. *Powers and functions of Competent Authority on receipt of public interest disclosure.*— (1) Subject to the provisions of this Act, the Competent Authority shall, on receipt of a public interest disclosure under section 4,—

(a) ascertain from the complainant or the public servant whether he was the person or the public servant who made the disclosure or not;

(b) conceal the identity of the complainant unless the complainant himself has revealed his identity to any other office or authority while making public interest disclosure or in his complaint or otherwise.

(2) The Competent Authority shall, upon receipt of the complaint and concealing the identity of the complainant, or the public servant in the first instance, make discreet inquiry, in such manner and within such time as may be prescribed, to ascertain whether there is any basis for proceeding further to investigate the disclosure.

(3) If the Competent Authority, either as a result of the discreet inquiry, or on the basis of the disclosure itself without any inquiry, is of the opinion that the disclosure requires to be investigated, it shall seek comments or explanation or report from the Head of the Department of the organisation or authority, board or corporation concerned or office concerned within such time as may be specified by it.

(4) While seeking comments or explanations or report referred to in sub-section (3), the Competent Authority shall not reveal the identity of the complainant or the public servant and direct the Head of the Department of the organisation concerned or office concerned not to reveal the identity of the complainant or public servant:

Provided that if the Competent Authority is of the opinion that it has, for the purpose of seeking comments or explanation or report from them under sub-section (3) on the public disclosure, become necessary to reveal the identity of the complainant or public servant to the Head of the Department of the organisation or authority, board or corporation concerned or office concerned, the Competent Authority may, with the prior written consent of the complainant or public servant, reveal the identity of the complainant or public servant to such Head of the Department of the organisation or authority, board or corporation concerned or office concerned for the said purpose:

Provided further that in case the complainant or public servant does not agree to his name being revealed to the Head of the Department, in that case, the complainant or public servant, as the case may be, shall provide all documentary evidence in support of his complaint to the Competent Authority.

(5) The Head of the organisation or office concerned shall not directly or indirectly reveal the identity of the complainant or public servant who made the disclosure,

(6) The Competent Authority, if after conducting an inquiry, is of the opinion that—

(a) the facts and allegations contained in the disclosure are frivolous or vexatious; or

(b) there are no sufficient grounds for proceeding with the inquiry,

it shall close the matter.

(7) After receipt of the comments or explanations or report referred to in sub-section (3), if the Competent Authority is of the opinion that such comments or explanations or report reveals either wilful misuse of power or wilful misuse of discretion or substantiates allegations of corruption, it shall recommend to the public authority to take anyone or more of the following measures, namely:—

(i) initiating proceedings against the concerned public servant;

(ii) taking appropriate administrative steps for redressing the loss caused to the Government as a result of the corrupt practice or misuse of office or misuse of discretion, as the case may be;

(iii) recommend to the appropriate authority or agency for initiation of criminal proceedings under the relevant laws for the time being in force, if so warranted by the facts and circumstances of the case;

(iv) recommend for taking of corrective measures;

(v) take any other measures not falling under clauses (i) to (iv) which may be necessary for the purpose of this Act.

(8) The public authority to whom a recommendation is made under sub-section (7) shall take a decision on such recommendation within three months of receipt of such recommendation, or within such extended period not exceeding three months, as the Competent Authority may allow on a request made by the public authority:

Provided that in case the public authority does not agree with the recommendation of the Competent Authority, it shall record the reasons for such disagreement.

(9) The Competent Authority shall, after making an inquiry, inform the complainant or public servant about the action taken on the complaint and the final outcome thereof:

Provided that in a case where, after making an inquiry, the Competent Authority decides to close the case, it shall, before passing the order for closure of the case, provide an opportunity of being heard to the complainant, if the complainant so desires.

6. *Matters not to be inquired by Competent Authority.*— (1) If any matter specified or an issue raised in a disclosure has been

determined by a Court or Tribunal authorised to determine the issue, after consideration of the matters specified or issue raised in the disclosure, the Competent Authority shall not take notice of the disclosure to the extent that the disclosure seeks to reopen such issue.

