

GOVERNMENT OF GOA

Department of Law & Judiciary Legal Affairs Division

Notification

7/13/2012-LA

The Goa Human Resource Development Act, 2012 (Act No. 12 of 2012), which has been passed by the Legislative Assembly of Goa on 06-8-2012 and assented to by the Governor of Goa on 29-8-2012, is hereby published for general information of the public.

Sharad G. Marathe, Joint Secretary (Law).

Porvorim, 30th August, 2012.

The Goa Human Resource Development Act, 2012

(Goa Act 12 of 2012) [29-8-2012]

AN

ACT

to make special provision for developing human resources in the State of Goa by imparting required training to the unemployed persons and to the work force in the State of Goa, so as to make available the trained and skilled personnel to the Government Departments, Institutions, Government Undertakings, autonomous bodies, social institutions, Business establishments, individuals, etc., and also with a view to assist the unemployed youth to get gainful employment and for that purpose to establish a Human Resource Development Corporation, and to provide for matters connected therewith or incidental thereto.

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

CHAPTER I

Preliminary

1. Short title, extent and commencement.— (1) This Act may be called the Goa Human Resource Development Act, 2012.

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

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

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

(a) “Corporation” means the Goa Human Resource Development Corporation established under section 3;

(b) “Government Bodies” includes,—

(i) all Government Departments;

(ii) all autonomous bodies and institutions which are established or under control of the Government; and

(iii) all corporations which are either wholly owned by the Government or partly in which not less than fifty-one percent of the paid up share capital is held by the Government;

(c) “Government” means the Government of Goa.

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

(e) “premises” means any land or building or part of a building and includes,—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

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

(g) “private firms” includes business houses, establishments, companies, partnership firms, etc., which are run by private individuals or groups;

(h) “services” means any services, such as housekeeping, security, maintenance and operation, gardening, etc.

CHAPTER II

Establishment and Constitution of the Corporation

3. Establishment and incorporation.— (1) For the purpose of providing trained personnel for all types of services like housekeeping, security, maintenance and operations, gardening, etc., to various Government bodies, private firms, individuals, etc., in the State of Goa, there shall be established by the Government, by notification in the Official Gazette, a Corporation by the name the Goa Human Resource Development Corporation.

(2) The said Corporation shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall be competent to acquire, hold and dispose of property, both movable and immovable, and to contract, and do all things necessary for the purposes of this Act.

4. Constitution.— (1) The Corporation shall consist of the following ten directors, that is to say:—

(a) Secretary/Special Secretary to the Government of Goa, Department of Personnel.

(b) Additional Secretary/Joint Secretary to the Government of Goa, Department of Personnel.

(c) Additional Secretary/Joint Secretary to the Government of Goa, Department of Finance.

(d) Commissioner, Labour and Employment or Deputy Labour Commissioner, as may be decided by the Government.

(e) Director of Health Services.

(f) Four persons having shown capacity in human resource development to be nominated by the Government.

(g) The Managing Director of the Corporation, shall be the Chief Executive Officer of the Corporation and shall also be the ex officio Secretary to the Corporation.

(2) The Government shall appoint one of the directors of the Corporation to be the Chairman of the Corporation and another to be the Vice-Chairman.

5. Disqualification for being director.— A person shall be disqualified for being nominated as a director of the Corporation, if he,—

- (a) is an employee of the Corporation, not being the Managing Director; or
- (b) is of unsound mind, and stands so declared, by a competent court; or
- (c) is an undischarged insolvent; or
- (d) is convicted of an offence involving moral turpitude within a period of five years immediately before his being nominated as a director.

6. Term of office and conditions of service of directors.— (1) The Chairman, Vice-Chairman and directors of the Corporation nominated under clause (f) of sub-section (1) of section 4, shall hold office for a period of three years from the date of their nomination unless their term of office is terminated earlier by the Government.

(2) The directors of the Corporation nominated under clause (f) of sub-section (1) of section 4 shall be entitled to draw such honorarium or compensatory allowance for the purpose of meeting the personal expenditure for attending the meeting of the Corporation or of any Committee thereof or when appointed in connection with the work undertaken by or for the Corporation, as may be prescribed.

