

**PRINCIPAL ENACTMENTS THAT REGULATE THE FUNCTIONING OF
P.A.P. (PROVEDORIA DA ASSISTANCIA PUBLICA)**

**Enactment No. 1984 dated 14-4-1960
(Summary Translation)**

Public Assistance Department was created by enactment No. 1200 dated 7.8.1947 being a section of the Directorate of Civil Administration and its chief aim was to coordinate and exercise supervision over all the modalities of Social Welfare, either maintained or subsidized by the Government or other administrative bodies and corporations.

In the beginning the mission of Provedoria was only to administer the Public Assistance Fund, but only after 3 months of its inception, Provedoria began to enjoy all the privileges and facilities given to Government bodies (article 1 of Enactment No. 1209 dated 27-11-1947).

After 4 years i.e. in 1951 the progress made by Provedoria was so great that the Overseas Ministry stated that there was need of reorganizing the whole set up of Provedoria so that, financial and administrative autonomy might be given.

Thus, since the year 1952, Provedoria was de facto enjoying all the privileges of an autonomous body and considering its realizations as well as the amplitude now given by the Legislative Diploma No. 1944 dated 22-10-1959 by which the system of rendering Social Assistance in this State is reorganized.

The circumstances and the experience, therefore, advice that the Provedoria shall be integrated in the juridical regime of Autonomous Services of the State, giving consequently to those working in the same Organisation all the rights, duties and privileges of Government Servants.

CHAPTER I

Nature of the Institution and its principal objectives

Article 1

Public Assistance Department created by Legislative Enactment no. 1200 dated 7.8.1947 shall be an autonomous body with juridical personality, enjoying administrative and financial autonomy.

Article 2

The objective of Provedoria is to coordinate, supervise all the institutions of social welfare either maintained by the Government or any other private body.

Para 1. In all that relates to the Sanitary Assistance Provedoria shall collaborate with the Health Department.

Article 3

Providoria shall give help to all the Institutions of Social Welfare which shall be among other forms in the following manners :

- a) Grant of Subsidies;
- b) Bestowal of any property either movable or immovable that belongs to Providoria;
- c) Giving employment to the unemployed compatible with their physical condition.

Article 4

To put into effect art. 2, Providoria shall determine :

- a) Concentration of certain modalities of Social Welfare according to the convenience of their best installation, distributing proportionally the expenses among interested entities.
- b) Distribution of the indigents from one Asylum to another or from one Institution to another Institution, according to the norms fixed for this purpose which shall prevail over the existing in the Institution.
- c) Transfer of Institutions from one building to another, when the circumstances and necessities justify and by way of compensation which the Advisory Body shall fix.
- d) Requisitions of buildings for the installation of new modalities of assistential work, when the same are not conveniently utilized for the purpose of their creation.

Article 5

To put into effect all the objectives of social welfare, Providoria shall :

- a) Give their opinion about the budgets of any assistential body before being presented to the Government.
- b) Verify whether the amounts laid down in the approved budgets have been spent properly.
- c) Supervise whether all the Social Welfare Institutions are functioning properly according to the statutes and propose dissolution of those found unsuitable.
- d) Receive all the inheritance either immovable or movable properties that are bestowed on Providoria or donated to it and collect the percentage earmarked of public entertainments and other collections.

CHAPTER II

On Financial matters

Article 6

The following shall be the sources of income of Public Assistance Department :

1. 1) Profits made out of the sale of lotteries;
- 2) Sale of Special stamps of Public Assistance;
- 3) Grants given by the Government or any other Official or Private bodies;
- 4) Additional fine of 20 per cent;
- 5) Tax on foreigners;
- 6) Amount derived out of the sale of hoarded articles
- 7) Custom duty levied on luxury articles;
- 8) Excess of any other fine referred in the article 350 of the Civil Registry Code (Codigo do Registo Civil);
- 9) Heritages kept by the private parties to be utilized for the benefit of the Public Welfare without indication of any other entity;
- 10) Any other source of income that shall be created by the Government.

