

# OFFICIAL GAZETTE



# GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette Series I No. 22 dated 26-8-2004 namely Extraordinary dated 1-9-2004 from pages 531 to 540 regarding Notifications from Department of Law & Judiciary and Department of Personnel.

## GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

### Notification

10/3/2003-LA (Part)

The Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003 (Central Act No. 9 of 2004), which has been passed by the Parliament and assented to by the President of India on 9-1-2004 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 12-1-2004, is hereby published for general information of the public.

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

Panaji, 25th May, 2004.

### THE SALARY, ALLOWANCES AND PENSION OF MEMBERS OF PARLIAMENT (AMENDMENT) ACT, 2003

AN

ACT

Further to amend the Salary, Allowances and Pension of Members of Parliament Act, 1954.

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

1. *Short title.*— This Act may be called the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003.

2. *Amendment of section 2.*— In section 2 of the Salary, Allowances and Pension

of Members of Parliament Act, 1954 30 of 1954. (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

(aa) "dependent" means any of the following relatives of a deceased member, namely:—

(i) a minor legitimate son, and an unmarried legitimate daughter and a widowed mother; or

(ii) if wholly dependent on the earnings of the member at the time of his death, a son or a daughter who has attained the age of eighteen years and who is infirm; or

(iii) if wholly or in part dependent on the earnings of the member at the time of his death,—

(a) the parent; or

(b) a minor brother or an unmarried sister; or

(c) a widowed daughter-in-law; or

(d) a minor child of a pre-deceased son; or

(e) a minor child of a pre-deceased daughter where no parent of the child is alive; or

(f) the paternal grandparent if no parent of the member is alive; or

(g) such other person as may be specified by the rules made under section 9 by the Joint Committee;

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

(a) in sub-section (2), after the second proviso, the following provisos shall be inserted, namely:—

"Provided also that in case a member resides within a distance of three hundred kilometers from Delhi, he or his spouse, for the journey performed by him by road, may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) in place of the travelling allowance which would have been admissible to him had he performed such journey by rail or by road, as the case may be:

Provided also that in case a member resides in the States of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim or Tripura, he or his spouse may draw the mileage allowance referred to in sub-clause (ii) of clause (c) of sub-section (1) for journey performed by him by road from his residence in any of the said States to the nearest airport.":

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) There shall be paid to a person—

(a) who has been elected in a biennial election as a member of the Council of States but the notification in the Official Gazette notifying his name under section 71 of the Representation of the People Act, 1951 has not been published in the 43 of 1951 Official Gazette; or

(b) who has been elected as a member of the House of the People in a general election held for the purpose of constituting a new House of the People but the notification in the Official Gazette notifying his name under section 73 of the Representation of the People Act, 1951 has not been published in the 43 of 1951 Official Gazette; or

(c) who has been elected in a bye-election as a member of either House of Parliament or nominated as a member to either House of Parliament,

an amount equivalent to the fare in respect of every journey performed by him for coming to Delhi before the publication of notification referred to in clause (a) or clause (b), or election or nomination under clause (c):

Provided that in case the journey is performed by rail or steamer or road, he shall be entitled to

the reimbursement of the fare or road mileage to which a member is entitled:

Provided further that in case he performs the journey by air, such journey shall be included for the purpose of counting thirty-two journeys referred to in the first proviso to sub-section (2) of section 5."

4. *Amendment of section 5.*— In section 5 of the principal Act, in sub-section (2), after the second proviso, the following proviso shall be inserted, namely:—

"Provided also that the spouse or companion of a member, as the case may be, may alone perform maximum eight journeys by air from any place of India to the place in India for the purpose of visiting such member and such journey shall be included for the purpose of counting thirty-two journeys referred to in the first proviso to sub-section (2)."

5. *Insertion of new section 5A.*— After section 5 of the principal Act, the following section shall be inserted, namely:—

'5A. *Transit accommodation.*— Where a person referred to in sub-section (4) of section 4 comes to Delhi, he shall be entitled to such transit accommodation for such period as may be specified by the rules made under clause (ccc) of sub-section (3) of section 9 by the Joint Committee."

6. *Amendment of section 8A.*— In section 8A of the principal Act, for sub-sections (1) and (1A), the following sub-sections shall be substituted, namely:—

'(1) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there shall be paid in pension of three thousand rupees per mensem to every person who has served for any period, as a member of the Provisional Parliament or either House of Parliament:

Provided that where any person has served as a member of the Provisional Parliament or either House of Parliament for a period exceeding five years, there shall be paid to him an additional pension of six hundred rupees per mensem for every year in excess of five years.

*Explanation.*— For the purpose of this sub-section, "Provisional Parliament" shall include the body which functioned as the Constituent

Assembly of the Dominion of India immediately before the commencement of the Constitution.

(1A) With effect from the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003, there shall be paid a pension of rupees one thousand and five hundred per mensem, to the spouse, if any, or dependent of any member who dies during his term of office as such member, for a period of five years from the date of his death.

*Explanation.*— For the removal of doubts, it is hereby declared that the spouse or the dependent of the member referred to in this sub-section shall be entitled to receive the family pension even if the member has died on or before the commencement of the Salary, Allowances and Pension of Members of Parliament (Amendment) Act, 2003.

