

OFFICIAL GAZETTE



GOVERNMENT OF GOA

Note: There is one Extraordinary issue to the Official Gazette Series I No. 27 dated 30-9-2004 namely, Extraordinary dated 30-9-2004 from pages 601 to 602 regarding Notification from Department of Urban Development (Directorate of Municipal Administration).

GOVERNMENT OF GOA

Department of Law and Judiciary

Legal Affairs Division

Notification

10/3/2003-LA

The Merchant Shipping (Amendment) Act, 2003 (Central Act No. 59 of 2003), which has been passed by the Parliament and assented to by the President of India on 30-12-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 31-12-2003, is hereby published for general information of the public.

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

Panaji, 18th May, 2004.

THE MERCHANT SHIPPING (AMENDMENT) ACT, 2003

AN

ACT

Further to amend the Merchant Shipping Act, 1958.

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

1. *Short title and commencement.*— This Act may be called the Merchant Shipping (Amendment) Act, 2003.

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

2. *Substitution of new sections for sections 356A to 356H.*— For sections 356A to 356H of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), the following sections shall be substituted, namely:—

356A. *Application.*— (1) Save as otherwise provided, this Part shall apply to—

(a) oil tankers of one hundred and fifty tons gross or more, other ships of four hundred tons gross or more and off-shore installations; and

(b) incidents of marine casualty or acts relating to such casualty occurring with grave and imminent danger to Indian coast line or related interests from pollution or threat of pollution in the sea by deliberate, negligent or accidental release of oil, ballast water, noxious liquid and other harmful substances into sea including such incidents occurring on the high seas.

(2) This Part shall not apply to any war ships or other ships owned or operated by the Government and used for the time being on Government non-commercial service.

356B. *Definitions.*— In this Part, unless the context otherwise requires,—

(a) "ballast" means any solid or liquid placed in a ship to increase the draft to change the trim, to regulate the stability, or to maintain stress load within such limits as may be prescribed;

(b) "cargo" includes ballast and ship's stores and fuel;

(c) "coasts" has the meaning assigned to it in section 357;

(d) "coastal waters" means any part of the territorial waters of India, or any marine areas adjacent thereto over which India has, or, may hereafter have, exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, or any other law for the time being in force;

(e) "Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, including its Protocol of 1978, as amended from time to time in the manner specified therein;

(f) "international pollution prevention certificate" means any certificate issued in accordance with the provisions of Pollution Prevention Conventions and Protocols thereto which are acceded to by India;

(g) "mile" means a nautical mile of 1,852 metres;

(h) "noxious liquid substance" means any substance which has been designated as such by rules made under this Part;

(i) "off-shore installation" means an installation, whether mobile or fixed, which is used or is intended to be used for under-water exploration or exploitation of crude oil, petroleum or other similar mineral oils, under lease, licence or any other form of contractual arrangement and includes—

(a) any installation which could be moved from place to place under its own motive power or otherwise; and

(b) a pipe-line;

(j) "oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

(k) "oily mixture" means a mixture with any oil content;

(l) "oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes any

combination carrier or any chemical tanker when it is carrying a cargo or part cargo of oil in bulk;

(m) "reception facilities", in relation to a port, means facilities for enabling tankers or ships using the port to discharge or deposit residue or mixture of any substance subject to control by the Convention;

(n) "ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

356C. *Issue of pollution prevention certificate.*—

(1) No Indian oil tanker or other Indian ship shall proceed to sea unless there is in force, in respect of that ship, a certificate issued by the Central Government, to be called an international oil pollution prevention certificate, in such form, for such duration and subject to such conditions as may be prescribed.

(2) No Indian oil tanker or other Indian ship carrying noxious liquid substances in bulk shall proceed to sea except with a certificate issued by the Central Government, to be called an international pollution prevention certificate, in such form, for such duration and subject to such conditions as may be prescribed for the carriage of noxious liquid substances in bulk.

(3) No Indian oil tanker or other Indian ship to which Annexure IV of the Convention applies shall proceed to sea except with a certificate issued by the Central Government, to be called an international sewage pollution prevention certificate, in such form, for such duration and subject to such conditions as may be prescribed.

Explanation.— For the purposes of this sub-section, "sewage" means—

(i) drainage and other waste from any form of toilets, urinals and water closet scuppers;

(ii) drainage from medical premises (dispensary, sick bay and other like places) via wash basins, wash tubs and scuppers located in such premises;

(iii) drainage from spaces containing living animals; or

(iv) other waste water when mixed with the drainages specified above.

