

Panaji, 9th January, 2014 (Pausa 19, 1935)

SERIES I No. 41

OFFICIAL GAZETTE



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

NOTES

There is one Extraordinary issue to the Official Gazette Series I No. 40 dated 02-1-2014 namely, Extraordinary dated 3-1-2014 from pages 1413 to 1414 regarding amendment to policy for regulating the mining dumps on Government and private land and related issues — Not. No. 16/7/2008-RD (Part-III) from Department of Revenue.

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GOVERNMENT OF GOA

Department of Law & Judiciary

Legal Affairs Division

Notification

10/3/2013-LA/172

The Securities Laws (Amendment) Ordinance, 2013 (Ordinance No. 8 of 2013) which has been promulgated by the President in the Sixty-fourth Year of the Republic of India and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 18-7-2013, is hereby published for the general information of the public.

Julio B. Noronha, Under Secretary (Law).

Porvorim, 8th November, 2013.

MINISTRY OF LAW AND JUSTICE**(Legislative Department)**

*New Delhi, the 18th July, 2013 Asadha 27,
1935 (Saka)*

**THE SECURITIES LAWS (AMENDMENT)
ORDINANCE, 2013**

No. 8 of 2013

*Promulgated by the President in the Sixty-
fourth Year of the Republic of India.*

An Ordinance further to amend the Securities and Exchange Board of India Act, 1992, the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996.

Whereas Parliament is not in session and the President is satisfied that the circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I
Preliminary

1. *Short title and commencement.*— (1) This Ordinance may be called the Securities Laws (Amendment) Ordinance, 2013.

(2) Save as otherwise provided in this Ordinance, the provisions of this Ordinance shall come into force at once.

CHAPTER II

Amendments to the Securities and Exchange Board of India Act, 1992

2. *Amendment of section 11.*— In section 11 of the Securities and Exchange Board of India Act, 1992 ^{15 of 1992.} (hereafter in this Chapter referred to as the principal Act),—

(i) in sub-section (2),

(a) for clause (ia), the following clause shall be substituted, namely:—

“(ia) calling for information and records from any person including any bank or any other authority or board or corporation established or constituted by or under any Central or State Act which, in the opinion of the Board, shall be relevant to any investigation or inquiry by the Board in respect of any transaction in securities;”;

(b) after clause (ia), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 6th day of March, 1998, namely:—

“(ib) calling for information from, or furnishing information to, other

authorities, whether in India or outside India, having functions similar to those of the Board, in the matters relating to the prevention or detection of violations in respect of securities laws, subject to the provisions of other laws for the time being in force in this regard:

Provided that the Board, for the purpose of furnishing any information to any authority outside India, may enter into an arrangement or agreement or understanding with such authority with the prior approval of the Central Government;”;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The amount disgorged, pursuant to a direction issued under section 11B or section 12A of the Securities Contracts (Regulation) Act, 1956 or ^{42 of 1956.} section 19 of the Depositories Act, 1996, as the case may be, ^{22 of 1996.} shall be credited to the Investor Protection and Education Fund established by the Board and such amount shall be utilised by the Board in accordance with the regulations made under this Act.”.

3. *Amendment of section 11AA.*— In section 11AA of the principal Act,—

(i) in sub-section (1)—

(a) after the word, brackets and figure “sub-section (2)”, the words, brackets, figure and letter “or sub-section (2A)” shall be inserted;

(b) the following proviso shall be inserted, namely:—

“Provided that any pooling of funds under any scheme or arrangement, which is not registered with the Board or is not covered under sub-section (3), involving a corpus amount of one hundred crore rupees or more shall

be deemed to be a collective investment scheme.”;

(ii) in sub-section (2), in the opening portion, for the word “company”, the word “person” shall be substituted;

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

“(2A) Any scheme or arrangement made or offered by any person satisfying the conditions as may be specified in accordance with the regulations made under this Act.”;

(iv) in sub-section (3),—

(a) after the word, brackets and figure “sub-section (2)”, the words, brackets, figure and letter “or sub-section (2A)” shall be inserted;

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

“(ix) such other scheme or arrangement which the Central Government may, in consultation with the Board, notify,”.

4. *Amendment of section 11B.*— In section 11B of the principal Act, the following *Explanation* shall be inserted, namely:—

“*Explanation.*— For the removal of doubts, it is hereby declared that the power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”.

5. *Amendment of section 11C.*— In section 11C of the principal Act,—

(i) for sub-section (8), the following sub-section shall be substituted, namely:—

‘(8) Where in the course of an investigation, the Investigating Authority

has reason to believe that any person or enterprise, as the case may be, to whom a notice under sub-section (3) has been issued or might be issued,—

(a) has omitted or failed to provide the information or produce documents as required in the notice; or

(b) would not provide the information or produce documents which shall be useful for, or relevant to, the investigation; or

(c) would destroy, mutilate, alter, falsify or secrete the information or documents useful for, or relevant to, the investigation,

then, the Chairman may, after being satisfied that it is necessary to do so, authorise the Investigating Authority or any other officer of the Board (the officer so authorised in all cases being hereinafter referred to as the authorised officer), to—

(i) enter and search, with such assistance, as may be required, the building, place, vessel, vehicle or aircraft where such information or documents are expected or believed to be kept;

(ii) break open the lock of any door, box, locker, safe, almirah or other receptacle for exercising the powers conferred by sub-clause (i), where the keys thereof are not available;

(iii) search any person who has got out of, or is about to get into, or is in, the building, place, vessel, vehicle or aircraft, if the authorised officer has reason to suspect that such person has secreted about his person any such books of account or other documents;

(iv) require any person who is found to be in possession or control of any books of account or other documents, maintained in the form of electronic record, to provide the authorised officer the necessary facility to inspect such books of account or other documents.