7. *Substitution of new section for section 8AA.*— For section 8AA of the principal Act, the following section shall be substituted, namely:—

"8AA. *Travel facilities to ex-Members.*— Every person who is not a sitting Member but has served for any period as a Member of either House of Parliament shall be,—

(a) with effect from the 18th day of January, 1999, entitled along with a companion to travel in any train by any railway in India in air-conditioned two-tier class; or

(b) entitled to travel alone in any train by any railway in India in air-conditioned first class,

without payment of any charges on the basis of an authorisation issued for this purpose by the Secretariat of either House of Parliament as the case may be."

8. *Insertion of new section 8AB.*— After section 8AA of the principal Act, the following section shall be inserted, namely:—

"8AB. *Rounding off period of pension.*— Where the period for which the pension is payable under this Act contains a part of a year, then, if such part is nine months or more, it shall be reckoned equivalent to complete one year for the purpose of payment of additional pension under sub-section (1) of section 8A and if such part is less than nine months, it shall be ignored."

9. *Amendment of section 9.*— In section 9 of the principal Act, in sub-section (3),—

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

"(aa) the person who may be specified as dependent under sub-clause (g) of clause (aa) of section 2;"

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

"(ccc) the transit accommodation and the period for which such accommodation may be provided under section 5A;"

(iii) after clause (ff), the following clause shall be inserted, namely:—

"(fff) to provide for carry forward of unutilised free telephone calls pertaining to any year beginning on or after the 1st day of April, 2002 to any subsequent year;"

#### Notification

10/3/2003/LA

The following Orders:

- (1) The Constitution (Distribution of Revenues) Order, 2004, dated 29-3-2004.
- (2) The Constitution (Distribution of Revenues) No. 2 Order, 2004, dated 29-3-2004.
- (3) The Constitution (Distribution of Revenues) No. 3 Order, 2004, dated 29-3-2004.
- (4) The Constitution (Distribution of Revenues) No. 4 Order, 2004, dated 29-3-2004.
- (5) The State of Maharashtra (Special Responsibility of Governor for Vidarbha, Marathwada and the rest of Maharashtra) Amendment Order, 2004, dated 30-4-2004, received from Government of India, Ministry of Law, Justice and Company Affairs (Legislative Department), New Delhi, are hereby published for the General information of the public.

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

Panaji, 18th August, 2004.

#### MINISTRY OF LAW AND JUSTICE

(Legislative Department)

#### Notification

New Delhi, the 29th March, 2004

G.S.R. 230(E).— The following Order made by the President is published for general information:—

"C.O. 199"

**THE CONSTITUTION (DISTRIBUTION OF REVENUES) ORDER, 2004**

In exercise of the powers conferred by article 275 of the Constitution, the President, after having considered the recommendations of the Finance Commission, hereby makes the following Order, namely:—

1. This Order may be called the Constitution (Distribution of Revenues) Order, 2004.

2. The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the Consolidated Fund of India, in the financial year commencing on the 1st day of April, 2003, as grants-in-aid of the revenues of each of the States specified below, the sums specified against it as representing the contribution of the Central Government towards State Calamity Relief Funds for affording relief to the victims of cyclone, drought, earthquake, fire, flood and hailstorm in the States:—

State	Rupees in lakhs
(1)	(2)
1. Andhra Pradesh	17196.00
2. Arunachal Pradesh	1044.00
3. Assam	4406.00
4. Bihar	2907.00
5. Chhattisgarh	1192.50
6. Goa	159.50
7. Gujarat	14013.00
8. Haryana	7059.00
9. Himachal Pradesh	3775.00
10. Jammu and Kashmir	3030.00
11. Jharkhand	7149.00
12. Karnataka	6474.00
13. Kerala	5838.00
14. Madhya Pradesh	5439.00
15. Maharashtra	17231.75
16. Meghalaya	342.00
17. Mizoram	252.00
18. Nagaland	166.00
19. Orissa	9504.00
20. Punjab	10655.00
21. Rajasthan	13479.00
22. Sikkim	885.50
23. Tamil Nadu	8911.00
24. Uttar Pradesh	12700.00
25. Uttaranchal	4148.00
26. West Bengal	8778.00

Provided that the sums specified above shall be expended in the financial year commencing on the 1st day of April, 2003 on measures for affording relief in connection with natural calamities specified above:

Provided further that if the actual expenditure on relief measures as revealed in the accounts of this year is lower than the sums specified above, the balance shall remain available to the State Government as part of the Calamity Relief Fund of the State.

(2) Any sum or sums payable under sub-paragraph (1) to any State, in the financial year commencing on the 1st day of April, 2003 shall be in addition to the sum or sums payable to that State in the financial year in pursuance of sub-paragraph (1) of paragraph 3 of the Constitution (Distribution of Revenues) No. 6 Order, 2003.

A. P. J. ABDUL KALAM,  
*President*

[F. No. 19(1)/2004-L.I.]  
T. K. VISWANATHAN, Secy.

**MINISTRY OF LAW AND JUSTICE**

**(Legislative Department)**

**Notification**

*New Delhi, the 29th March, 2004*

G.S.R. 231(E).— The following Order made by the President is published for general information:—

"C.O. 200"

**THE CONSTITUTION (DISTRIBUTION OF REVENUES) No. 2 ORDER, 2004**

In exercise of the powers conferred by article 275 of the Constitution, the President, after having considered the recommendations of the Finance Commission, hereby makes the following Order, namely:—

1. This Order may be called the Constitution (Distribution of Revenues) No. 2 Order, 2004.

2. The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the Consolidated Fund of India, in the financial year commencing on the 1st day of April, 2003, as grants-in-aid of the revenues to each of the States.