(2) The Competent Authority shall not entertain or inquire into any disclosure—

(a) in respect of which a formal and public inquiry has been ordered under the Public Servants (Inquiries) Act, 1850; or 37 of 1850.

(b) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952. 60 of 1952.

(3) The Competent Authority shall not investigate, any disclosure involving an allegation, if the complaint is made after the expiry of seven years from the date on which the action complained against is alleged to have taken place.

(4) Nothing in this Act shall be construed as empowering the Competent Authority to question, in any inquiry under this Act, any *bonafide* action or *bonafide discretion* (including administrative or statutory discretion) exercised in discharge of duty by the employee.

CHAPTER IV

Powers of Competent Authority

7. *Powers of Competent Authority.*— Without prejudice to the powers conferred upon the Competent Authority under any other law for the time being in force, the Competent Authority, may require, for the purpose of any inquiry any public servant or any other person who in its opinion shall be able to furnish information or produce documents relevant to the inquiry or assist in the inquiry, to furnish any such information or produce any such document as may be necessary for the said purpose.

(2) For the purpose of any such inquiry (including the preliminary

inquiry), the Competent Authority shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908, in 5 of 1908. respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses or documents;

(f) such other matters as may be prescribed.

(3) The Competent Authority shall be deemed to be a Civil Court for the purpose of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973, and every 2 of 1974. proceeding before the Competent Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code. 45 of 1860.

(4) Subject to the provisions of section 8, no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to the Government or any public servant, whether imposed by the Official Secrets Act, 1923 or any other law for the time 19 of 1923. being in force, shall be claimed by any public servant in the proceedings before the Competent Authority or any person or agency authorised by it in writing and the Government or any public servant shall not be entitled in relation to any such inquiry, to any such privilege in respect of the production

of documents or the giving of evidence as is allowed by any enactment or by any rules made thereunder:

Provided that the Competent Authority, while exercising such powers of the Civil Court, shall take steps as necessary to ensure that the identity of the person making complaint has not been revealed or compromised.

8. Certain matters exempt from disclosure.—

(1) No person shall be required or be authorised by virtue of provisions contained in this Act to furnish any such information or answer any such question or produce any document or information or render any other assistance in the inquiry under this Act if such question or document or information is likely to prejudicially affect the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign State, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence,—

(a) as might involve the disclosure of proceedings of the Cabinet of the Union Government or any Committee of the Cabinet;

(b) as might involve the disclosure of proceedings of the Cabinet of the State Government or any Committee of that Cabinet,

and for the purpose of this sub-section, a certificate issued by the Secretary to the Government of India or the Secretary to the State Government, as the case may be, or, any authority so authorised by the Central or State Government certifying that any information, answer or portion of a document is of the nature specified in clause (a) or clause (b), shall be binding and conclusive.

(2) Subject to the provisions of sub-section (1), no person shall be compelled for the purposes of inquiry under this Act to give any evidence or produce any document which he

could not be compelled to give or produce in proceedings before a court.

9. Superintendence of Competent Authority over appropriate machinery.— (1) Every public authority shall, for the purposes of dealing or inquiry into the disclosures sent to it under sub-section (3) of section 5, create an appropriate machinery for the said purpose.

(2) The Competent Authority shall exercise superintendence over the working of machinery created under sub-section (1) for the purposes of dealing or inquiry into the disclosures and give such directions for its proper functioning, from time to time, as it may consider necessary.

10. Competent Authority to take assistance of police authorities, etc., in certain cases.— For the purpose of making discreet inquiry or obtaining information from the organisation concerned, the Competent Authority shall be authorised to take assistance of the Delhi Special Police Establishment or the police authorities, or any other authority as may be considered necessary, to render all assistance to complete the inquiry within the prescribed time pursuant to the disclosure received by the Competent Authority.

CHAPTER V

Protection to the persons making disclosure

11. Safeguards against victimisation.— (1) The Central Government shall ensure that no person or a public servant who has made a disclosure under this Act is victimised by initiation of any proceedings or otherwise merely on the ground that such person or a public servant had made a disclosure or rendered assistance in inquiry under this Act.