(4) A valid international pollution prevention certificate issued in respect of an oil tanker or a ship, other than an Indian ship, by the Government of the country to which the ship belongs shall, subject to such rules as the Central Government may make in this behalf, have the same effect in India as the corresponding certificate issued in respect of an Indian ship has under this Part.

356D. *Issue of certificates for foreign ships in India and Indian ships in foreign countries.*—

(1) The Central Government may, at the request of the Government of a country to which the Convention applies, cause any international pollution prevention certificate to be issued in accordance with the Convention in respect of an oil tanker or other ship in that country, if it is satisfied that such certificate can properly be issued, and where a certificate is so issued, it shall contain a statement that it has been issued on request.

(2) The Central Government may request the Government of a country to which the Convention applies, to issue any international pollution prevention certificate in accordance with the Convention in respect of a ship and the certificate issued in pursuance of such a request containing a statement that it has been so issued shall have the same effect as if it had been issued by the Central Government under this Act.

356E. *Requirement for construction and equipment in ships to prevent pollution.*— For the purpose of preventing or reducing discharges of harmful substances or mixtures containing such substances from the oil tankers or other ships, the Central Government may make rules requiring Indian oil tankers and other Indian ships to be fitted with such equipment and to comply with such requirements for construction, survey of equipment and structure of such oil tankers or other ships and specifying conditions for making of surveys of all oil tankers or other ships, as may be prescribed, prior to issuing an international pollution prevention certificate.

Explanation.— For the purposes of this section, "harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea, and includes any substance subject to control by the Convention.

356F. *Record books.*— (1) Every Indian oil tanker or other Indian ship which carries a substance

subject to control by the Convention shall maintain, as may be required, record books in the prescribed forms, on board the oil tanker or other ship.

(2) The manner in which record books shall be maintained, the nature of entries to be made therein, the custody and disposal thereof, and all other matters relating thereto shall be such as may be prescribed having regard to the provisions of the Convention.

356G. *Inspection and control of oil tankers and other ships to which this Part applies.*— (1) A surveyor or any person authorised in this behalf may go, at any reasonable time, on board an oil tanker or other ship to which any of the provisions of this Part applies, for the purposes of—

(a) ensuring that the prohibitions, restrictions and obligations imposed by or under this Part are complied with;

(b) satisfying himself about the adequacy of the measures taken to prevent pollution;

(c) ascertaining the circumstances relating to an alleged discharge of a substance which is subject to control by the Convention from the oil tanker or other ship in contravention of the provisions of this Part;

(d) inspecting any record required to be maintained on board; and

(e) checking the validity of the international pollution prevention certificate.

(2) The surveyor or any such person may, if necessary, make, without unduly delaying the oil tanker or the other ship, a true copy of any record of the oil tanker or the other ship and may require the master of such tanker or ship to certify the copy to be a true copy and such copy shall be admissible as evidence of the facts stated therein.

356H. *Information regarding contravention of provisions of Convention.*— (1) If, on report from a surveyor or other person authorised to inspect an oil tanker or other ship under section 356G, the Director-General is satisfied that any provision of the Convention has been contravened by such oil tanker or other ship within the coastal waters, the Director-General or any officer authorised by him in this behalf, may—

(a) detain the oil tanker or other ship until the causes of such contravention are removed to the satisfaction of the Director-General or the officer authorised by him; and

(b) proceed against such oil tanker or other ship for recovery of cost of pollution damage, if any, and the cost of prevention of pollution damage and cleaning of such pollution:

Provided that where the Director-General deems it necessary, he may request the Indian Navy or the Coast Guard for preventing the oil tanker or other ship from proceeding to sea, and the Indian Navy or the Coast Guard, as the case may be, shall take action as requested by the Director-General.

(2) On receipt of information from the Government of any country to which the Convention applies that an Indian oil tanker or other ship has contravened any provision of the Convention, the Central Government may, if it deems it necessary so to do, request such Government to furnish further details of the alleged contravention and if satisfied that sufficient evidence is available to establish contravention of any of the provisions of this Part or the rules made thereunder, take appropriate action against the owner or master of the concerned oil tanker or other ship and intimate the reporting Government of the action so taken.