(3) It is hereby declared that the office of director or Chairman or Vice-Chairman of the Corporation, in so far as it is an office of profit under the Government of India, or the Government of any State, or the Government of any Union territory, shall not disqualify the holder for being chosen as, and for being, a member of the Legislative Assembly of Goa.

7. Meetings of Corporation.— (1) The Corporation shall meet at such times and places, and shall, subject to the provisions of sub-section (2), observe such rules of procedure in regard to the transaction of its business as may be provided by regulations made under this Act.

(2) A director who is directly or indirectly concerned or interested in any contract, loan, arrangement or proposal entered into or proposed to be entered into by or on behalf of the Corporation, shall at the earliest, possible opportunity, disclose the nature of his interest to the Corporation, and shall not be present for any meeting of the Corporation when any such contract, loan, arrangement or proposal is discussed.

8. Cessation of being Director.— (1) If a director,—

- (a) becomes, subject to any of the disqualifications mentioned in section 5; or
 - (b) tenders his resignation in writing to, and such resignation is accepted by, the Government; or
 - (c) is absent without the Corporation's permission from three consecutive meetings of the Corporation, or from all meetings of the Corporation for three consecutive months; or
 - (d) is convicted of an offence involving moral turpitude, - he shall cease to be a director of the Corporation.
- (2) The Government may, by order, suspend from office for such period as it thinks fit, or remove from office any director of the Corporation, who in its opinion,—
- (a) has refused to act; or
 - (b) has become incapable of acting; or
 - (c) has so abused his position as director as to render his continuance on the Corporation detrimental to the interest thereof or of the general public; or

(d) is otherwise unfit to continue as director.

Provided that, a director shall not be suspended or removed from office unless he has been given a reasonable opportunity to show cause against the order.

9. Vacancies how to be filled.— Any vacancy of a director of the Corporation shall be filled as early as practicable, in like manner as if the appointment was being made originally.

Provided that, during any such vacancy the continuing directors may act as if no vacancy had occurred.

10. Temporary absence of directors.— (1) If the Chairman or Vice-Chairman or any other director of the Corporation is by reason of illness or otherwise rendered temporarily incapable of carrying out his duties or is granted leave of absence by the Government, or is otherwise unable to attend to his duties in circumstances not involving the cessation of his directorship, the State Government may appoint another person to act for him and carry out his duties and functions by or under this Act. Such person shall vacate office on the date when the director for whom he is acting resumes his duties.

(2) In the absence of the Chairman, the Vice-Chairman shall preside over the meetings of the Corporation and in the absence of both Chairman and Vice-Chairman, the directors present shall choose amongst them the Presiding Officer to preside over the meetings of the corporation.

11. Proceeding presumed to be good and valid.— No disqualification of, or defect in the appointment of any person acting as the Chairman, Vice-Chairman or a director of the Corporation, shall vitiate any act or proceeding of the Corporation, if such act or proceeding is otherwise in accordance with the provisions of this Act.

12. Officers and servants of the Corporation.— (1) The Government shall appoint a Managing Director of the Corporation and a Chief Accounts Officer of the Corporation.

(2) The Corporation may appoint such other officers and servants, subordinate to the officers mentioned in sub-section (1), as it considers necessary for the efficient performance of its duties and functions.

(3) The conditions of appointment and service of the officers and servants of the Corporation and their scales of pay shall,—

(a) as regards the Managing Director and Chief Accounts Officer, be such as may be prescribed; and

(b) as regards the other officers and servants, be such as may be determined by regulations made under this Act.

CHAPTER III

Functions and Powers of the Corporation

13. Functions.— The functions of the Corporation shall be—

(i) generally to provide trained and skilled personnel for all types of services like housekeeping, security, maintenance and operations, gardening, etc., to various Government bodies, private firms, Individuals, etc., in the State of Goa, with the aim to generate employment among the unemployed youth, work for their welfare and upliftment.

(ii) in particular, and without prejudice to the generality of clause (i), to—

(a) provide personnel to render adequate and proper service to the Government

departments, and other agencies and individuals as mentioned in sub-clause (i);

(b) provide employment opportunities to the unemployed persons and persons belonging to the weaker section of society who are efficient to work so that they are not exploited by the middle man or contractors; impart training to, and develop skills in, the personnel in order to equip them for disposal of their duties efficiently and effectively.