State (1)	Rupees in crores (2)
1. Arunachal Pradesh	205.67
2. Himachal Pradesh	713.35
3. Jammu and Kashmir	1947.04
4. Manipur	292.91
5. Meghalaya	255.77
6. Mizoram	298.39
7. Nagaland	623.93
8. Sikkim	141.47
9. Tripura	404.64

(2) The sums specified in column (2) or sub-paragraph (1) represent 85 per cent. of the amount recommended by the Eleventh Finance Commission for the year 2003-04. The Eleventh Finance Commission in its last report had recommended withholding of 15 per cent. of the grant recommended to the above States with matching contribution by the Central Government for crediting into an Incentive Fund from which fiscal performance based grants will be released to all the States.

(3) The following grants-in-aid as specified against each State were released during current year from Incentive Fund based on the fiscal performance of States during 2001-02 and 2002-03:—

State (1)	Rupees in Crores (2)
1. Andhra Pradesh	173.67
2. Assam	58.39
3. Jammu and Kashmir	349.97
4. Kerala	4.61
5. Manipur	75.85
6. Meghalaya	51.03
7. Nagaland	109.09
8. Orissa	134.87
9. Tamil Nadu	78.98
10. Tripura	76.93
11. Uttar Pradesh	405.10
12. West Bengal	170.23

(4) Any sum or sums payable under sub-paragraphs (1) and (3) shall be in addition to any

sum or sums payable to the States under each of the provisos to clause (1) of article 275.

A. P. J. ABDUL KALAM,  
President

[F. No. 19(2)/2004-L.I.]  
T. K. VISWANATHAN, Secy.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

### Notification

New Delhi, the 29th March, 2004

G.S.R. 232(E).— The following Order made by the President is published for general information:—

“C.O. 201”

### THE CONSTITUTION (DISTRIBUTION OF REVENUES) No. 3 ORDER, 2004

In exercise of the powers conferred by article 275 of the Constitution, the President, after having considered the recommendations of the Finance Commission, hereby makes the following Order, namely:—

1. This Order may be called the Constitution (Distribution of Revenues) No. 3 Order, 2004.

2. The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the Consolidated Fund of India, in the financial year commencing on the 1st day of April, 2003, as grants-in-aid of the revenues to each of the States specified in column (1) of the table below, the sums specified against it in each of the columns (2) to (13) of the said Table, towards expenditure of revenue and capital nature, on programmes for upgradation of standards and “special problems” relating to the administration of the sectors and services mentioned in those columns, namely:—



Provided that the sums specified above shall be expended on programmes formulated by the State Governments for upgradation and standards relating to the administration of the sectors and services specified above and approved by State Level Empowered Committees:

Provided further that the unutilised grant for a particular year may be carried forward to next year and the grant which remain unutilised will be credited to the Incentive Fund during 2004-05 from which fiscal performance based grants are to be released to all the States:

Provided also that if the actual expenditure on such approved programmes relating to any administration as revealed in the accounts of that year is lower than the amount of grant specified above against that administration, the amount so paid in excess shall be adjusted against any sum or sums which may become payable to that State in any of the succeeding years for any other purpose.

(2) Any sum or sums payable under subparagraph (1) shall be in addition to any sum or sums payable to the States under each of the provisos to clause (1) of article 275.

[F. No. 19(3)/2004-L.1.]  
T. K. VISWANATHAN, Secy.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

### Notification

New Delhi, the 29th March, 2004

G.S.R. 233(E).— The following Order made by the President is published for general information:—

"C.O. 202"

### THE CONSTITUTION (DISTRIBUTION OF REVENUES) No. 4 ORDER, 2004

In exercise of the powers conferred by article 275 of the Constitution, the President, after having considered the recommendations of the Finance Commission, hereby makes the following Order, namely:—

1. This Order may be called the Constitution (Distribution of Revenues) No. 4 Order, 2004.

2. The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of this Order as it applies for the interpretation of a Central Act.

3. (1) In accordance with the provisions of clause (1) of article 275, there shall be charged on the Consolidated Fund of India, in the financial year commencing on the 1st day of April, 2003, as grants-in-aid of the revenues of—

(a) each of the States specified in column (1) of the Table below, the sums specified against it in column (2) of the said Table towards grants for Panchayati Raj Institutions:—

TABLE

State	Rupees in lakhs
(1)	(2)
1. Andhra Pradesh	30409.66
2. Arunachal Pradesh	1670.55
3. Assam	4668.95
4. Bihar	10875.00
5. Chhattisgarh	2100.19
6. Haryana	2941.75
7. Himachal Pradesh	1313.38
8. Karnataka	11823.52
9. Kerala	6592.58
10. Madhya Pradesh	10109.00
11. Maharashtra	6567.28
12. Manipur	187.70
13. Meghalaya	768.24
14. Mizoram	157.11
16. Orissa	3455.88
17. Sikkim	158.77
18. Tamil Nadu	13983.54
19. Uttar Pradesh	23342.66
20. Uttaranchal	1520.00

Provided that the sums specified above shall be paid to the Panchayati Raj Institutions in the said financial year by a State Government and these sums shall be in addition to the sums flowing to the Panchayati Raj Institutions from the State Government:

Provided further that the sums specified above shall be expended by Panchayati Raj Institutions as per the recommendations of the Eleventh Finance Commission contained in Chapter VIII of its report and in accordance with the guidelines

issued by the Central Government for utilisation of the grants;

(b) each of the States specified in column (1) of the Table below, the sums specified against it in column (2) of the said Table towards grants for Urban Local Bodies:—