3. *Amendment of section 356-I.*— In section 356-I of the principal Act, for the words "oil reception facilities", wherever they occur, the words "reception facilities" shall be substituted.

4. *Amendment of section 356J.*— In section 356J of the principal Act, for the word "oil", wherever it occurs, the words "oil or noxious liquid substance" shall be substituted.

5. *Amendment of section 356K.*— In section 356K of the principal Act, for the word "oil", wherever it occurs, the words "oil or noxious liquid substance" shall be substituted.

6. *Amendment of section 356-O.*— In section 356-O of the principal Act, in sub-section (2),—

(i) for clauses (a) and (b), the following clauses shall be substituted, namely:—

"(a) prescribe the limits of ballast, and designate noxious liquid substances, under clauses (a) and (h), respectively, of section 356B;

(b) prescribe the forms in which, the duration for which and the conditions subject to which, various international pollution prevention certificates shall be issued under section 356C;

(bb) prescribe the period within which, the manner in which and the conditions for making surveys of oil tankers or other ships prior to issuing an international pollution prevention certificate and the requirements as to equipment which are to be fitted for prevention of pollution by an oil tanker and other ship under section 356E;"

(ii) in clause (c), for the words "oil record books", the words "record books" shall be substituted;

(iii) in clause (d), for the words "oil monitoring system, oily water separator, oil content metre, crude oil washing system, inert gas system or other equipments or contrivances carried out on board for preventing pollution of sea by oil", the words "various equipments required under the Convention" shall be substituted;

(iv) after clause (e), the following clause shall be inserted, namely:—

"(ee) any other matter which, for the implementation of the Convention, has to be or may be prescribed."

Notification

10/3/2003-LA

The Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003 (Central Act No. 53 of 2003), which has been passed by the Parliament and assented to by the President of India on 30-12-2003 and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 31-12-2003, is hereby published for general information of the public.

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

Panaji, 18th May, 2004.

THE INDUSTRIAL DEVELOPMENT BANK
(TRANSFER OF UNDERTAKING AND
REPEAL) ACT, 2003

AN

ACT

to provide for the transfer and vesting of the undertaking of the Industrial Development Bank of India to, and in, the Company to be formed and registered as a Company under the Companies Act, 1956 to carry on banking business and for matters connected therewith or incidental thereto and also to repeal the Industrial Development Bank of India Act, 1964.

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

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003.

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

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

(a) "appointed day" means such date as the Central Government may, by notification, appoint under section 3;

(b) "Company" means the Industrial Development Bank of India Limited to be formed and registered under the Companies Act, 1956; 1 of 1956.

(c) "Development Bank" means the Industrial Development Bank of India established under sub-section (1) of section 3 of the Industrial Development Bank of India Act, 1964; 18 of 1964.

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

(e) "Reserve Bank" means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934. 2 of 1934.

CHAPTER II

Transfer and vesting of the undertaking of
Development Bank in Company

3. *Undertaking of Development Bank to vest in Company.*— (1) On such date as the Central Government may, by notification, appoint, there shall be transferred to, and vest in, the Company, the undertaking of Development Bank.

(2) Notwithstanding anything contained in the Banking Regulation Act, 1949, the Company referred to in sub-section (1) shall be deemed to be a banking company within the meaning of clause (c) of section 5 of the Banking Regulation Act, 1949 and as such shall carry on banking business in accordance with the provisions of that Act, in addition to the business which may be carried on and transacted by the Development Bank: 10 of 1949.

Provided that such Company shall not be required to—

(a) obtain licence under section 22 of the Banking Regulation Act, 1949; 10 of 1949.

(b) maintain for a period of five years from the appointed day the percentage of assets required to be maintained under section 24 of the said Act.

(3) The provisions of the Banking Regulation Act, 1949 shall, as far as may be, to the extent they are not repugnant to any provision of this Act, apply to such Company. 10 of 1949.

(4) Notwithstanding anything contained in the Banking Regulation Act, 1949, the Central Government may, in consultation with the Reserve Bank of India, by notification, direct that any of the provisions of that Act specified in the notification— 10 of 1949.

(a) shall not apply to the Company; or

(b) shall apply to the Company, only with such exceptions, modifications and the adaptations as may be specified in the notification.

(5) A copy of every notification proposed to be issued under sub-section (4), shall be laid in draft

before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in disapproving the issue of the notification or both Houses agree in making any modification in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by both the Houses.