(2) If any person is being victimised or likely to be victimised on the ground that he had filed a complaint or made disclosure or rendered assistance in inquiry under this Act, he may file an application before the Competent Authority seeking redress in the matter, and

such authority shall take such action, as deemed fit and may give suitable directions to the concerned public servant or the public authority, as the case may be, to protect such person from being victimised or avoid his victimisation:

Provided that the Competent Authority shall, before giving any such direction to the public authority or public servant, give an opportunity of hearing to the complainant and the public authority or public servant, as the case may be:

Provided further that in any such hearing, the burden of proof that the alleged action on the part of the public authority is not victimisation, shall lie on the public authority.

(3) Every direction given under sub-section (2) by the Competent Authority shall be binding upon the public servant or the public authority against whom the allegation of victimisation has been proved.

(4) Notwithstanding anything contained in any other law for the time being in force, the power to give directions under sub-section (2), in relation to a public servant, shall include the power to direct the restoration of the public servant making the disclosure, to the status *quo ante*.

(5) Any person who wilfully does not comply with the direction of the Competent Authority under sub-section (2), shall be liable to a penalty which may extend up thirty thousand rupees.

12. *Protection of witnesses and other persons.*— If the Competent Authority either on the application of the complainant, or witnesses, or on the basis of information gathered, is of the opinion that either the complainant or public servant or the witnesses or any person rendering assistance for inquiry under this Act need protection, the Competent Authority shall issue appropriate directions to the concerned Government authorities (including police) which shall take necessary

steps, through its agencies, to protect such complainant or public servant or persons concerned.

13. *Protection of identity of complainant.*— The Competent Authority shall, notwithstanding any law for the time being in force, conceal, as required under this Act, the identity of the complainant and the documents or information furnished by him, for the purposes of enquiry under this Act, unless so decided otherwise by the Competent Authority itself or it became necessary to reveal or produce the same by virtue of the order of the court.

14. *Power to pass interim orders.*— The Competent Authority, at any time after the making of disclosure by the complainant or public servant, if it is of the opinion that any corrupt practice required to be stopped during the continuation of any inquiry for the said purpose may pass such interim orders as it may deem fit, to prevent the immediate stoppage of such practice.

CHAPTER VI

Offences and Penalties

15. *Penalty for furnishing incomplete or incorrect or misleading comments or explanation or report.*— Where the Competent Authority, at the time of examining the report or explanations or report referred to in sub-section (3) of section 5 on the complaint submitted by organisation or official concerned, is of the opinion that the organisation or official concerned, without any reasonable cause, has not furnished the report within the specified time or *mala fidely* refused to submit the report or knowingly given incomplete, incorrect or misleading or false report or destroyed record or information which was the subject of the disclosure or obstructed in any manner in furnishing the report, it shall impose—

(a) where the organisation or official concerned, without any reasonable cause, has not furnished the report within the specified time or *mala fidely* refused to

submit the report, a penalty which may extend to two hundred fifty rupees for each day till report is furnished, so, however, the total amount of such penalty shall not exceed fifty thousand rupees;

(b) where the organisation or official concerned, has knowingly given incomplete, incorrect or misleading or false report or destroyed record or information which was the subject of the disclosure or obstructed in any manner the furnishing of the report, a penalty which may extend to fifty thousand rupees:

Provided that no penalty shall be imposed against any person unless he has been given an opportunity of being heard.

16. *Penalty for revealing identity of complainant.*— Any person, who negligently or *mala fidely* reveals the identity of a complainant shall, without prejudice to the other provisions of this Act, be punishable with imprisonment for a term which may extend up to three years and also to fine which may extend up to fifty thousand rupees.

17. *Punishment for false or frivolous disclosure.*— Any person who makes any disclosure *mala fidely* and knowingly that it was incorrect or false or misleading shall be punishable with imprisonment for a term which may extend up to two years and also to fine which may extend up to thirty thousand rupees.

18. *Punishment to Head of Department in certain cases.*— (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 unless 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, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

19. *Offences by companies.*— (1) Where an offence under this Act has been committed by a company every person who at the time the offence 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 offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has 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 company 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 director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any 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.