TABLE

State	Rupees in lakhs
(1)	(2)
1. Andhra Pradesh	4939.71
2. Chhattisgarh	286.11
3. Haryana	732.80
4. Himachal Pradesh	77.84
5. Kerala	1504.91
6. Madhya Pradesh	3822.00
7. Mizoram	76.89
8. Orissa	1198.80
9. Rajasthan	1988.32
10. Sikkim	6.24
11. Tamil Nadu	3867.34
12. Tripura	120.48
13. Uttar Pradesh	4557.64
14. West Bengal	3949.78

Provided that the sums specified above shall be paid to the Urban Local Bodies in the said financial year by a State Government and these sums shall be in addition to the sums flowing to the Urban Local Bodies from the State Government:

Provided further that the sums specified above shall be expended by Urban Local Bodies in terms of the recommendations of the Eleventh Finance Commission as contained in Chapter VIII of its report and in accordance with the guidelines issued by the Central Government for utilisation of the grants:

Provided also that the unutilised grant for a particular year may be carried forward to next year and the grant which remains unutilised will be credited to the Incentive Fund during 2004-05 from which fiscal performance based grants are to be released to all the States.

(2) Any sum or sums payable under sub-paragraph (1) shall be in addition to any sum or sums payable to the States under each of the provisos to clause (1) of article 275.

[F. No. 19(4)/2004-L.1.]  
T. K. VISWANATHAN, Secy.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

## Notification

New Delhi, the 30th April, 2004

G.S.R. 292(E).— The following Order made by the President is published for general information:—

"C. O. 203"

THE STATE OF MAHARASHTRA (SPECIAL  
RESPONSIBILITY OF GOVERNOR FOR  
VIDARBHA, MARATHWADA AND THE  
REST OF MAHARASHTRA)  
AMENDMENT ORDER, 2004

Whereas the President has, in exercise of the powers conferred by clause (2) of article 371 of the Constitution, made the State of Maharashtra (Special Responsibility of Governor for Vidarbha, Marathwada and the rest of Maharashtra) Order, 1994 (hereinafter referred to as the said Order), giving effect to the resolutions passed by the Maharashtra State Legislature for establishment of separate Development Boards for Vidarbha, Marathwada and the rest of Maharashtra by the Governor of that State;

And whereas the said Order came into force with effect from the 1st day of May, 1994 and in terms of sub-clause (3) of clause 1 of the said Order, it was to remain in force up to the 30th day of April, 1999 or up to such date as the President may, by order made in this behalf, specify;

And whereas in pursuance of the said Order, the Governor of Maharashtra had set up the Development Boards for Vidarbha, Marathwada and the rest of Maharashtra till the said Order remained in force, that is, up to the 30th day of April, 1999;

And whereas the President, in exercise of the powers conferred by clause (2) of article 371 of the Constitution, read with sub-clause (3) of clause 1 of the said Order, had specified in the Constitution Order 175 that the State of Maharashtra (Special Responsibility of Governor for Vidarbha, Marathwada and the rest of Maharashtra) Amendment Order, 1999 shall remain in force up to the 30th day of April, 2004;

And whereas in pursuance of the State of Maharashtra (Special Responsibility of Governor for Vidarbha, Marathwada and the rest of Maharashtra) Amendment Order, 1999, the Governor of Maharashtra had extended the term of the Development Boards for Vidarbha, Marathwada and the rest of Maharashtra up to the 30th day of April, 2004;

And whereas the Governor of Maharashtra considers it expedient in the interest of the said areas to continue the said Development Boards and on the approval of the State Government of Maharashtra has requested the President to extend the duration of the said Order;

Now, therefore, in exercise of the powers conferred by clause (2) of article 371 of the Constitution read with sub-clause (3) of clause 1 of the said Order, the President hereby specifies that the said Order shall remain in force up to the 30th day of April, 2005.

A. P. J. ABDUL KALAM,  
*President*

[F. No. 19(6)/2004-L.I.]  
Z. S. NEGY, *Jt. Secy.*

### Department of Personnel

#### Notification

3/5/89-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, and all other powers enabling him in this behalf, the Governor of Goa in consultation with the Goa Public Service Commission, conveyed vide their letter No. COM/1/24/88/(Part file), dated 28-7-2004, hereby makes the following rules, so as to amend the Goa Civil Service Rules, 1997 as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Civil Service (First) (Amendment) Rules, 2004.

(2) They shall be deemed to have come into force on 1st April, 2004.

2. *Amendment of rule 5.*— In rule 5 of the Goa Civil Service Rules, 1997,—

(i) in clause (a), for the figure "20%", the figure "50%" shall be substituted;

(ii) in clause (b), for the figure "80%", the figure "50%", shall be substituted;

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

S. V. Naik, Joint Secretary (Personnel).

Panaji, 18th August, 2004.

### Department of Public Health

#### Order

47/17/2004-I/PHD/1842

In pursuance to the action Plan for Blood Safety brought out by the National Aids Control Organization, the Government has decided to introduce certain changes in the Blood Donor's Programme, making it mandatory on all concerned to see that the new Blood donor questionnaires & consent (Annexure attached) is filled & obtained from the donor before he/she donates blood, which gives the donor the option of being informed about the results of the tests performed upon his/her blood i.e. TTI (Transfusion transmissible infections) status, if he/she wishes to know the same.

In view of above, the following steps therefore shall be taken by all concerned in the matter:

Every Blood Bank will have facility for pre-test counseling so that any potential blood donor will make an informed choice, and will voluntarily fill in the donor questionnaire. The donor questionnaire (Annexure-) has been standardized to include a listing of the mandatory screening tests carried out in the blood bank, and also consent form.