Explanation.— For the purposes of this sub-clause, the expression “electronic record” shall have the meaning assigned to it in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000. 21 of 2000.

(v) seize any such books of account or other documents found as a result of such search;

(vi) place marks of identification on any books of account or other documents or make or cause to be made extracts or copies therefrom;

(vii) record on oath the statement of any person who is found to be in possession or in control of the information or documents referred to in sub-clauses (i), (iii) and (iv).”;

(ii) for sub-section (9), the following sub-section shall be substituted, namely,—

“(9) The Board may make regulations in relation to any search or seizure under this section; and in particular, without prejudice to the generality of the foregoing power, such regulations may provide for the procedure to be followed by the authorised officer—

(a) for obtaining ingress into any building, place, vessel, vehicle or aircraft to be searched where free ingress thereto is not available;

(b) for ensuring safe custody of any books of account or other documents or assets seized.”;

(iii) in sub-section (10), the words “and inform the Magistrate of such return” shall be omitted.

6. *Insertion of new section 15JB.*— After section 15JA of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“15JB. *Settlement of administrative and civil proceedings.*— (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 11, section 11B, section 11D, sub-section (3) of section 12 or section 15-I, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under this Act.

(3) The settlement proceedings under this section shall be conducted in accordance with the procedure specified in the regulations made under this Act.

(4) No appeal shall lie under section 15T against any order passed by the Board or adjudicating officer, as the case may be, under this section.”.

7. *Amendment of section 15T.*— In section 15T of the principal Act, sub-section (2) shall be omitted.

8. *Amendment of section 26.*— In section 26 of the principal Act, sub-section (2) shall be omitted.

9. *Insertion of new sections 26A, 26B, 26C, 26D and 26E.*— After section 26 of the principal Act, the following sections shall be inserted, namely:—

“26A. *Establishment of Special Courts.*—

(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

26B. *Offences triable by Special Courts.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2013 or on or after the date of such commencement, shall be taken cognizance of and triable by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned.

26C. *Appeal and revision.*— The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court.

26D. *Application of Code to proceedings before Special Court.*— (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure,

1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

26E. *Transitional provisions.*— Any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established, be tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973:

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code of Criminal Procedure, 1973 to transfer any case or class of cases taken cognizance by a Court of Session under this section."

10. *Insertion of new section 28A.*— After section 28 of the principal Act, the following section shall be inserted, namely:—

'28A. *Recovery of amounts.*— (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with any direction of the Board for refund of monies or fails to comply with a direction of disgorgement order issued under section 11B or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified

form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

- (a) attachment and sale of the person's movable property;
- (b) attachment of the person's bank accounts;
- (c) attachment and sale of the person's immovable property;
- (d) arrest of the person and his detention in prison;
- (e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 231, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Act instead of to income-tax under the Income-tax Act, 1961.

Explanation 1.— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies

held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Act.

Explanation 2.— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

Explanation 3.— Any reference to appeal in Chapter XVIII and the Second Schedule to the Income-tax Act, 1961, shall be construed as a reference to appeal before the Securities Appellate Tribunal under section 15T of this Act.

(2) The Recovery Officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 11B, shall have precedence over any other claim against such person.

(4) For the purpose of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing, to exercise the powers of a Recovery Officer.'

11. *Amendment of section 30.*— In section 30 of the principal Act, in sub-section (2),—

(i) after clause (c), the following clauses shall be inserted, namely:—

“(ca) the utilisation of the amount credited under sub-section (5) of section 11;

(cb) the fulfilment of other conditions relating to collective investment scheme under sub-section (2A) of section 11AA;

(cc) the procedure to be followed by the authorised officer for search or seizure under sub-section (9) of section 11C;”;

(ii) after clause (d), the following clauses shall be inserted, namely:—

“(da) the terms determined by the Board for settlement of proceedings under sub-section (2) and the procedure for conducting of settlement proceedings under sub-section (3) of section 15JB;

(db) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations.”.

CHAPTER III

Amendments to the Securities Contracts (Regulation) Act, 1956

12. *Amendment of section 12A.*— In section 12A of the Securities Contracts (Regulation) Act, 1956 ^{42 of 1956.} (hereafter in this Chapter referred to as ‘the principal Act), the following *Explanation* shall be inserted, namely:—

“*Explanation.*— For the removal of doubts, it is hereby declared that power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in

contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”.

13. *Insertion of new section 23JA.*— After section 23J of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“23JA. *Settlement of administrative and civil proceedings.*— (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 12A or section 23-I, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992. 15 of 1992.

(3) For the purpose of settlement under this section, the procedure as specified by the Board under the Securities and Exchange Board of India Act, 1992 15 of 1992. shall apply.

(4) No appeal shall lie under section 23L against any order passed by the Board or the adjudicating officer, as the case may be, under this section.”.

14. *Insertion of new section 23JB.*— After section 23JA of the principal Act as so inserted, the following section shall be inserted, namely:—

'23JB. *Recovery of amounts.*— (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with a direction of disgorgement order issued under section 12A or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

(a) attachment and sale of the person's movable property;

(b) attachment of the person's bank accounts;

(c) attachment and sale of the person's immovable property;

(d) arrest of the person and his detention in prison;

(e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 231, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the 43 of 1961. Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Act instead of to income-tax under the Income-tax Act, 1961.

Explanation 1.— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred, directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or

son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Act.

Explanation 2.— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and 43 of 1961. the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

Explanation 3.— Any reference to appeal in Chapter XVIIID and the Second Schedule to the Income-tax Act, 1961, shall be 43 of 1961. construed as a reference to appeal before the Securities Appellate Tribunal under section 23L of this Act.

