

This issues with the approval of the State Government vide U. O. No. 72/F dated 18-01-2024.

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

Johnson B. Fernandes, Director & ex officio Joint Secretary (Environment & Climate Change).

Panaji, 29th January, 2024.



Department of Law & Judiciary
Law (Establishment) Division

Notification

14-17-2022-LD (Estt.)/155

The Notification No. Rule/P. 0703/2019 dated 28-12-2023 which have been issued by the Registrar General, High Court of Judicature at Bombay, is hereby published for general information of the public.

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

Amir Y. Parab, Under Secretary, Law (Estt.).

Porvorim, 19th January, 2024.

**The High Court of Judicature
at Bombay**

Notification

No. Rule/P. 0703/2019.— In exercise of the powers conferred by sub-section (14) of section 11 of the Arbitration and Conciliation Act, 1996 (Central Act 26 of 1996) and all other powers enabling it in this behalf, The Hon'ble the Chief Justice and the Hon'ble Judges of the Bombay High Court are pleased to make following amendments to the Bombay High Court (Fee Payable to Arbitrators) Rules, 2018".

1. *Short title*.— These rules may be called the Bombay High Court (Fee Payable to Arbitrators) First Amendment Rules, 2023.

2. *Definition*.— Unless the context otherwise require 'Principal Rules' means 'The Bombay High Court (Fee Payable to Arbitrators) Rules, 2018.

3. Sub-rule (2) of the Rule 2 of the Principal Rules shall be substituted as:

(2) "Where the dispute includes both a claim and a counter-claim, for the purposes of computing the fees of Arbitral Tribunal, the 'Sum in dispute' shall be the sum in dispute in the claim and each counter-claim filed separately."

4. After the sub-rule (2) of the Rule 2 of the Principal Rules as substituted, sub-rules (3) and (4) be added as follows:

"(3) The Arbitral Tribunal will be entitled to charge fees separately for the claim and separately for each counter-claim filed.

(4) Further, when the Schedule is made applicable to an arbitration, the fees ceiling contained in the Schedule will apply separately to the claim and separately to each counter-claim filed."

High Court of Judicature)
at Bombay) R. N. JOSHI
) REGISTRAR
Dated: 28 December, 2023.) GENERAL



Department of Public Health

Notification

22/12/2018-I/PHD/131

In exercise of the powers conferred by section 49 read with sections 23, 24, 25 and 34 of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 (Central Act No. 16 of 2017), the Government of Goa hereby makes the following rules, namely:—

1. *Short title and commencement*.— (1) These rules may be called the Goa Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Rules, 2024.

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

2. *Definitions.*— (1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Human Immuno-deficiency Virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 (Central Act No. 16 of 2017);

(b) “Form” means the form appended to these Rules;

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

(d) “Ombudsman” means an Ombudsman appointed or designated by the Government, as the case may be, under section 23 of the Act;

(2) Words and expressions used and not defined in these rules but defined in the Act, shall have the meaning respectively assigned to them in the Act.

(3) *Qualification and experience of an Ombudsman.*— (1) A person to be appointed as an Ombudsman under clause (a) of sub-section (1) of section 23 of the Act shall be,—

(a) a sitting or retired District and Session Judge; or

(b) a healthcare provider who is a physician with a minimum of ten years work experience in matters relating to public health; or

(c) a person with minimum ten year’s experience in Law and Legal Affairs Department of the Government, who has worked to the level of Joint Secretary.

(2) Officer to be designated as an Ombudsman under clause (b) of sub-section (1) of section 23 shall not be below the rank of Joint Secretary to the Government.

4. *Terms and conditions of service of Ombudsman.*— (1) The Ombudsman shall be paid such salary and allowances as admissible to the Joint Secretary to the Government.

(2) The Ombudsman shall be provided with office space and support staff by the Government.

(3) The Ombudsman shall hold office for a term of two years from the date on which he enters upon his office and shall not be eligible for reappointment:

Provided that no Ombudsman shall hold office as such after he has attained the age of sixty-five years.

(4) The Ombudsman may, by giving written notice of not less than three months to the Government, resign from his office.

(5) The Government may, by an order, remove an Ombudsman from the office, if he,—

(a) is, or at any time has been, adjudged an insolvent; or

(b) is, in the opinion of the Government, unfit to continue in office by reason of infirmity of mind or body; or

(c) has been convicted of an offence which, in the opinion of the Government, involves moral turpitude; or

(d) has acquired such financial or other interest which, is in the opinion of the Government, is likely to prejudicially affect his functions as an Ombudsman; or

(e) has so abused his position and his continuation in office will be detrimental to the public interest; or

(f) engages during his term of office in any paid employment outside the duties of his office:

Provided that an Ombudsman shall not be removed from his office without giving him a reasonable opportunity of being heard in the matter.