In order to ensure that informed consent of donor's is taken, it is important that donors state that they have understood the questions and answered it honestly before signing on the donor questionnaire form. Informed consent of the donor should be taken in the language and in the manner he/she understands.

Every unit of blood donated/collected is tested for at least five major infections, Hepatitis B, Hepatitis C, syphilis, Malaria and HIV. Prior to every test the informed consent of the donor is taken by detailing in the donor questionnaire, a

listing of the tests proposed to be conducted in respect of the blood he/she donates. Specific consent of the donor should be taken in respect of disclosing the results of the tests.

Prior to accepting the donation of blood, steps will be taken by blood banks to ensure that complete information and adequate counseling has been provided to the donor. For this purpose, the SBTC must prescribe linkages between all blood banks and the VCTs within their jurisdiction. Any blood bank not having these linkages in place will inform the SBTC and the DHS within the State. The NBTC will monitor this aspect every month.

The blood donor will be offered the option of knowing his TTI status, by the blood bank when the blood donor questionnaire and consent form (Annexure) is filled. In the event that the blood sample of a donor (who wishes to know his TTI status) is found to be reactive to Hepatitis 'B' or Hepatitis 'C' or HIV, apart from destroying the blood unit in accordance with the existing procedure, the donor shall be requested to visit the blood bank personally by simply informing him/her that some of the immediate results are not conclusive and need to be confirmed.

When the donor contacts the blood bank, the following steps shall be observed:—

(i) If the blood sample of the blood donor has been found to be reactive to Hepatitis 'B' or Hepatitis 'C', a fresh sample of blood is taken in the blood bank and the donor is counseled. This fresh sample of blood is once again tested for hepatitis. If the second test once again confirms the reactive to Hepatitis 'B' or Hepatitis 'C', then the donor is referred to a physician.

(ii) If the blood sample of the blood donor has been found to be reactive to syphilis or malaria, then the donor referred to a physician.

(iii) If the blood sample of the blood donor has been found to be Seropositive to HIV, then the blood bank will direct the donor to the linked voluntary counseling and testing center (VCTC). The VCTC will counsel the donor, and also take a fresh sample of blood. The VCTC will conduct the confirmatory tests for HIV. If the donor is positive, then the VCTC will convey the result to the concerned blood bank, to ensure that the donor does not donate blood again. For this purpose, the blood bank and the VCTC shall maintain permanent records as may be prescribed and respect standards of confidentiality vis-à-vis the status of the donor.

(iv) The VCTC will provide comprehensive counseling to the donor, inclusive of information on care, support and treatment. The VCTC will communicate and convey the HIV status to the infected person. This is a major departure from existing practice wherein the HIV status of the person was never revealed implementation will start after completion of orientation training of BB's as well as VCTC staff.

The order shall come into force with immediate effect.

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

S. G. Korgaokar, Under Secretary (Health).

Panaji, 23rd August, 2004.

Department of Social Welfare

Directorate of Social Welfare

Rules Regulating the Scheme of Dayanand Social Security Scheme, an initiative under the "Freedom from Hunger Project"

*Objective of the Scheme.*— The objective of the Scheme is to provide Financial Assistance to the most vulnerable sections of society. The first phase of the scheme shall cover beneficiaries from communities of Toddy Tappers/Coconut Pluckers/Rickshaw Drivers/Taxi Drivers /Motor Cycle Pilots/Fishermen(Traditional)/Agricultural Labourers/Hamal/Bus and Truck Drivers/Bus Conductors and Bus/Truck Cleaners, Senior Citizens and those presently covered under the Dayanand Smriti Niradhar Madat Yojana, the Scheme of Financial Assistance to Young Widows, and the Scheme of Grant of Family Pension to the Old, Destitute and the Handicapped Persons.

1. *Short title, commencement and applicability.*— (1) These Rules shall be called the Goa Dayanand Social Security Scheme Rules, 2001.

(2) They shall come into force with effect from 1st January, 2002.

(3) They shall be applicable throughout the State of Goa.

2. *Definition.*— (1) "Beneficiary" means a person who is entitled for Financial Assistance under these Rules and includes single women, disabled persons and Senior Citizens, besides class of people listed in the objectives and others notified by Government from time to time.

(2) "Disability" means,

- (a) Blindness.
- (b) Hearing/Speech impairment.
- (c) Loco motor disability.
- (d) Mental retardation.

(3) "Person with Disability" means any person above the age of 21 years suffering from not less than 40% of any disability indicated at sub-Rule (2) above and as certified to that effect by the Medical Board.

(4) "Medical Board" means the Medical Board constituted by the Government vide Notification No. 13/140/87-PHD dated 20-07-1988 and such other Medical Board/constituted and notified by the Government from time to time.

(5) "Notification" means a notification published in the Official Gazette.

(6) "Director" means the Director of Social Welfare, Panaji Goa or any other officer discharging the duties of the Director.

(7) "Government" means the Government of Goa.

(8) "Sanctioning Authority" means the Authority(ies) as may be notified by Government for this Scheme.

(9) "Member" means the earning Head of family and will be the person who is contributing the most financially to the family in the categories of sub-Rule (1) above.

(10) "Spouse" means legally married wife/husband of the member.

(11) "Implementing Authority" means the "Life Insurance Corporation of India" established under Section 3 of the Life Insurance Corporation Act, 1956.

(12) "Child" means a legitimate, illegitimate or adopted Child of the member/spouse, upto the age of 21 years.