(2) The recovery officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 12A, shall have precedence over any other claim against such person.

(4) For the purposes of sub-section (1), (2) and (3), the expression "Recovery Officer"

means any officer of the Board who may be authorised, by general or special order in writing to exercise the powers of a Recovery Officer.’

15. *Amendment to section 26.*— In section 26 of the principal Act, sub-section (2) shall be omitted.

16. *Insertion of new sections 26A, 26B, 26C, 26D and 26E.*— After section 26 of the principal Act, the following sections shall be inserted, namely:—

“26A. *Establishment of Special Courts.*—

(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

26B. *Offences triable by Special Courts.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2013 or on or after the date of such commencement, shall be taken cognizance of and triable by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them

as may be specified in this behalf by the High Court concerned.

26C. *Appeal and Revision.*— The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court. 2 of 1974.

26D. *Application of Code to proceedings before Special Court.*— (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973. 2 of 1974.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

26E. *Transitional provisions.*— Any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established, be tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973: 2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code to transfer any case or class of cases taken cognizance by a Court of Session under this section.”.

CHAPTER IV

Amendments to the Depositories Act, 1996

17. *Amendment of section 19.*—

In section 19 of the Depositories Act, 1996 (hereafter in this chapter referred to as the principal Act in this chapter), the following Explanation shall be inserted, namely:—

“*Explanation.*— For the removal of doubts, it is hereby declared that power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”.

18. *Insertion of new section 19-IA.*— After section 19-I of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“19-IA. *Settlement of Administrative Civil Proceedings.*— (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 19 or section 19H, as the case may be, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults,

agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

(3) For the purpose of settlement under this section, the procedure as specified by the Board under the Securities and Exchange Board of India Act, 1992 shall apply.

15 of 1992.

(4) No appeal shall lie under section 23A against any order passed by the Board or the adjudicating officer under this section.”.

19. *Insertion of new section 19-IB.*— After section 19-IA of the principal Act as so inserted, the following shall be inserted, namely:—

‘19-IB. *Recovery of amounts.*— (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with a direction of disgorgement order issued under section 19 or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

(a) attachment and sale of the person’s movable property;

(b) attachment of the person’s bank accounts;

(c) attachment and sale of the person’s immovable property;

(d) arrest of the person and his detention in prison;

(e) appointing a receiver for the management of the person’s movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 231, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Act instead of to income-tax under the Income-tax Act, 1961.

Explanation 1.— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred, directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Act.

Explanation 2.— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

Explanation 3.— Any reference to appeal in Chapter XVIII and the Second Schedule to the Income-tax Act, 1961, shall be construed as a reference to appeal before the Securities Appellate Tribunal under section 23A of this Act.

(2) The recovery officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 19, shall have precedence over any other claim against such person.

(4) For the purposes of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing, to exercise the powers of a Recovery Officer.

20. *Amendment of section 22.*— In section 22 of the principal Act, sub-section (2) shall be omitted.

21. *Insertion of new sections 22C, 22D, 22E, 22F and 22G.*— After section 22B of the principal Act, the following sections shall be inserted, namely:—

"22C. *Establishment of Special Courts.*—

(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

22D. *Offences triable by Special Courts.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2013 or on or after the date of such commencement, shall be taken cognizance of and triable by the Special Court establishment for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned. 2 of 1974.

22E. *Appeal and Revision.*— The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court. 2 of 1974.

22F. *Application of Code to proceedings before Special Court.*— (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court

shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973. 2 of 1974.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

22G. *Transitional provisions.*— Any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established, be tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973: 2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code to transfer any case or class of cases taken cognizance by a Court of Session under this section.”

22. *Amendment of section 23A.*— In section 23A of the principal Act, sub-section (2) shall be omitted.

PRANAB MUKHERJEE,
President

P. K. MALHOTRA,
Secy. to the Govt. of India.

Department of Personnel

Notification

RRs/MISC/2003-PER (P.F.I.)

- Read: (1) Government Notification No. RRs/MISC/2003-PER (P.F.I.) dated 13-8-2009, published in the Official Gazette, Series I No. 22 dated 27-8-2009;
- (2) Government Notification No. RRs/MISC/2003-PER (P.F.I.) dated 25-6-2010, published in the Official Gazette, Series I No. 15 dated 8-7-2010; and
- (3) Government Notification No. RRs/MISC/2003-PER (P.F.I.) dated 26-9-2012, published in the Official Gazette, Series I No. 27 dated 4-10-2012.
- (4) Government Notification No. RRs/MISC/2013-PER dated 5-7-2013, published in the Official Gazette, Series I No. 16 dated 18-07-2013.

In exercise of the powers conferred by Article 318 of the constitution of India, the Governor of Goa hereby makes the following Regulations, so as to further amend the Goa Public Service Commission (Members and Staff) (Conditions of Service) Regulations, 1988, namely:—

1. *Short title and commencement.*— (1) These regulations may be called the Goa Public Service Commission (Members and Staff) (Conditions of Service) (Sixteenth Amendment) Regulations, 2013.

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

2. *Amendment of regulation 30A.*— In regulation 30A of the Goa Public Service Commission (Members and Staff) (Conditions of Service) Regulations, 1988, in the Schedule, after serial No. 13, the following entry shall be added, namely:—

1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
14.	Legal Assistant.	1 (2013) (Subject to variation dependent on workload).	Group 'C', (Non-Gazetted, Non-Ministerial).	Rs. 9,300-34,800 + Grade Pay Rs. 4,200/-.	Selection.	Not exceeding 40 years (Relaxable for employees of Goa Public Service Commission and Government servants up to 5 years in accordance with the instructions or orders issued by the Goa Public Service Commission and/or Government).	No.	Essential: (1) Degree in Law of a recognized University or equivalent. (2) Knowledge of Konkani. Desirable: (i) Experience of Legal work in any Legal Department or practice of two years as an Advocate. (ii) Knowledge of Marathi.	N. A.	Two years.	By direct recruitment.	N. A.	Group 'C', D.S.C./D.P.C. consisting of: (1) Secretary, Goa Public Service Commission —Chairman (2) Deputy Secretary, Goa Public Service Commission —Member. (3) Under Secretary, Goa Public Service Commission —Member.