Para 1 : The collection and the supervision of the sources of income shall be done by the respective authority, where the income is originated or collection of income is made.

Article 7

The Special stamps of the Public Assistance referred in No. 2 of article 6 shall be according to the model approved by the Government, and to be used;

- a) Voluntarily on all bills, receipts or any other document and;
- b) Compulsorily;
 - 1) On all telegrams and other correspondence sent during the Easter time and Christmas season;
 - 2) On Money Orders;
 - 3) On entertainment tickets;
 - 4) On licences for dances and other entertainment tickets;
 - 5) On petitions regarding complaints made to the Government except those presented to the Tribunals and representations and expositions;
 - 6) On petitions or complaints made to the Administrative Courts;
 - 7) On passports.

Para 1: Those who do not affix the stamps as mentioned above will have to bear all the consequences foreseen in the stamp act.

Para 2 : The management of cinema houses, clubs and other entertainment bodies will be responsible for the non fulfillment of the above clause No. 3 and the payment will be done together with the stamp duty. Are considered public entertainment all those where entry is paid besides cinema and drama performances.

Para 3 : The stamp duty mentioned in the above Nos. 4 and 5 of the subtitle (b) can also be paid in cash in the treasury of Public Assistance Department or in the branches of Revenue Department (Fazenda) through previous calculations.

Para 4 : The payment made in the manner mentioned in the above preceding para will be noted in the respective document without any additional charge to the interested party.

Article 8

The stamp of Public Assistance shall be of the denominations of \$ 20, \$ 40 and 1 \$ 50. The stamps of the denominations of \$ 20 shall be compulsorily affixed in postages, documents and forms referred to in Nos. 1 and 2 of alinea (b) of the preceding article and voluntarily in all other documents, the stamp of the denomination of 40 shall be compulsorily affixed in each page of the documents mentioned in Nos. 3 to 6 of the same alinea and per each signature, and the stamps of denominations of 1 \$ 50 is destined to be affixed in the journey permits.

Article 9

The stamps of Public Assistance Department will be sold in the Provedoria Office, in the Branches of Local Fazenda and in all Post Offices.

Article 10

The stamps of Public Assistance are valued at the charge of Public Assistance Department.

Article 11

Public Assistance Department shall have a Reserve Fund comprising of the following sources of Income :

- a) Capital existing at the time of publication of the present enactment;
- b) Part of annual income authorized by the "Government".
- c) Unspent amounts of the budget of previous year;
- d) Lottery – prizes that were not cashed during the time limit.

Article 12

Reserve fund will be utilized for extraordinary expenses and to give loans on mortgage of properties or shares of Comunidades and the interest will be equal to that adopted by Caixa Economica de Goa.

Article 13

¹["The Government shall, under Notification published in the Official Gazette, determine that the funds of Provedoria da Assistencia Publica be deposited in Banks.

Para 1 : Funds called (1) "I.P.A. (Provedoria) Employees Provident Fund" and (2) "I.P.A, (Provedoria) Employees Pension and Gratuity Fund" shall be separated from the consolidated "Corpus Fund" of the I.P.A. (Provedoria) and maintained separately in the books of accounts. The balance fund shall be invested in, besides Co-operative Banks, long term deposits in Nationalised Banks or Financial Institutions recognised by the Reserve Bank of India which offer better financial terms. The withdrawal of the funds so deposited shall be made by cheques signed by the Director of Provedoria and Administrative-cum-Accounts Officer/Joint Director of Accounts."]

CHAPTER III

On Administrative Matters

Article 14

The following entities shall administer Provedoria :

- a) Provedor;
- b) Council of Provedoria.