(c) provide regular training to, and conduct refresher courses for, the existing employees of the Government bodies at various levels, to upgrade their knowledge and skill.

(d) design training modules keeping in view the requirement of personnel in various Government Departments or as per clients requirements, from time to time;

(e) undertake the work of housekeeping, security service, maintenance and operation, gardening, etc., and for that purpose get registration/licences under the relevant law in force;

(f) hold conferences, workshops, panel discussions, etc., in the field of HumanResource Development;

(g) to tie up with educational institutions/university for getting knowhow about development of Human Resources;

(h) develop and implement schemes for the benefit of unemployed youth, with an aim to provide them employment and necessary skill that may be required, for the purpose;

(i) undertake schemes or works either jointly or on agency basis, with other corporate bodies or institutions, or with the Government, in furtherance of the purposes for which the Corporation is established and all matters connected therewith;

(j) undertake and carry out all such related activities as the Government may, from time to time, decide to be undertaken or carried out by the Corporation;

(k) receive grants from the State and Central Government for the maintenance of administrative setup of the Corporation. Further, grants could be received from the Corporate for purpose of training and which purpose the Corporation may tie up with the existing training institutes, set up in the State of Goa or outside the State of Goa;

(l) survey and identify training gaps/training needs in Government bodies, private firms, etc., whenever required, and provide solutions to meet the requirement and bridge the gaps.

14. General powers of the Corporation.— Subject to the provisions of this Act, the Corporation shall have power—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for the performance of any of its activities and to lease, sell, exchange or otherwise transfer any property held by it on such conditions as may be deemed proper by the Corporation;

(b) to constitute advisory committee to advise the Corporation;

(c) to engage suitable consultants or persons having special knowledge or skills to assist the Corporation in the performance of its functions;

(d) subject to the previous permission of the Government, to delegate any of its powers generally or specially to any of its committees or Officers, and to permit them to re-delegate specific powers to their subordinates;

(e) to enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of its functions;

(f) to enter into any trade and business and invest the surplus money with the aim of earning profit for strengthening the financial position of the Corporation and spend it for achieving the aims and objects of the Corporation; and

(g) to do such other things and perform such acts as it may think necessary or expedient for the proper conduct of its functions and carrying into effects the purposes of this Act.

15. Authentication of orders and documents of Corporation.— All permissions, orders, decisions, notices and other documents of the Corporation shall be authenticated by the signature of officer authorised by the Corporation in this behalf.

16. Directions by the Government.— The Government may issue to the Corporation such general or special directions as to policy as it may think necessary or expedient for the purpose of carrying out the purposes of this Act, and the Corporation shall be bound to follow and act upon such directions.

CHAPTER IV

Finance, Accounts and Audit

17. Application of Corporation's assets.—All property, funds and other assets vesting in the Corporation shall be held and applied by it, subject to the provisions and for the purposes of this Act.

18. Corporation's fund.— (1) The Corporation shall have and maintain its own fund, to which shall be credited—

(a) all monies received by the Corporation by way of grants, subventions, loans, advances or otherwise;

(b) all fees, costs and charges received by the Corporation under this Act;

(c) all monies received by the Corporation from the disposal of lands, buildings and other properties, movable and immovable, and other transactions;

(d) all monies received by the Corporation by way of rents and profits, or in any other manner or from any other source including the proceeds of any loan authorized by section 20.

(2) The Corporation may keep in current or deposit account with the State Bank of India or any other Bank approved by the Government in this behalf such sum of money out of its fund as may be prescribed and any money in excess of the said sum shall be invested in such manner as may be approved by the Government.

(3) Such accounts shall be operated upon by such officers of the Corporation as may be authorized by it by regulations made in this behalf.

19. Grants, subventions, loans and advances and capital contribution to the Corporation.— The Government may, after due appropriation made by the State Legislature by law in this behalf, make such grants, subventions, loans and advances and capital contribution to the Corporation as it may deem necessary for the performance of the functions of the Corporation under this Act; and all grants, subventions, loans and advances and capital contribution made shall be on such terms and conditions as the Government may, after consulting the Corporation, determine.