By order and in the name of the Governor of Goa.
Yetindra M. Maralkar, Additional Secretary (Personnel).
 Porvorim, 3rd January, 2014.

Department of Revenue

Directorate of Tribal Welfare

Order**Notification**

35/2/2013-RD

1-85-2012-13/ADMN/DTW/5875

In exercise of the powers conferred by section 9A of the Indian Stamp Act, 1899 (Central Act 2 of 1899), as in force in the State of Goa, the Government of Goa hereby permits the Life Insurance Corporation of India, Goa Divisional Office, to pay a consolidated stamp duty of Rs. 1.00 lakh (Rupees one lakh only), in lieu of payment of duty by affixing revenue stamps on the receipts issued towards payment of premiums on life insurance policies, for a period from 1st January, 2014 to 31st December, 2014 subject to conditions as follows:—

(i) In case the stamp duty chargeable on the receipts issued during the above period falls short of the stamp duty considered herein and paid to the Government, then the excess consolidated stamp duty shall not be refunded.

(ii) In case the stamp duty chargeable on the receipts issued during the above period exceeds the stamp duty consolidated herein and paid to the Government, the balance amount due towards the stamp duty shall be paid to the Government Treasury.

(iii) A monthly report on usage of receipts shall be submitted to the Secretary (Revenue), Revenue Department, Government of Goa on or before the 10th day of the succeeding month.

(iv) The above receipts will not be considered for stamp duty towards property tax.

This issues with the concurrence of Finance (Revenue & Control) Department vide their U. O. No. 1474404 dated 11-11-2013.

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

Ashutosh Apte, Under Secretary (Revenue-I).

Porvorim, 27th December, 2013.

In exercise of the powers conferred by the provision to article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C' and 'D' posts in the Goa State Scheduled Tribes Finance & Development Corporation Ltd., namely:—

1. *Short title, application and commencement.*— (i) These rules may be called the Goa State Scheduled Tribes Finance & Development Corporation Ltd., Group 'C' and 'D' posts Recruitment Rules, 2013.

(ii) They shall apply to the posts specified in column (2) of the schedule to these rules (hereinafter called as the "said schedule").

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

2. *Number, classification and scale of pay.*— The number of posts, classification of the said posts and the scale of pay attached thereto shall be as specified in columns (3) to (5) of the said schedule:

Provided that the Corporation may with Government approval vary the number of posts specified in column (3) of the said schedule from time to time subject to exigencies of work.

3. *Method of recruitment, age limit and other qualifications.*— The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns (6) to (12).

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

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

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

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

7. These rules are issued in supersession of the Recruitment rules for the post of Superintendent, Assistant Accounts Officer and Head Clerk, notified vide Notification No. 13/25/2011-12/ADMIN/DTW/1456 dated 19-07-2011, in the Official Gazette Series I No. 16 dated 21-07-2011.

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

Sandhya Kamat, Director & ex officio Joint Secretary (Tribal Welfare).

Panaji, 3rd January, 2014.

THE GOA STATE SCHEDULED TRIBES FINANCE AND DEVELOPMENT CORPORATION LIMITED

Sl. No.	Name of the post	Number of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruitment	Educational and other qualifications required for direct recruits	Method of Recruitment	Basis for Promotion	Qualifying Service promotion	Committee for Selection/Promotion of the candidates
1	Superintendent.	1	Group 'C', (Non-Gazetted, Ministerial).	PB-2 Rs. 9,300-34,800 + Rs. 4,600/-.	Selection.	Not exceeding 40 years (Relaxable for Government servants in accordance with the instructions or orders issued by the Government).	Essential: (1) Graduate from a recognised University. (2) 8 years experience in administration from Government/Semi Government Organisation/Corporate sector. (3) Knowledge of Computers. (4) Knowledge of Konkani.	By promotion, failing which, by direct recruitment.	Seniority-cum-merit.	Minimum 5 years experience as Head Clerk/Loan Appraisal/Recovery Officer of the Corporation with educational qualification as required for direct recruitment.	Chairman & Managing Director of the Corporation, Director Tribal Welfare Department & Under Secretary Personnel.

1	2	3	4	5	6	7	8	9	10	11	12
2.	Assistant Account Officer.	1	Group 'C', (Non-Gazetted, Ministerial).	PB-2 Rs. 9,300-34,800 + Rs. 4,600/-.	Selection.	Not exceeding 40 years (Relaxable for Government servants in accordance with the instructions or orders issued by the Government).	Essential: (1) Graduate from a recognised University preferably B. Com. (2) 8 years experience in Accounts from Government/Semi Government Organisation/Corporate sector. (3) Knowledge of Computers to handle computerised Accounts. (4) Knowledge of Konkani. <i>Desirable:</i> Knowledge of Marathi.	By promotion, failing which, by direct recruitment.	Seniority-cum-merit.	Minimum 5 years experience as Accountant of the Corporation with educational qualification as required for direct recruitment.	Chairman & Managing Director of the Corporation, Director Tribal Welfare Department & Under Secretary Personnel.
3.	Head Clerk.	1	Group 'C', Non-Gazetted, Ministerial.	PB-2 Rs. 9,300-34,800 + Rs. 4,200/-.	Selection.	Not exceeding 40 years (Relaxable for Government servants in accordance with the instructions or orders issued by the Government).	Essential: (1) Graduate from a recognised University. (2) 6 years experience in administration from Government/Semi Government Organisation/Corporate sector. (3) Knowledge of Computers. (4) Knowledge of Konkani. <i>Desirable:</i> Knowledge of Marathi.	By promotion, failing which by direct recruitment.	Seniority and merit.	Minimum 5 years experience as Sr. Clerk (Admn)/Accounts Clerk/Jr. Steno/UDC (Cashier) of the Corporation with educational qualification as required for direct recruitment.	Chairman & Managing Director of the Corporation, Director Tribal Welfare Department & Under Secretary Personnel.