4. *General effect of transfer and vesting of undertaking.*— (1) The Central Government, being the shareholder of the Development Bank and every other shareholder of the Development Bank immediately before the appointed day shall be deemed to be registered on and from the appointed day as a shareholder of the Company to the extent of the face value of the shares held by such shareholder.

(2) The undertaking of the Development Bank which is transferred to, and which vest in, the Company under section 3 shall be deemed to include all business, assets, rights, powers, authorities and privileges and all properties, movable and immovable, real and personal, corporeal and incorporeal, in possession or reservation, present or contingent of whatever nature and wheresoever situate including lands, buildings, vehicles, cash balances, deposits, foreign currencies, disclosed and undisclosed reserves, reserve fund, special reserve fund, benevolent reserve fund, any other fund, stocks, investments, shares, bonds, debentures, security, management of any industrial concern, loans, advances and guarantees given to any person or industrial concern, tenancies, leases and book debts and all other rights and interests arising out of such property as were immediately before the appointed day in the ownership, possession or power of the Development Bank in relation to its undertaking, within or without India, all books of account, registers, records and documents relating thereto and shall also be deemed to include all borrowings, liabilities and obligations of whatever kind within or without India then subsisting of the Development Bank in relation to its respective undertaking.

(3) All contracts, deeds, bonds, guarantees, powers of attorney, other instruments and working arrangements subsisting immediately before the appointed day and affecting the Development Bank

shall cease to have effect or to be enforceable against the Development Bank and shall be of as full force and effect against or in favour of the Company in which the undertaking of the Development Bank has vested by virtue of this Act and enforceable as fully and effectually as if instead of the Development Bank, the Company had been named therein or had been a party thereto.

(4) Any proceeding or cause of action pending or existing immediately before the appointed day by or against the Development Bank in relation to its undertaking may, as from the appointed day, be continued and enforced by or against the Company in which the undertaking of the Development Bank has vested by virtue of this Act as it might have been enforced by or against the Development Bank if this Act had not been enacted and shall cease to be enforceable by or against the Development Bank.

5. *Provisions in respect of officers and other employees of Development Bank.*— (1) Every officer or other employee of the Development Bank (except a director of the Board or the chairman and managing director or any whole-time director) serving in the employment immediately before the appointed day shall, in so far as such officer or other employee is employed. In connection with the undertaking which has vested in the Company by virtue of this Act, become, as from the appointed day, an officer or, as the case may be, other employee of the Company and shall hold his office or service therein by the same tenure, at the same remuneration, upon the same terms and conditions, with the same obligations and with the same rights and privileges as to leave, leave fare concession, welfare scheme, medical benefit scheme, insurance, provident fund, other funds, retirement, voluntary retirement, gratuity and other benefits as he would have held under the Development Bank of its undertaking had not vested in the Company and shall continue to do so as an officer or, as the case may be, other employee of the Company or until the expiry of a period of six months from the appointed day, if such officer or other employee opts not to continue to be the officer or other employee of the Company within such period.

(2) Where an officer or other employee of the Development Bank opts under sub-section (1) not to be in employment or service of the company, such officer or other employee shall be deemed to have resigned.

(3) Notwithstanding anything contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Development Bank to the Company shall not entitle such officer or other employee to any compensation under this Act or under any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority. 14 of 1947.

(4) The officers and other employees who have retired before the appointed day from the service of the Development Bank and are entitled to any benefits, rights or privileges shall be entitled to receive the same benefits, rights or privileges from the Company.

(5) The trust of the provident fund or the gratuity fund of the Development Bank and any other bodies created for the welfare of officers or employees would continue to discharge their functions in the Company as was being done hitherto in the Development Bank and any tax exemption granted to the provident fund or the gratuity fund or pension fund would continue to be applied to the Company.

(6) Notwithstanding anything contained in this Act or in the Companies Act, 1956, or in any other law for the time being in force or in the regulations of the Development Bank, no director of the Board, chairman and managing director or any whole-time director or any other person entitled to manage the whole or substantial part of the business and affairs of the Development Bank shall be entitled to any compensation against the Development Bank or the Company for the loss of office or for the premature termination of any contract of management entered into by him with the Development Bank. 1 of 1956.

CHAPTER III

Miscellaneous

6. *Concession, etc. to be deemed to have been granted to Company.*— With effect from the appointed day, all fiscal and other concessions, licences, benefits, privileges and exemptions granted to the Development Bank, in connection with the affairs and business of the Development Bank under any law for the time being in force shall be deemed to have been granted to the Company.