(13) "Family" means wife/husband, and child/children of the applicant.

(14) "Permanent disability" means a disability certified by the Medical Board and will be that which renders the member incapable of earning a livelihood in his/her trade/occupation/business.

(15) "Arbitration Committee" means a Committee constituted by the Government for the purpose of this Scheme.

(16) "Single Woman" means a woman who is above the age of 18 years and includes those whose husband has expired, divorcees, deserted or judicially separated women, and unmarried women above the age of 50.

(17) "Senior Citizen" means any person above the age of 60 years and includes Single Woman, disabled persons or any other beneficiary on crossing the age of 60 years.

(18) "Scheme" means the Dayanand Social Security Scheme.

(19) "Janashree Bima Yojana" or "JBY" means the Social Security Scheme of the Government of India where premium is subsidized to the extent of 50% from Social Security Fund of the Government of India.

(20) "MOU" means a Memorandum of Understanding executed between the Government and the implementing authority for operation of the scheme.

(21) "Marriage" means that by Civil Registration, Hindu Marriage Act, Islamic or any other.

3. *Eligibility.*— (A) The following class of people are eligible to get benefits under clause (4) subject to the General Conditions as below.

#### *General Conditions*

The Financial Assistance shall be granted only to those persons who are defined under Rule 2 above and who are single or belong to a family, and whose per capita income is less than the amount of annual Financial Assistance under the Scheme. For the purpose of computation for this Scheme the value of the annual assistance will be for one calendar year the application is received but for the computation of the applicant's income, the financial year i.e. 1st April - 31st March

preceding the application, will be taken into account.

- (a) Senior citizens/disabled persons/single women who are unmarried and above the age of 50 years:

Provided that—

(i) They register themselves on payment of Rs. 100/- as registration fees.

(ii) The applicant must be a bonafide resident of the State of Goa for the last fifteen years at the time of application.

(iii) The applicant should not be in receipt of any other financial assistance from any other source except those schemes of State Government which are proposed to be amalgamated with this scheme such as the Dayanand Niradhar Madat Yojana, the Scheme of Financial Assistance to Young Widows and the Scheme of Grant of Family Pension to the Old, Destitute and the Handicapped.

- (b) Single Woman

Provided that—

(i) They register themselves on payment of Rs. 100/- as registration fees.

(ii) They should be a bonafide resident of Goa by birth or by domicile of 15 years or should have been married to a resident of Goa of 15 years domicile (at the time of his death) and should be above the age of 18.

(iii) The applicant should not be in receipt of any financial assistance from any other source except those schemes of State Government which are proposed to be amalgamated with this Scheme such as Dayanand Niradhar Madat Yojana, the Scheme of Financial Assistance to Young Widows and the Scheme of Grant of Family Pension to the Old, Destitute and the Handicapped.

(B) Persons who are not covered under Rule 3(A) but who belong to the following trades/occupations/business:—

Toddy Tappers, Coconut Pluckers, Rickshaw Drivers, Taxi Drivers, Motor Cycle Pilots, Fishermen (Traditional), Agricultural Labourers, Hamal, Bus and Truck Drivers, Bus Conductors, Bus and Truck Cleaners.

Provided that —

(i) They register themselves on payment of Rs. 500/- as registration fees.

(ii) The applicant must be a bonafide resident of Goa by birth or by domicile for 15 years preceding the date of application.

NOTE: There shall not be any income restriction for all of those who are covered under Clause (B), above.

4. *Benefits:* The Scheme shall provide the following benefits:—

- (a) For Senior Citizens (above the age of 60 years)

(i) *Member Pension.*— A member under the Scheme will be entitled to Financial Assistance as declared by the Government. In the first year of the Scheme the Financial Assistance will be Rs. 500/- per month.

(ii) *Spouse Pension.*— After the death of the member, the spouse will be entitled to Financial Assistance which will commence as per the last pension/Financial Assistance amount drawn by the member.

(iii) *Child Pension.*— Fifty percent of the last pension/Financial Assistance drawn by the member will be given to a maximum of two children each, till they reach the age of 21 years in the event of death of the member and the spouse.

(iv) There will be an increase of 5% annually at simple rate or, as decided by the Government from time to time, in the pension/Financial Assistance amount under (i), (ii) and (iii) above

- (b) For Single Women (upto the age of 60 years)

(i) *Single Woman Pension.*— A Single Woman under the Scheme will be entitled to Financial Assistance as declared by the Government. In the first year of the Scheme the Financial Assistance will be Rs. 500/- per month.

(ii) *Child Pension.*— Fifty percent of the last pension/Financial Assistance drawn by the Single Woman will be given to a maximum of two children each till they reach the age of 21 years in the event of death of the Single Woman.

(iii) There will be an increase of 5% annually at simple rate or, as decided by the Government from time to time, in the pension/Financial Assistance amount under (i) and (ii) above.

(iv) On accidental death of the Single Woman, Rs. 30,000/- will be paid as lumpsum to her children.

(v) On permanent disability to the Single Woman, Rs. 20,000/- will be paid as lumpsum to her.

(c) For Disabled Persons (upto the age of 60)—

(i) *Disabled Pension.*— A disabled person under the Scheme will be entitled to Financial Assistance as declared by the Government. In the first year of the scheme the Financial Assistance will be Rs. 500/- per month.

(ii) *Spouse Pension.*— After the death of the disabled person, the spouse will be entitled to Financial Assistance which will commence as per the last pension/Financial Assistance amount drawn by the disabled person.