Notification

DTW/STAT/PC/2012-13/51/5879

The Government of Goa is pleased to frame a new Scheme: 'Atal Asra Yojana' (Financial Assistance for Construction of New Houses and Repairs) as under, to replace the similar scheme notified vide No. DTW/STAT/PC/2012-13/51 dated 14th March, 2013.

1. *Introduction.*— Housing is one of the basic requirements of human survival. Own house provides significant economic and social security and status in the society. Cost of construction/reconstruction/repairs of housing has gone very high in the State of Goa. There are many tribal families who do not have Pucca house and many others do not even have their own house. There are two housing schemes at present implemented in Goa namely, Indira Awas Yojana (IAY) and Rajiv Awas Yojana (RAY) by Rural Development Agency and Director of Social Welfare respectively. While Indira Awas Yojana is for BPL families, the Rajiv Awas Yojana is for poor families with annual income upto Rs. 1.5 lakhs. The amount sanctioned under these schemes is inadequate for the purpose and supplementary finance from Banks comes at very high rates. Therefore, need is arisen to extend further financial assistance over and above the assistance already provided under the Rajiv Awas Yojana or Indira Awas Yojana. However Assistance under the scheme will be processed and decided from case to case independently. This scheme will be called as "ATAL ASRA YOJANA".

2. *Objectives.*— The objective of the scheme is to provide financial assistance for construction, reconstruction and repairs of houses to ST population which is in addition and irrespective to the amount already sanctioned under Rajiv Awas Yojana or Indira Awas Yojana.

3. *Eligibility Criteria.*— (a) The scheme will be applicable to any individual from ST community of State of Goa having family income upto Rs. 1.50 lakhs p.a.

(b) Family Income Certificate issued by V. P. Secretary countersigned by BDO in case of Village Panchayats and by Chief Officer of concerned Municipal Council in case of Municipal jurisdiction showing family income upto Rs. 1.50 lakhs per annum from all sources shall be required for the scheme. For the purpose of this scheme, family means father/mother/spouse/son and unmarried daughter. However, if the son is major of age and is residing separately, he should not be considered as the part of the family for the purpose of income of the family.

4. *Benefit under the scheme.*— (a) Under this scheme following assistance shall be granted:

(i) Financial Assistance will be provided for construction of new house as also for reconstruction of existing house up to Rs. 2.00 lakhs and for repairs of existing house up to Rs. 75,000/-. However in deserving cases the Monitoring Committee shall have the powers to increase the limit to Rs. 2.50 lakhs and Rs. 1.00 lakh respectively. No second time sanction shall be given for the same house, unless to deserving case with prior approval of Monitoring Committee.

(ii) Fees of the registered Engineer/Architect for the purpose of preparation of estimate of house for construction/repairs/reconstruction and certification required under the scheme will be paid directly to registered Engineers/Architects by the Director of Tribal Welfare with the restriction of maximum of 5% of the total cost of construction/reconstruction/repairs.

5. *Priority in selection of beneficiaries.*— The priority for selection of beneficiary target group coming under any of the following:—

(a) BPL families will be considered on first priority.

(b) Household headed by widow or unmarried or divorcee women.

(c) Physically disabled person.

(d) Household affected by flood, fire and other natural calamities.

(e) Forest dwelling applicant.

(f) Others.

6. *Conditions of sanction.*— (a) Construction of the house in accordance with the plan, prepared by the registered Engineer/Architect.

(b) Under this scheme every beneficiary shall be eligible for benefits maximum to the extent indicated in clause 4 of the scheme.

(c) Applicant seeking financial assistance for the construction/reconstruction/repairs of house should be owner of the land on which he plans to construct house or should have irrevocable NOC of the landlord or should produce evidence to prove that he is Mundkar or any other evidence that can be accepted by the recommending committee constituted under the scheme. The committee for recommendation of proposal shall be as under:

(i) Block Development Officer
Chairman

(ii) Junior Engineer (EORE) appointed by
Director of Panchayat Member

(iii) Assistant Project Officer appointed by
DRDA (North/South) Member.

(iv) Village Panchayat Secretary of
concerned Village Panchayat or Chief
Officer/Municipal Engineer (M.E.) of
concerned Municipal Council as the case
may be Member

(v) Head Clerk/EOVP of the office of
concerned BDO Member Secretary

(d) The committee shall meet as per the requirements for implementation of the scheme and for the purpose of recommending sanction to the Director, Tribal Welfare. The committee shall function with quorum of two.

(e) Estimate shall be prepared by registered Engineer/Architect. However for reconstruction and for repairs, estimate may be prepared by self or by local mason/contractors. Fees will be reimbursed only to registered Engineers/Architects. In case of estimate prepared by self/mason/contractors, no fees will be reimbursed.

(f) If the applicant has submitted all the documents except the construction permission/license issued by the competent authority (Town and Country Planning/Planning and Development Authority and Village Panchayat/Municipal Council) then BDO shall process the file & recommend the case if it fits in the scheme with the remark that construction/reconstruction license is not produced by the applicant and shall forward it to Director of Tribal Welfare.