5. *Manner of inquiring into complaints by Ombudsman.*— (1) The Ombudsman shall act in an objective and independent manner when inquiring into complaints made against violation of any of the provisions of the Act.

(2) While inquiring into complaints under the Act, the Ombudsman shall not be strictly bound by any rules of evidence and may follow such procedure as he considers just and proper.

(3) The Ombudsman may, in the interests of justice, take the assistance of experts, including protected persons and persons vulnerable to HIV, and persons working in the fields of HIV and AIDS, public health or health delivery systems.

6. *Manner of maintaining records by Ombudsman.*— (1) The Ombudsman shall,—

(a) Immediately on receipt of a complaint, record it by assigning a sequential unique complaint number in a register maintained solely for that purpose in physical or computerized form;

(b) On receipt of the complaint, acknowledge it including by sending the unique complaint number by SMS or e-mail to the complainant where available;

(c) record the time of the complaint and the action taken on the complaint in the register; and

(d) maintain a record of complaints in a manner that ensures confidentiality of data.

(2) The Ombudsman shall adopt data protection measures in accordance with the guidelines referred in section 11 of the Act.

7. *Manner of making complaints to Ombudsman.*— (1) The Ombudsman shall not entertain any complaint if it is made after expiry of three months from the date of becoming aware of the alleged violation of the provision of the Act:

Provided that the Ombudsman may, for reasons to be recorded in writing, if he is satisfied that circumstances prevented the complainant from making the complaint within the stipulated period, entertain a complaint.

(2) The complaint to be made to the Ombudsman shall be in Form I hereto:

Provided that where a complaint cannot be made in writing the Ombudsman shall render all reasonable assistance to the complainant to reduce the complaint in writing.

(3) In case of medical emergency, the Ombudsman or his assistant may visit the

complainant at the location of the alleged violation or any other convenient place to enable written documentation of the complaint.

(4) The Ombudsman may receive complaints made in person or by post.

8. *Government to disseminate information on Ombudsman.*— (1) Within thirty days of the appointment of the Ombudsman, the Government shall disseminate information about the office of the Ombudsman, including the Ombudsman's jurisdiction, role, functioning and procedure, and the manner in which complaint can be made to the Ombudsman.

(2) Such dissemination shall be undertaken to advance the understanding, in particular, of protected persons, healthcare workers, legal aid service authorities and civil authorities.

9. *Manner of recording pseudonym in legal proceeding.*— (1) In any legal proceeding where a court, pursuant to section 34 (1) (a) of the Act directs, on an application made by a protected person or any other person, that in the interests of justice the proceeding or any part thereof be conducted by suppressing the identity of such protected person, the Registrar of the court shall direct all parties involved to,—

(a) file one copy of the document bearing the full name, identity and identifying details of the parties concerned before the court, which shall be kept in a sealed cover and in safe custody with the Registrar; and

(b) serve one copy of documents bearing the full name, identity and identifying details of the parties concerned upon other parties in the proceeding with a requirement to ensure that the full name and identity of the parties concerned are kept confidential.

(2) The Registrar shall provide pseudonym to protected person involved in the legal proceeding in the documents filed before the court so that the identity and identifying details of the protected person involved in the legal proceeding are kept confidential.

(3) The Registrar shall place the sealed covered documents before the court on the first date the legal proceeding is listed for hearing before the court, if so required by the court.

(4) The identity of the protected person involved in the legal proceeding and his identifying details shall be displayed in pseudonym in all documentation generated by the court in relation to the legal proceeding, including listing of the case on the court Board, interim order and final order.

(5) The identity and identifying details of the protected person involved in the legal proceeding shall not be revealed by any person or their representatives including assistants and staff:

Provided that where in the interest of justice, the name and identity of the protected person needs to be revealed to a third party, it shall be revealed with the permission of the court.

(6) Printing or publishing any matter in relation to the legal proceedings in electronic or any other form, shall be lawful only if the same is done by ensuring the suppression of identities of the parties in the legal proceeding.

(7) In any legal proceeding the court shall strictly comply with the guidelines in respect of the data protection measures in accordance with section 11 of the Act.

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

Gautami Parmekar, Under Secretary (Health-II).

Porvorim, 24th January, 2024.

FORM I

[(See rule 7 (2))]

Form for making Complaint to Ombudsman

1. Date of Incident _____
2. Place of Incident _____
3. Description of Incident _____
4. Person/Institution responsible for the Incident _____

*Signature/Thumb Impression of Complainant**

Name:

Date:

Mobile No./email/Fax/Address:

For Official Use only:

Unique Complaint Number:

**Where the complaint is received telephonically and reduced to writing by the Ombudsman, the Ombudsman shall sign the Form.*

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