20. Power of the Corporation to borrow.— The Corporation may, subject to such conditions as may be prescribed in this behalf, borrow money in the open market or otherwise,

with a view to providing itself with adequate resources.

21. Reserve and other funds. — (1) The Corporation shall make provision for such reserve and other specially denominated funds as the Government may, from time to time, direct.

(2) The management of the funds referred to in sub-section (1), the sums to be transferred from time to time to the credit thereof and the application of money comprised therein, shall be determined by the Corporation.

(3) None of the funds referred to in sub-section (1) shall be utilized for any purpose other than that for which it was constituted, without the previous approval of the Government.

22. Expenditure from funds.— (1) The Corporation shall have the authority to spend such sums as it thinks fit for the purposes authorized under this Act from out of the general fund of the Corporation referred to in section 18 or from the reserve and other funds referred to in section 21, as the case may be.

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Corporation may contribute such sums as it thinks fit towards expenditure incurred or to be incurred in the performance of any of the statutory functions of the Corporation, including expenditure incurred in the acquisition of land.

23. Budget and programme of work.— (1) The Corporation shall, by such date in each year as may be prescribed, prepare and submit to the Government for approval an annual financial statement and the programme of work for the succeeding financial year.

(2) The annual financial statement shall show the estimated receipts and expenditure during the succeeding financial year in such form and details as may be prescribed.

(3) The Corporation shall be competent to make variations in the programme of work in the course of the year provided that all such variations and re appropriations out of the sanctioned budget are brought to the notice of the Government by a supplementary financial statement.

(4) A copy each of the annual financial statement and the programme of work and the supplementary financial statement, if any, shall be placed before the Legislative Assembly as soon as may be after their receipt by the Government.

24. Accounts and audit.— (1) The Corporation shall maintain books of account and other books in relation to its business and transactions in such form, and in such manner, as may be prescribed.

(2) The accounts of the Corporation shall be audited by an auditor appointed by the Government, in the prescribed manner.

(3) As soon as the accounts of the Corporation are audited, the Corporation shall send a copy thereof with a copy of the report of the auditor thereon to the Government.

(4) The Government shall cause the accounts of the Corporation together with the audit report thereon forwarded to it under sub-section (3) to be laid annually before the Legislative Assembly.

25. Concurrent and special audit of accounts.— (1) Notwithstanding anything contained in section 24, the Government may order that there shall be concurrent audit of the accounts of the Corporation by such persons as it thinks fit. The Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Corporation relating to any particular transaction or class or series of transactions or to a particular period.

(2) When an order is made under sub-section (1), the Corporation shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (1) such information as the said person may require for the purpose of audit.

CHAPTER V

Supplementary and Miscellaneous Provisions

26. *Furnishing of returns etc.*— (1) The Corporation shall furnish to the Government such returns, statistics, reports, accounts and other information with respect to its conduct of affairs, properties or activities or in regard to any proposed work or scheme as the Government may from time to time require.

(2) The Corporation shall, in addition to the audit report referred to in section 24, furnish to the Government an annual report on its working as soon as may be after the end of each financial year in such form and detail as may be prescribed, and a copy of the annual report shall be placed before the Legislative Assembly as soon as may be after it is received by the Government.

27. *Recovery of sums due to the Corporation as arrears of land revenue.*— All sums payable by person to the Corporation or recoverable by it by or under this Act and all charges or expenses incurred in connection therewith shall, without prejudice to any other mode of recovery, be recoverable as arrears of land revenue on the application of the Corporation.

28. *Default in performance of duty.*— (1) If the Government is satisfied that the Corporation has made a default in performing of any duty or obligation imposed or cast on it by or under this Act, the Government may fix a period for the performance of that duty or obligation and give notice to the Corporation accordingly.

(2) If, in the opinion of the Government, the Corporation fails or neglects to perform such duty or obligation within the period so fixed for its performance, it shall be lawful for the Government to supersede and reconstitute the Corporation, as it deems fit.

(3) After the supersession of the Corporation and until it is re-constituted in the manner laid down in Chapter II, the powers, duties and functions of the Corporation under this Act shall be carried on by the Government or by such officer or officers or body of officers as the Government may appoint for this purpose from time to time.