7. *Submission of application & procedure for sanctioning amount.*— (a) Application in the Prescribed Form along with the required documents submitted in duplicate to the concerned Block Development Officer.

(b) Application should be supported with the detailed estimate of the construction/reconstruction or of the repairs of the existing house in respect of which financial assistance is sought.

(c) Estimate generally should be prepared by registered Engineer/Architect. However, for reconstruction and for repair, estimate shall be accepted if it is prepared by self or by local mason or by local contractors.

(d) Affidavit in prescribed proforma.

(e) All the relevant documents mentioned in the Application Form.

8. *Procedure of recommending the proposal.*— (a) After receipt of the application complete in all respect, Junior Engineer (EORE) of BDO Office for Village Panchayat jurisdiction/Municipal Engineer of Municipal Council for Municipal jurisdiction shall verify

the correctness of the application and submit the verification report as prescribed under the scheme before Block Development Officer. It shall be ensured that no columns should be left blank in the application form.

(b) After verification report submitted by Junior Engineer (EROE)/Municipal Engineer of Municipal Council, BDO shall convey the meeting of the recommending committee and place the proposal before the committee and shall also place the bill of registered Engineer/Architect for recommendation. No bills of self/local mason/local contractor shall be recommended.

(c) After the approval of the committee, BDO shall forward the application with the documents duly verified by BDO along with verification report mentioned at clause 8(a) duly countersigned by the BDO to the Director of Tribal Welfare for sanctioning the proposal. The recommending committee shall also certify the bill presented by registered Engineers/Architects and submit it along with the proposal for sanction. Minutes of the meeting shall also be enclosed with the proposal.

(d) As mentioned in Clause (f) of 6, BDO shall process the file as per the procedure mentioned above for recommending the case.

9. *Sanction for the proposal.*— (a) Director of Tribal Welfare will sanction the case after scrutinizing the proposal along with the sanction order, 50% of the sanctioned amount will be released in the form of First Installment. Balanced sanctioned amount will be credited to the account specially created for the purpose of this scheme in the Goa ST Finance and Development Corporation.

Goa ST Finance and Development Corporation shall deposit interest received on the principal amount back to Government treasury in the month of January and July of each year. The Account will be in the name of the "ATAL ASRA" and will be jointly operated by Goa ST Finance and Development

Corporation and Director of Tribal Welfare 50% of the fees of the registered Engineers/Architects will be paid directly to them by Director of Tribal Welfare on receipt of the bill duly certified by the committee with the restriction mentioned in the scheme under clause 4(ii). The balance amount will be credited in "Atal Asra" account mentioned above.

(b) In case of recommendation under Clause (d) of 8, Director of Tribal Welfare shall sanction the case. However 1st installment i.e. 50% of the sanctioned amount will be deposited in the Joint Account in the bank in the name of Director Tribal Welfare and the name of Applicant in the form of Fixed Deposit or equivalent deposit. The balance amount will be credited in the account specially created in Goa ST Finance and Development Corporation Ltd. under the scheme as mentioned in clause 9(a). The entire amount of the fees of registered Engineers/Architects will be deposited in the Account mentioned in Clause 9(a). The Director, Tribal Welfare shall release the 1st installment to the Applicant only after producing the construction/reconstruction license to the Director, Tribal Welfare. 50% of the fees of registered Engineers/Architects will be released to them by Director, Tribal Welfare through ST Finance and Development Corporation thereafter.

It is binding on the applicant to submit the construction/reconstruction license issued by Competent Authority within the period of 15 months to the Director of Tribal Welfare, failing which the sanction order will get lapsed without any further notice and the entire amount shall be credited in Government Treasury. However with prior approval of Government, the period may be extended by maximum of 9 months, if requested by the applicant. Interest in such F. D. shall be credited to the Account of applicant if the same is utilized in 15 months or extended period as the case may be. However in case of lapsed sanctioned order the interest will be credited to the account of the Government treasury.

The actual work should commence within 60 days from the date of sanctioned amount released. If not, the released amount will be recovered from the applicant as an Arrears of Land Revenue under the Goa, Daman & Diu Land Revenue Code, 1968 & Rules.

10. Applicant shall put the logo prescribed under the scheme on the front side or prominent place of the house after completion of the construction/reconstruction/repairs of the house.

On the basis of the report of the registered Engineers/Architect of utilization of the amount released on first installment, second installment of 25% of the sanctioned amount will be released through Goa ST Finance and Development Corporation by Director, Tribal Welfare.

On the basis of the report of the registered Engineers/Architect of utilization of the amount released in first and second installment, on inspection by the official appointed by the Director, Tribal Welfare and on the completion certificate of the registered Engineer/Architects & Logo Certificate issued by Block Development Officer along with Photograph of House along with the applicant, the third installment of 25% of the sanctioned amount will be released through Goa ST Finance & Development Corporation by Director, Tribal Welfare. On production of the certificate stating that construction/reconstruction/repairs is complete in all respect by registered Engineers/Architects duly countersigned by the applicant, the balance amount of fees will be paid to registered Engineers/Architects.

In case of estimate prepared by mason or self or local contractors, EO (RE) of BDO office for village panchayat jurisdiction/Municipal Engineer of Municipal Council for Municipal jurisdiction shall certify the completion of construction/reconstruction or repairs. BDO shall submit the Utilization Certificate of the amount released & completion and Logo Certificate along with the Photograph of the

house along with the applicant to Director of Tribal Welfare in such cases.

11. *Monitoring of the scheme.*— (a) For issues relating to the eligibility, operationalization or issues on account of new situation, not envisaged at the time of formulation of the scheme, would be resolved by the Monitoring Committee, whose decision will be final.