(iii) *Child Pension.*— Fifty percent of the last pension/Financial Assistance drawn by the disabled person will be given to a maximum of two children each till they reach the age of 21 years in the event of death of the disabled person and the spouse.

(iv) There will be an increase of 5% annually at simple rate or, as decided by the Government from time to time, in the pension/Financial Assistance amount under (i), (ii) and (iii) above.

(v) On accidental death of the disabled person Rs. 30,000/- will be paid as lumpsum to the spouse or to the children, if the spouse is not living.

(d) For "others" under the Scheme, meaning Toddy Tappers, Coconut Pluckers, Rickshaw Drivers, Taxi Drivers, Motorcycle Pilots, Fishermen (Traditional), Agricultural Labourers, Hamal, Bus and Truck Drivers, Bus Conductors and Bus and Truck Cleaners.

(i) The income criteria in Rule 3 (A)- General Conditions-shall not be applicable to this category.

(ii) The spouse or the children, if the spouse is not living, will receive a lumpsum amount of

Rs. 30,000/- if the registered applicant dies an accidental death.

(iii) In the event of death of the member, the spouse, if she is a woman will be transferred to the category of Single Women for the purpose of this Scheme.

(iv) In the event of permanent disability of the member as defined in the Rules of the Scheme, the member will be transferred to the disabled persons category for the purpose of this Scheme.

(v) On permanent disability to the member, Rs. 20,000/- will be paid to him/her.

Note:— Persons falling under the above category but not registered will be eligible for the benefits under Rule 4(d) above except under Rule 4(d) (ii) and 4(d) (v) after certification from the Medical Board and subject to Rule 3 (A).

All Single Women, Disabled Persons and Others will automatically stand transferred to the Senior Citizens category at (a) above on reaching the age of 60. Their entitlement will be based on the last Financial Assistance drawn by them in the previous category.

5. *Mode of Applying.*— The application for the grant of Financial Assistance under these Rules shall be made in the prescribed form in APPENDIX-I. The application shall be addressed to the Director of Social Welfare. Each application shall be accompanied by the following documents, namely:—

(i) *Birth Certificate.*— A Certificate issued by the Registrar of Births and Deaths or age as indicated in the School records or any other such valid documents showing the proof of age.

(ii) *Income Certificate.*— Each applicant will give an Affidavit certifying his/her income from agricultural sources, bank deposits and other sources. This will be witnessed by two persons from the same locality as the applicant but not related to the applicant, and will be countersigned by an MLA as per APPENDIX-II.

(iii) *Residence Certificate.*— This is to be issued by the Mamlatdar of the concerned Taluka or any Gazetted Officer of the Government or MLA or any such other Authorities authorised by the Government from time to time, in the format as per APPENDIX- III.

(iv) *Medical Certificate*.— A Certificate in the prescribed form issued by the Medical Board in case of disabled persons.

(v) *Death Certificate and Marriage Certificate of spouse* in case the applicant is a widow, and Decree of divorce and certificate of desertion in case the applicant is a divorcee, judicially separated or deserted woman and an Affidavit certifying unmarried status witnessed by two persons from the same locality as the applicant but not related to her and countersigned by an MLA as per APPENDIX IV.

Application for Registration under the Scheme in case of persons covered in the category of others at Rule 4(d) shall be made in the prescribed form in APPENDIX - V. The application shall be addressed to the Director of Social Welfare. Each application shall be accompanied by a Certificate or Document proving trade, occupation or business. Where such a Certificate or Document is not applicable then an Affidavit as per APPENDIX - VI shall be submitted with the Application.

*Note*: These certificates/formats will be applicable for this Scheme only and will not be valid for any other scheme.

6. *Sanction of Financial Assistance*: (i) The applications received shall be scrutinized by the Sanctioning Authority.

(ii) In case of divorce and legal separation of a member, both the husband and wife will be treated as individual members if they are individually eligible.

(iii) Cases of each member shall be reviewed at least once in three years.

(iv) Each beneficiary shall open an Account in a Nationalized Bank as per the sanction letter issued.

(v) Cases of all Single Women who have become ineligible under the scheme of Financial Assistance to Young Widows on account of their age shall be reviewed by the Sanctioning Authority for assessing their eligibility under this Scheme.

7. *Member to have a Legal Right*: A member or his beneficiary shall have no interest in the Master Policy taken out in respect of the members or any investment otherwise made by the Government

in accordance with the Rules of the Scheme but shall be entitled to receive a pension and other benefits in accordance with the Rules.

8. *Restraints on Anticipation or Encumbrance*: The benefits assured under the Scheme are strictly personal and cannot be assigned charged or alienated in any way.

If any restraint or prohibitory order is served on the Government in respect of any benefit payable to a member or his beneficiary or if the member or the beneficiary shall become bankrupt or attempt to assign, charge or in any way encumber the pension or any benefit thereunder, he shall forfeit all his rights and claims thereto and the same shall devolve upon the Government but without prejudice to the powers of the Government at their discretion to maintain or continue the same if the government thinks fit, either immediately or after an interval or otherwise to make payments for the support of the member or beneficiaries. The Value of any or all benefits forfeited shall be transferred to the Fund of the Scheme.

9. *Interpretation of Rules*: (i) It shall be a condition of the membership of the Scheme that on any question arising on any point of interpretation of these Rules or any point relating to cessation of membership, the decision of the Government shall be final.

(ii) The Sanctioning Authority's decision regarding the eligibility of beneficiary/member for the purpose of the Scheme shall be final and binding on all the parties concerned.