(4) All properties vested in the Corporation shall, during the period of supersession, vest in the Government.

29. *Dissolution of Corporation.*— (1) Where the Government is satisfied that the purposes for which the Corporation was established under this Act have been substantially achieved so as to render the continued existence of the Corporation in the opinion of the Government unnecessary, the Government may, by notification in the Official Gazette, declare that the Corporation shall be dissolved with effect from such date as may be specified in the notification, and the Corporation, shall be deemed to be dissolved accordingly.

(2) From the said date—

(a) all properties, funds and dues which are vested in, or realizable by, the Corporation shall vest in, or be realizable by, the Government;

(b) all liabilities which are enforceable against the Corporation shall be enforceable against the Government.

30. Power to make rules.— (1) The Government, after consultation with the Corporation in regard to matters concerning it, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Provided that, consultation with the Corporation shall not be necessary on the first occasion of the making of rules under this section, but the Government shall take into consideration any suggestions which the Corporation may make in relation to the amendment of such rules after they are made.

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

- (a) under section 6, the honorarium and compensatory allowance of the directors of the Corporation;
- (b) under section 12, the conditions of appointment and service and the scales of pay of the Managing Director and the Chief Accounts Officer of the Corporation;
- (c) under section 18, the sums of money to be kept by the Corporation in current and deposit accounts;
- (d) under section 20, the conditions subject to which the Corporation may borrow;
- (e) under section 23, the date by which the annual financial statement and programme of work shall be submitted by the Corporation to the Government and the form and details of preparing such statement;
- (f) under section 24, the form and manner of maintaining accounts;
- (g) under section 26, the form of, and the details to be given in, the annual report;
- (h) the fees which may be charged by the Corporation;
- (i) any other matter which has to be, or may be, prescribed by rules.

(3) All rules made under this section shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid, or the session immediately following.

31. Power to make regulations.— (1) The Corporation may, with the previous approval of the Government, make regulations consistent with this Act and the rules made there under to carry out, the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for:—

- (a) under section 7(1), the time and place of meetings of the Corporation and the procedure to be followed in regard to the transaction of business at such meetings;
- (b) under section 12, the conditions of appointment and service and the scales of pay of officers and servants of the Corporation, other than the Managing Director and the Chief Accounts Officer;
- (c) under section 18(3), the officers of the Corporation who may operate its accounts;
- (d) any other matter which has to be, or may be, provided by regulations.

(2) All regulations made under this section shall be published in the Official Gazette and shall be laid for not less than fourteen days before the Legislative Assembly as soon as possible after they are made, and shall be subject to such modifications as the Legislative Assembly may make during the session in which they are so laid, or the session immediately following.

32. Protection of action taken in good faith.— No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made there under.

33. Notice of suit and limitation of suits against the Corporation, Committees, Officers and servants for acts done in pursuance of execution of this Act.— (1) No suit shall lie against the Corporation or against any Committee constituted under this Act or against any Officer, or servant of the Corporation in respect of any act done in pursuance or the execution or intended execution of this Act, or in respect of any alleged neglect, or default in the execution of this Act—

(a) unless it is commenced within six months after the accrual of the cause of action; and

(b) until the expiration of two months after the notice in writing has been, in the case of the Corporation or its Committee, delivered or left at the Corporation's office and in the case of an Officer or servant of the Corporation, delivered to him or left at his office or place of abode; and all such notices shall state with reasonable particulars the cause of action and the name and place of abode of the intending plaintiff and of his advocate, pleader, or agent, if any, for the purpose of the suit.

(2) If the defendant in any such suit is an officer, or servant of the Corporation, payment of any sum or part thereof payable by him in or in consequence of the suit may, with the sanction of the corporation, be made from the Corporation funds.

34. Directors, officers and staff of Corporation to be public servants.— All directors, officers and servants of the Corporation shall, when acting or purporting to act in pursuance of any of the provisions of this Act, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (45 of 1860).

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

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

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

Secretariat,
Porvorim-Goa.
Dated: 30-8-2012.

PRAMOD V. KAMAT
Secretary to the Govt. of Goa,
Law Department (Legal Affairs).