7. *Tax exemption or benefit to continue to have effect.*— (1) Where any exemption from, or any assessment with respect to, any tax has been granted or made or any benefit by way of set off or carry forward of any unabsorbed depreciation or investment allowance or other allowance or loss has been extended or is available to the Development Bank under the Income-tax Act, 1961, such exemption, Assessment or benefit shall continue to have effect in relation to the Company. 43 of 1961.

(2) Where any payment made by the Development Bank is exempted from deduction of tax at source under any provision of the Income-tax Act, 1961, such exemption will continue to be available as if the provisions of the said Act made applicable to the Development Bank were operative in relation to the Company. 43 of 1961.

(3) The transfer and vesting of the undertaking of the Development Bank or any part thereof in terms of section 3 shall not be construed as a transfer within the meaning of the Income-tax Act, 1961 or any other law for the time being in force. 43 of 1961.

8. *Guarantee to be operative.*— Any guarantee given for or in favour of the Development Bank with respect to any loan, lease, finance or other assistance shall continue to be operative in relation to the company.

9. *Shares, bonds and debentures to be deemed to be approved securities.*— Notwithstanding anything contained in any other law for the time being in force, the shares, bonds and debentures of the Company shall be deemed to be approved securities for the purposes of the Indian Trusts Act, 1882 and the Insurance Act, 1938. 2 of 1882. 4 of 1938.

10. *Act to have overriding effect.*— The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

11. *Application of other laws not barred.*— The provisions of this Act shall be in addition to, and

not in derogation of the provisions of any other law for the time being in force.

12. *Amendment to certain enactments.*— The enactments specified in the Schedule to this Act shall be amended in the manner provided therein.

13. *Substitution in Acts, rules, regulations or notifications by Company in place of Development Bank.*— In every Act, rule, regulation or notification in force on the appointed day,—

(a) for the words "Industrial Development Bank of India", wherever they occur, the words "Industrial Development Bank of India Limited referred to in clause (b) of section 2 of the Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003" shall be substituted;

(b) for the words "Development Bank", wherever they occur, the words "Industrial Development Bank of India Limited referred to in clause (b) of section 2 of the Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003" shall be substituted;

(c) for the words and figures "the Development Bank means the Industrial Development Bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964", 18 of 1964. the words, brackets, letter and figures "the Industrial Development Bank of India Limited referred to in clause (b) of section 2 of the Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003" shall be substituted.

(d) for the words and figures "the Industrial Development Bank of India, established under section 3 of the Industrial Development Bank of India Act, 1964", the words, brackets, letter and figures "the Industrial Development Bank of India Limited referred to in clause (b) of section 2 of the Industrial Development Bank (Transfer of Undertaking and Repeal) Act, 2003" shall be substituted.

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

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

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

15. *Repeal and saving of Act 18 of 1964.*— (1) On the appointed day, the Industrial Development Bank of India Act, 1964, shall stand repealed.

(2) Notwithstanding the repeal of the Industrial Development Bank of India Act, 1964, the provisions of section 30A of the Act so repealed will continue to be applicable in respect of the arrangement entered into by the Development Bank with an industrial concern up to the appointed day and the Company will be entitled to act upon and enforce the same as fully and effectually as if this Act has not been enacted.

THE SCHEDULE

(See section 12)

Amendments to certain enactments

PART I

Amendments to the Reserve Bank of India Act, 1934

(2 of 1934)

Amendments

1. In section 2, clause (bvii) shall be omitted.
2. In section 17,—
 - (a) in sub-sections (4G) and (4H), the words "the Development Bank or" shall be omitted;
 - (b) in sub-sections (4-I), (8A) and (12B), the words "the Development Bank" shall be omitted.
3. In section 42, in sub-section (1), in the *Explanation*, in clause (c), in sub-clause (ii), the words "or from the Development Bank" shall be omitted.
4. In section 45-I, in clause (bb), in sub-clause (iv), the item (a) shall be omitted.
5. In section 46C, in sub-section (2), clauses (a) and (b) shall be omitted.

PART II

Amendments to the Banking Regulation Act, 1949

(10 of 1949)

Amendments

1. In section 5, clause (ffa) shall be omitted.
2. In section 34A, in sub-section (3), the words "the Development Bank" shall be omitted.