Article 15

The Government shall direct the major policies of Provedoria

Article 16

1. ²["The Conselho da Provedoria (hereinafter referred to as the 'Council') shall consist of Chairman and four other members, including the Provedor, who shall be the Member-Secretary of the Council.
2. The Chairman and other three members of the Council shall be appointed by the Government by notification in the Official Gazette.
Provided that the Chairman shall be an Officer of the Government.
3. Every non-official member of the council shall hold office ³["*during the pleasure of the Government*"] and shall be paid such allowances from the funds of the Provedoria as may be fixed by the Government".]

Explanation – In this Article

- (a) ⁴[]
- (b) "Official Gazette" means the Goa, ⁵[] Government Gazette.
(Second Amendment Act, 1974 (Act No. 1 of 1975) (12.2.1975))

Para 1 : In case there are equal number of votes regarding any matter, Provedor shall have the right of casting vote.

Article 17

The Provedor except the matters contained in the following article is competent to deal with the matters contained in article 3, 4 and 5 of this Diploma and shall have the authority to represent the Public Assistance Department and exercise disciplinary action over its staff.

Articles 18

It shall be the duty of the Council of Provedoria to approve budgets and verify the accounts of Provedoria besides transacting matters referred to in alinea of article 3 alineas a, c and d of article 11 of this Diploma.

Para 1 : All the deliberations of the Council of Provedoria shall be put into effect only after they are approved by the Government.

CHAPTER IV

On Staff

Article 19

⁶[“The Administrator shall fix the cadre of the staff of Provedoria de Asistencia Publica and Institutions under its control and prescribe the pay, allowances and other conditions of service.

Provided that the Administrator may prescribe the pay, allowances and other conditions of service from a retrospective effect.”]

Article 20

Provedor and all other staff of its Secretariat and Institutions dependents are Government Employees, enjoying the rights, duties and privileges inherent to this quality, including the right for pension.

Para 1 : The service put by the present staff of Provedoria to official Department or corporation shall be consolidated for pension purposes and charges derived therefrom will be distributed proportionally.

Article 21

The present staff shall pay their pension contributions including the past ones through deduction in their pay and the past arrears will be paid in 24 instalments.

Article 22

Recruitment to the posts of Provedor and other staff of the Office and Institutions maintained by Provedoria shall be done according to the rules which shall be approved by the Order of the Government (Portaria).

CHAPTER V

Transitory Clauses

Article 23

Until rules are not framed in accordance with the principles defined in this Diploma, the Services of Provedoria and all the Institutions maintained by it will continue to be governed according to the rules presently in force.

Article 24

(Transitory) without regard to age, qualifications and other formalities, the Provedor and all the employees presently working in Provedoria in its services, shall be incorporated in the cadre, according to the categories, situations and salaries attributed to them by the Diploma Legislative No. 1811 dated 3.7.1958 and Portarias No. 7231 dated 22-5-1958 and 7282 dated 24-7-1958 part applicable.

Article 25

Enactment nos. 1200 and 1209 respectively dated 7-8-1947 and 27-11-1947 are repealed.

Sd/-
By
The Governor
(Vassalo e Silva)

Dated : 14-4-1960

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1. Article 13 substituted by the Legislative Diploma No. 1984 dated 14-4-1960(Fourth Amendment) Act, 1995.
 2. Substitution of new article to Article 16 by the Legislative Diploma No. 1984 dated 14-4-1960(Second Amendment) Act, 1974.
 3. Article 16 the expression “for a period of three years” substituted by the Legislative Diploma No. 1984 dated 14-4-1960(Amendment) Act, 2001.
 4. Article 16 clause (a) deleted vide Legislative Diploma No. 1984 dated 14-4-1960 Adaptation Order 1987.
 5. Article 16 clause (b) the words “Daman and Diu” deleted vide Legislative Diploma No. 1984 dated 14-4-1960 Adaptation Order 1987.
 6. Substitution of new article to Article 19 by the Legislative Diploma No. 1984 dated 14-4-1960(First Amendment) Act, 1972.
 7. Deletion by the Legislative Diploma No. 1984 dated 14-4-1960(First Amendment) Act, 1972.