10. *Mode of Payment*: (i) The cases sanctioned shall be forwarded to the Life Insurance Corporation by the Sanctioning Authority.

(ii) The Life Insurance Corporation shall effect the payment of Financial Assistance to the beneficiary on the 1st day of every month. The amount shall be deposited in the Bank Account of the beneficiary by the Life Insurance Corporation.

11. *Stopping/Cancellation of the Financial Assistance*.— Financial Assistance shall be stopped/cancelled if :—

(i) The beneficiary resorts to professional beginning.

(ii) The beneficiary under the Rules is employed and his/her income exceeds the ceiling income prescribed in these Rules.

(iii) At any stage the information furnished by the applicant is found to be incorrect or if the Financial Assistance is obtained by suppression of or misrepresentation of material facts.

(iv) The beneficiary changes his residence to some other State/Country.

(v) The Single Woman re-marries during the continuity of the Scheme.

12. *Arbitration Committee.*— In case of any dispute regarding the implementation of the Scheme and with the LIC, the decision of the Arbitration Committee, to be notified by the Government shall be final and binding. The Arbitration Committee shall also have the power to interpret the rules and to make minor relaxations towards ensuring the effective implementation of the Scheme.

13. *Supersession and Savings.*— (a) These Rules shall supersede all existing Rules on the subject.

(b) Notwithstanding such supersession any assistance granted under the earlier Rules shall be deemed to be assistance granted under these Rules with effect from the date on which these Rules come into force till such assistance is substituted under the present Scheme.

(c) The Dayanand Smriti Niradhar Madat Yojana, the Scheme of Financial Assistance to Young Widows and the Scheme of Grant of Family Pension to the Old, Destitute and the Handicapped persons stand amalgamated into this Scheme.

50-300-97-98-HC/

Amendments to the Rules regulating the Scheme of Dayanand Social Security Scheme, an initiative under the

“Freedom From Hunger Project”

1. *Short title, commencement and applicability.*— (1) These Rules shall be called Goa Dayanand Social Security Scheme (Amendment) Rules, 2001.

(2) They shall come into force from 1st January, 2002.

(3) They shall be applicable throughout the State of Goa.

2. *Amendment to Rule 5 (i).*— In addition to the documents specified under Rule 5(i); for the purpose of Birth Certificate/declaring year of Birth; a declaration signed by the applicant on Rs. 5/- (Rupees five only) stamp paper declaring his/her year of Birth in the presence of two witnesses from the same locality as the applicant but not related to the applicant and duly countersigned by the MP/MLA/Gazetted Officer/BDO shall be considered valid. The above declaration should be supported with any of the following documents.

1. Baptism Certificate issued by church indicating date/year of birth as per their Record.
2. Marriage Certificate showing more than 40 years of solemnization of Marriage.
3. Birth Certificate of Child indicating age of child as 40+.
4. Grand son/daughter's birth certificate indicating age as 20+.
5. Ration card indicating age.
6. Copy of Electoral Roll indicating age.
7. Any advertisement/news published in the newspaper prior to October 2001, indicating the age of the applicant.
8. Any other proof to the satisfaction of sanctioning committee.

3. *Amendment to Rule 2(13).*— In Rule 2(13) “Family” means wife/husband and child/children of the applicant and shall exclude his/her married daughter.

4. *Amendment to Rule 4(d).*— The following categories are added to Rule 4(d)

- (i) Bullock Cart Driver.
- (ii) Bullock Cart Owner.

5. Whenever word M.L.A. appears in the scheme Member of Parliament (M.P.) to be added for purpose of authorization or correction.

**Acceptance of Rs. 5/- as token fee under Dayanand Social Security Scheme**

(To be signed by the M. L. A.)

**CERTIFICATE**

I, Shri ..... hereby certify that I personally know Shri/Smt. .... and he/she is unable to pay Rs.100/- (Rupees Hundred only) as registration fee prescribed under "Dayanand Social Security Scheme". Therefore Rs. 5/- (Rupees five only) as token registration fees may kindly be accepted and Rs. 95/- (Rupees Ninety five only) be deducted subsequently from his/her first monthly pension amount on being sanctioned under the scheme.

Accepted by:

(.....)

Signature

Name of Application

Designation:

Address (Official):

Signature

Telephone No. (Official):

SEAL

Date: .....

Place: ..... Goa.

**Notification**

50-300-97-98-HC

Amendments to the Rules regulating the Scheme of Dayanand Social Security Scheme an initiative under the "Freedom From Hunger Project".

1. *Short title, commencement and applicability.*— (1) These Rules shall be called Goa Dayanand Social Security Scheme (Second Amendment) Rules, 2004.

(2) They shall come into force with immediate effect.

2. *Amendment to Rule 2(3).*— In the Goa Dayanand Social Security Scheme Rules, 2001 (hereinafter referred to as "the Principal Rules") in Sub rule (3) of Rule 2 the figure and words "above the age of 21 years" shall be deleted.

The natural Guardian or Legal Guardian of the minor disabled person shall submit an Affidavit duly executed by the appropriate authority to the Director of Social Welfare stating that the Financial Assistance sanctioned to the disabled person shall be utilized for the betterment of the concerned beneficiary.

3. *Amendment to Rule 6 (iv).*— Minor disabled beneficiary may open a Bank account jointly with their natural Guardian/Legal Guardian for the purpose of the scheme.

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

Sanjiv Gadkar, Director/ex officio Joint Secretary (Social Welfare).

Panaji, 23rd July, 2004.