3. In section 36AD, in sub-section (3), the words "the Development Bank," shall be omitted.

PART III

Amendments to the Industrial Disputes Act, 1947

(14 of 1947)

Amendment

In section 2, in clause (bb), the words "the Industrial Development Bank of India" shall be omitted.

PART IV

Amendments to the Small Industries Development Bank of India Act, 1989

(39 of 1989)

Amendments

In section 2,—

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

'(h) "industrial concern in the small scale sector" means any concern engaged or to be engaged in,—

(i) the manufacture, preservation or processing of goods;

(ii) shipping;

(iii) mining including development of mines;

(iv) the hotel industry;

(v) the transport of passengers or goods by road or by water or by air or by ropeway or by lift;

(vi) the generation, storage or distribution of electricity or any other form of energy;

(vii) the maintenance, repair, testing or servicing of machinery or equipment of any description or vehicles or vessels or motor boats or trailers or tractors;

(viii) assembling, repairing or packing any article with the aid of machinery or power;

(ix) the setting up of, or development of, an industrial area or an industrial estate;

(x) fishing or providing shore facilities for fishing or maintenance thereof;

(xi) providing special or technical knowledge or other services for the promotion of industrial growth;

(xii) providing engineering, technical, financial, management, marketing or other services or facilities for industry;

(xiii) service industry such as altering, ornamenting, polishing, finishing, oiling, washing, cleaning or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal;

(xiv) providing medical, health or other allied services;

(xv) providing services relating to information technology, telecommunication or electronics;

(xvi) leasing, sub-leasing or giving on hire-purchase of industrial plants, equipments, machinery or other assets including vehicles, ships and aircraft;

(xvii) such other activity as the Central Government may, having regard to the objects of this Act, by notification, specify in this behalf; or

(xviii) the research and development of any concept, technology, design, process or product whether in relation to any of the matters aforesaid, including any activities specified under sub-clause (xvii), or any other matter and which is regarded as a small-scale undertaking under section 11B of the Industries (Development and Regulation) Act, 1951; 65 of 1951.

Explanation.— The expression "processing of goods" includes any art or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation;

(b) after clause (1a), the following clauses shall be inserted, namely:—

'(1b) "Reserve Bank" means the Reserve Bank of India constituted under the reserve Bank of India Act, 1934; 2 of 1934.

(1c) "scheduled bank" means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934; 2 of 1934.

(c) clause (q) shall be omitted.

Department of Personnel

Notification

1/4/90-PER

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, and in supersession of the existing Recruitment Rules for the relevant posts, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Goa General Service, Group 'C' Non-Gazetted post in the Directorate of Health Services, Government of Goa, namely:—

1. Short title, application and commencement.—

(1) These rules may be called the Government of Goa, Directorate of Health Services, Group 'C', Non-Gazetted post, Recruitment Rules, 2004.

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

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

2. Number, classification and scales of pay.—

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

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

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

The method of recruitment to the said post, age limit, qualifications and other

matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

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

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

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

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

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

D. M. Borkar, Officer on Special Duty (PETS).

Panaji, 23rd September, 2004.

SCHEDULE

Name and Designation of the posts.	Number of posts	Classification	Scale of pay	Whether selection post or non-selection post	Age limit, for direct recruits	Whether the benefit of added year of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct or by promotion/ or by deputation/ /transfer/ /contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ /deputation/ /transfer, grades from which promotion/ /deputation/ /transfer is to be made	If a D. P. C. exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making recruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Extension (2004) Educational Subject to variation depending on workload.	17	Group 'C', Non-Ministerial Non-Gazetted.	Rs. 4500-125-7000.	Selection.	Not exceeding 40 years (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government).	N. A.	<p><i>Essential:</i></p> <p>(1) Bachelor in Computer Application from a Recognised University. or</p> <p>(2) (a) Graduate from a Recognised University.</p> <p>(b) Diploma in Computer Management/Application of one year recognised by Goa Government/Recognised University/Board.</p> <p>(3) Knowledge of Konkani.</p> <p><i>Desirable:</i></p> <p>(1) Five years experience of field work in rural/Urban areas, preferably in family planning or social education or health education or Department of Information and Public Relations.</p> <p>(2) Knowledge of Marathi.</p>	N. A.	2 years.	Direct recruitment.	N. A.	Group 'C' D. S. C.	N. A.