(b) The committee shall consist of:

- | | |
|--|------------|
| 1. Secretary (Tribal Welfare) | : Chairman |
| 2. Joint Secretary Finance or his representative not below the rank of Under Secretary | : Member |
| 3. Chief Town Planner | : Member |
| 4. Director of Municipal Administration | : Member |
| 5. Project Director DRDA (North/South) | : Member |
| 6. Director of Panchayat | : Member |
| 7. Director of Social Welfare | : Member |
| 8. Director of Tribal Welfare | : Member |
| | Secretary |

12. *Evaluation of the scheme.*— The scheme will be implemented for five years from the date of issue. Performance of the scheme will be evaluated after two years of its implementation and if required scheme will be suitably modified to meet the new challenges/requirements so as to achieve the set objective.

13. *Removal of difficulties.*— Government shall be empowered to remove any difficulties arising out of implementation of this scheme with prior approval of finance department.

14. *Relaxation.*— The Monitoring Committee shall be empowered to relax any or all clauses or conditions of the scheme in genuine cases or case to case basis for release of financial assistance to be recorded in writing. The Applicant may apply directly to the Director of Tribal Welfare with a request with proper justification to relax the condition which is required. All the available documents along with the application form shall be enclosed with the application for relaxation.

15. *Interpretation.*— If any question arises regarding interpretation of any clause, word, expression of the scheme, the decision shall lie with the Monitoring Committee, which shall be final and binding on all concerned.

16. *Redressal of grievances and disputes.*— Grievances if any, arising out of the implementation of this scheme, shall be heard and decided by the Minister for Tribal Welfare and the decision of the Minister for Tribal Welfare in this regard shall be final and binding on all concerned.

Revised application form is as under:—

GOVERNMENT OF GOA
DIRECTORATE OF TRIBAL WELFARE
PANAJI - GOA

Application for availing Financial Assistance under “Atal Asra Yojana”

- For Construction of New House
- For Re-construction of Existing House
- For Repairs to existing House

Part – A

(To be filled in by the Applicant)

1. Full Name (in block letters)

Surname																				
First Name																				
Middle Name																				

Affix a self attested Passport size Photograph

2. Father's/Husband's Name

3. Mother's Name

4. Permanent Address for correspondence

i. House No.																				
ii. Ward No./Street/Road/Ward name																				
iii. City/Town/Village																				

14. Whether applicant is a Beneficiary of any housing scheme under:

- (i) Indira Awas Yojana (Yes/No).
- (ii) Rajiv Awas Yojana (Yes/No).
- (iii) Ashray Aadhaar Yojana (Yes/No).

If yes, provide details.

15. Details of Housing Benefit if already sanctioned (if answer is yes to item No. 13).

- (i) Name of the Scheme
- (ii) Sanction Order No. and Date
- (iii) Sanctioning Authority.....
- (iv) Benefit amount Sanctioned
- (v) Balance amount yet to be released.....

16. If BPL, Sr.No. in the BPL List.....

17. Amount of Benefit claimed under Atal Asra Yojana

18. Annual Family Income of the Applicant

19. Location Details of New House to be constructed

Survey No.	Sub-Div.	Village	Taluka	Area	Owner of the Land	If not owner in what capacity land is possessed	Area of the land in possession of the Applicant
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OR

19. Location Details of Reconstruction of existing House

House No. as per house tax receipt	Name of the person in whose name House is Registered in the Village Panchayat	Survey No. Village Taluka	Plinth area of the House	Owner of the Land	Whether Mundkar of the House	If not the owner of the house in what capacity occupying the house	Area of the land in possession of the Applicant
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OR

19. Location Details of House to be Repaired

House No. as per house tax receipt	Name of the person in whose name house is Registered in the Village Panchayat	Survey No. Village Taluka	Plinth area of the house	Owner of the Land	Whether Mundkar of the house	If not the owner of the house in what capacity occupying the house	Area of the land in possession of the Applicant
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20. Details of bank account of Beneficiary:

- (i) Name of the Bank:
- (ii) Bank Branch: Full Address:
- (iii) Bank Account Number:.....
- (iv) MICR Code of Bank:..... (v) IFSC Code of Bank:

21. Documents enclosed with the application:

For construction of New House	For Repairs for existing house	For Reconstruction of existing house
1. Affidavit.	1. Affidavit.	1. Affidavit.
2. Sanction Order IAY/RAY (if any).	2. Sanction Order under IAY or RAY (if any).	2. Sanction Order under IAY or RAY (if any).
3. Detailed Estimate of the Registered Engineer/ /Architect.	3. Detailed Estimate of the Registered Engineer/Architect/ /Mason/Self/local Contractors.	3. Detailed Estimate from registered Engineers/ /Architects/Mason/Self/ /Local Contractors.
4. Any Ownership Documents:- Such as Sale Deed/Form I & XIV, Mundkar Certificate/ /NOC from Land Owner/Any other documents proving ownership.	4. Any Ownership Documents:- Such as Sale Deed/Form I & XIV, Mundkar Certificate/ /NOC from Land Owner/ /Any other documents proving ownership.	4. Any Ownership document such as Sale deed, Form I & XIV, Mundkar Certificate/NOC form Land owner/Any other document proving ownership.
5. Construction License issued by Competent Authority.	5. House Tax receipt.	5. House Tax receipt.
6. Income Certificate.	6. Photograph of the existing house along with the applicant..	6. Reconstruction License issued by competent authority.
7. ST Certificate issued by competent authority of State of Goa..	7. Income Certificate.	7. Photograph of the existing house along with the applicant.
8. Bank Pass Book Copy.	8. ST Certificate issued by competent authority of State of Goa.	8. Income Certificate.
9. Mandate form.	9. Bank Pass Book Copy..	9. ST Certificate issued by competent authority of State of Goa.
	10. Mandate form.	10. Bank Pass Book Copy.
		11. Mandate form.