20. *Appeal to High Court.*— Any person aggrieved by any order of the Competent Authority relating to imposition of penalty

under section 14 or section 15 or section 16 may prefer an appeal to the High Court within a period of sixty days from the date of the order appealed against:

Provided that the High Court may entertain the appeal after the expiry of the said period of sixty days, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

Explanation.— For the purposes of this section, the “High Court” means the High Court within whose jurisdiction the cause of action arose.

21. *Bar of jurisdiction.*— No Civil Court shall have jurisdiction in respect of any matter which the Competent Authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

22. *Court to take cognizance.*— (1) No court shall take cognizance of any offence punishable under this Act or the rules or regulations made thereunder, save on a complaint made by the Competent Authority or any officer or person authorised by it.

(2) No court inferior to that of a Chief Metropolitan Magistrate or a Chief Judicial Magistrate shall try any offence punishable under this Act.

CHAPTER VII

Miscellaneous

23. *Report on disclosures.*— (1) The Competent Authority shall prepare a consolidated annual report of the performance of its activities in such form as may be prescribed and forward it to the Central Government or State Government, as the case may be.

(2) On receipt of the annual report under sub-section (1), the Central Government or State Government, as the case may be, shall

cause a copy thereof to be laid before each House of Parliament, or the State Legislature, as the case may be:

Provided that where any other law for the time being in force provides preparing of such annual report by the Competent Authority, then the said annual report shall contain a separate part on the performance of activities under this Act by the Competent Authority.

24. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against the Competent Authority or against any officer, employees, agency or person acting on its behalf, in respect of anything which is in good faith done or intended to be done under this Act.

25. *Power of Central Government to make rules.*— (1) The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

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

(a) the procedure for disclosure by writing or appropriate electronic means under sub-section (4) of section 4;

(b) the manner in which and the time within which the discreet inquiry shall be made by the Competent Authority under sub-section (2) of section 5;

(c) the additional matter in respect of which the Competent Authority may exercise the powers of a Civil Court under clause (f) of sub-section (2) of section 7;

(d) the form of annual report under sub-section (1) of section 23;

(e) any other matter which is required to be, or may be, prescribed.

26. *Power of State Government to make rules.*— The State Government may, by notification in the Official Gazette, make rules

for the purpose of carrying out the provisions of this Act.

27. *Power to make regulations.*— The Competent Authority may, with the previous approval of the Central Government or the State Government, as the case may be, by notification in the Official Gazette, make regulations not inconsistent with the provisions of the Act and the rules made thereunder to provide for all matters for which provision is expedient for the purposes of giving effect to the provisions of this Act.

28. *Notification and rules to be laid before Parliament.*— Every notification issued and every rule made by the Central Government and every regulation made by the Competent Authority under this Act shall be laid, as soon as may be after it is issued or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or the rule or the regulation, or both Houses agree that the notification or the rule or the regulation should not be made, the notification or the rule or the regulation 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 notification or rule or regulation.

29. *Notification issued and rules made by State Government to be laid before State Legislature.*— Every notification issued by a State Government and every rule made by a State Government and every regulation made by the Competent Authority under this Act

shall be laid, as soon as may be after it is issued, before the State Legislature.

30. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of the Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

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

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

31. *Repeal and savings.*— (1) The Government of India, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Resolution No. 371/12/2002-AVD-III dated the 21st April, 2004 as amended *vide* Resolution of even number, dated the 29th April, 2004 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Resolution be deemed to have been done or taken under this Act.



Department of Printing & Stationery



Corrigendum

In the Official Gazette, Series I No. 52, Extraordinary No. 2 dated 30th March, 2015 on page No. 1717 under Department of Law & Judiciary (Legal Affairs Division), in the Notification No. 7/2/2015-LA the first line “The Goa Appropriation (Vote of Account) Act, 2015” may be corrected to read as “The Goa Appropriation (Vote on Account) Act, 2015”, rest of the contents remain unchanged.

www.goaprintingpress.gov.in

Printed and Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.

PRICE – Rs. 19.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA—13/360—4/2015.