Declaration

I, Shri/Smt. do hereby declare that I shall comply to all the requirements of construction/norms of constructions and further declare that if it is found that I am granted benefit upon giving any false information, the sanctioning authority shall recover the amount as an arrears of Land Revenue besides any other action that may be taken against me as per the law in force, including penal action.

Date:

Place:

Signature of the Applicant

PRESCRIBED LOGO

Size:-

Length:- 3 inches

Breadth:- 4 inches



PROFORMA

Verification Report under Atal Asra Yojana

(1) Name of Applicant:

(2) Detail of Site: H. No. (if any) , Sy. No. Village:..... Taluka:
District: State of Goa.

(3) Whether New Construction/Re-construction/Repairs (please specify):

(4) Type of Work (given by Reg. Engineer/Architect/Self/Mason/Local Contractor) New Construction/
/Re-construction/Repairs.

(5) Approximate expenditure given by Reg. Engineer/Architect/Self/Mason/Local Contractor which will be incurred for New Construction/Re-construction/Repairs.

I, (name) (designation) have personally visited site and verified the correctness of the application on (date) at (time).

Name & Signature of Verifying Officer

Name, Signature of Block Development Officer

Seal of Block Development Officer

Place:

Date:

(to be typed on Rs. 50/- Non Judicial Stamp paper)

AFFIDAVIT

I, Shri/Smt. son/daughter/wife of,
 aged..... years, Indian National, Resident of House No., Wado/Ward.....
 of Village within the jurisdiction of Village Panchayat in
 Taluka in Goa District, do hereby state on Oath as under:—

1. I say that I have applied for financial assistance under the Atal Asra Yojana for doing repairs/
 /reconstruction to my existing House having House No. for House tax purpose.

OR

1. I say that I have applied for financial assistance under the Atal Asra Yojana for construction of New
 House.

2. I say that I have already availed benefit for housing purpose under Indira Awas Yojana (IAY)/Rajiv
 Awas Yojana (RAY) from the Department of..... under Sanction Order No..... dated
 However it may be sanctioned additional financial assistance under the scheme Atal Asra
 for an amount of Rs...../-.

OR

2. I say that I have not availed any benefit for housing purpose under Indira Awas Yojana/Rajiv Awas Yojana
 from any Government Agency/Department. I therefore may be sanctioned financial assistance under the
 scheme Atal Asra Yojana for an amount of Rs./-.

3. I say that my family annual income is Rs. from all sources and I belong to
 community which is notified as Scheduled Tribe Community in the State of Goa. My family is in a need of
 Pucca housing shelter and I would like to avail financial assistance under Atal Asra Yojana.

4. I say that the land under survey No.....village....., Taluka..... Districtbelongs
 to me where I propose to construct/reconstruct/repair the house.

OR

4. I say that the land under survey No.....village....., Taluka..... District
belongs to my Brother/Mother/Father/.....Where I propose to construct/
 /reconstruct/repair the house.

It is in the name of Shri/Smt.He/She is related to me as NOC
 fromis produced by me where I propose to construct/reconstruct/repair the house.

5. I say that House tax receipt is in my name for the house No.

OR

5. I say that house tax receipt for the house No. is in the name of Shri/Smt.....He/
 /She is related to me as NOC from to carry out reconstruction/repairs is
 produced by me.

OR

5. I say that house tax receipt for house No./under survey No. Village
 Taluka District land belonging to who is related to me as Father/
 /Mother/Grand Mother/Grand Father who expired and the same is in my possession and no other family
 member will claim for the same. If at all, if there is any claim from my Family members, I shall be sole responsible
 for such case.

6. I say that the house No. does not fall in the Government property.

7. I say that I shall carry out the construction in total compliance to the requirements/norms of construction.

8. I say that whatever stated in my application made for financial assistance under the scheme "Atal Asra Yojana" is fully correct and I would abide by all the conditions laid down in the scheme Atal Asra Yojana by the Department from time to time.

9. I say that I shall be liable for recovery of benefit sanctioned to me under the scheme as an arrears of Land Revenue and for such other criminal proceedings against me if any fact stated by me above is not true or is found to be incorrect or suppressed material fact that would make me ineligible for the benefit under the scheme.

10. I say that whatever stated above is true to the best of my knowledge and belief.

Solemnly affirmed at on this day of the month of of the year

Deponent

Before me

Identified by

Directorate of Tribal Welfare

"Atal Asra Yojana"

MANDATE FORM

1. Name of the Applicant:

2. Address of the Applicant:

3. Mobile No./Phone No. of the Applicant:

4. Particulars of Bank Account

(a) Name of the Bank:

(b) Name of the branch:

(c) Address of the branch:

(d) 9 digit code No. of the bank and branch as appearing on MICR cheque:

(f) IFSC code (11 digit) of the branch:

(g) Type of account:

(h) Account No.(as appearing on cheque book):

(In lieu of the bank certificate to be obtained as under, please attach a blank cancelled cheque or photocopy of the cheque issued by your bank of verification for the above particulars).

I hereby declare that the particulars given above are correct and complete. If the transaction is delayed or not effected at all for reasons of incomplete or incorrect information, I would not hold the user institution responsible. I agree to discharge the responsibility expected of me as a participant under the scheme.

Signature of the Applicant

Certified that the particulars furnished above are correct as per our records.

Bankers Stamp

Date:

Signature of the authorized
Official of the Bank

Note: All columns/dates should be filled in block/capital letters

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

Sandhya Kamat, Director (Tribal Welfare).

Panaji, 3rd January, 2014.

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

PRICE – Rs. 28.00

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA — 300/380 — 1/2014.