



LEGISLATIVE ASSEMBLY OF GOA

**The Goa Tillari Irrigation
Development Corporation
(Amendment) Bill, 2001**

(Bill No. 31 of 2001)

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(~~To be~~ introduced in the Legislative Assembly)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM
MARCH, 2001**

**The Goa Tillari Irrigation Development
Corporation (Amendment) Bill, 2001**

(Bill No. 31 of 2001)

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BILL

*to amend the Goa Tillari Irrigation Development
Corporation Act, 1999(Goa Act 6 of 1999).*

BE it enacted by the Legislative Assembly of
Goa in the Fifty - second Year of the Republic of
India as follows:-

1. *Short title and commencement.*— (1) This Act
may be called the Goa Tillari Irrigation Develop-
ment Corporation (Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Amendment of sections 2,14,16 and 63.* — In
sections 2,14,16 and 63 of the Goa Tillari Irrigation
Development Corporation Act, 1999 (Goa Act 6 of
1999) (hereinafter referred to as the "principal
Act"), for the words "Irrigation Department",
wherever they occur, the words "Department of
Water Resources" shall be substituted.

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

for the words "Irrigation" and "Irrigation
Department", wherever they occur , the words
"Water Resources" and "Department of Water
Resources" shall be respectively substituted.

Statement of Objects and Reasons

The Government has renamed the Irrigation Department as the Department of Water Resources with an intention to have optimum utilisation of available water resources in the State of Goa. It is, therefore, required to amend the Goa Tillari Irrigation Development Corporation Act, 1999 (Goa Act 6 of 1999) by substituting the words "Irrigation" and "Irrigation Department", wherever they occur, by the words "Water Resources" and "Department of Water Resources" respectively in sections 2, 4, 14, 16 and 63 of the said Act, 1999.

This Bill seeks to achieve the above objects.

Panaji-Goa.
17 March, 2001

RAMAKANT KHALAP
Minister for Water Resources

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Assembly Hall,
Porvorim, Goa.
17 March, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)

Annexure

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**Extract of the sections 2, 4, 14, 16, and 63 of the Goa
Tillari Irrigation Development Corporation Act, 1999
(Goa Act 6 of 1999)**
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2. Definitions. – In this Act, unless the context otherwise requires, —

(a) "area of operation of the Corporation" means the area as specified in the Schedule and any other area or areas to which the provisions of this Act are extended by the State Government, by notification in the Official Gazette under sub-section (2) of section I;

(b) "Corporation" means the Goa Tillari Irrigation Development Corporation established under section 3;

(c) "Director" means a Director of the Corporation;

(d) "Irrigation Department" means the Irrigation Department of the Government of Goa;

(e) "irrigation project" means the planning, construction, maintenance and management of the Tillari Irrigation Project and Command Area of the Project.

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

(g) "Regulations" means the regulations made under this Act;

(h) "Schedule" means the Schedule appended to this Act;

(i) "State Government" means the Government of Goa.

4. *Constitution of Corporation.*— (1) The Corporation shall consist of the following members:—

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|--|-----|----------|
| (a) A person possessing such qualifications as may be prescribed, to be appointed by the State Government. | ... | Chairman |
| (b) Secretary, Irrigation, Government of Goa | ... | Director |
| (c) Secretary, Finance, Government of Goa | ... | Director |
| (d) Chief Engineer, Irrigation Department, Government of Goa | ... | Director |
| (e) Additional Chief Engineer, (Irrigation Project), Irrigation Department, Government of Goa | ... | Director |
| (f) Superintending Engineer, Tillari Irrigation Project, Irrigation Department, Government of Goa | ... | Director |
| (g) Three persons to be nominated by State Government | ... | Director |

(2) The Additional Chief Engineer (Irrigation Project), shall be the Managing Director of the Corporation and shall be Chief Executive Officer of the Corporation.

The Superintending Engineer (Tillari Irrigation Project) shall be the joint Managing Director of the Corporation.

(3) The terms of office of non-official Directors shall be for a period of five years unless it is terminated earlier by the State Government.

(4) The non-official Directors of the Corporation shall receive such compensatory allowances, for the purpose of meeting the personal expenditure in attending the meetings of the Corporation, as may be laid down by regulations.

14. *Vesting and transfer of property to the Corporation.*—(1) From such date as may be specified from time to time, by the State Government (hereinafter in this section referred to as "the appointed date").—

(a) the assigned projects of the Corporation and their assets comprising movables and immovables including irrigation project works under construction, specified in that behalf, situated in the area of operation of the Corporation, which immediately before the appointed date vested in the State Government and were under the control of the Irrigation Department, shall vest in and stand transferred to the Corporation and all income derived and expenses incurred in the behalf be brought on the books of the Corporation; and

(b) the rights, liabilities and obligations of the State Government, whether arising out of any contract or otherwise pertaining to the said projects of the State Government, shall be deemed to be the rights, liabilities and obligations of the Corporation.

(2) Such properties, assets, rights, liabilities and obligations shall be valued in such manner as the State Government may determine.

(3) All suits and other legal proceedings with respect to any Scheme for the development of the Tillari Irrigation Project entrusted to the Corporation, instituted or defended by or against the State Government before the appointed date may be continued, or instituted, or defended by or against the Corporation.

16. *Power of State Government to depute certain Government employees to the Corporation.*— (1) Where, on account of conferment of any powers, duties and functions

on the Corporation by or under this Act, in the opinion of the State Government, any employee in the field establishments, that is, officers and employees belonging to technical as well as ministerial and nonministerial staff (permanent, regular, temporary) in the Irrigation Department, on the date specified by the State Government engaged in the fields of planning, investigation, design, construction, management, land development of the State sector of Tillari Irrigation Project, have been rendered surplus or are likely to be rendered surplus, wholly or partially, to the requirements of the State Government or where the services of such officers and servants are required by the Corporation for efficient exercise of its powers, performance of its duties or discharge of its functions, the State Government, or any officer authorised by the State Government in this behalf, may from time to time having regard to the necessity therefor, by order, depute such officers or employees to the Corporation and the Corporation shall take them over and employ them on deputation, subject to the provisions of this section.

(2) The period of deputation of any such employee to the Corporation shall be five years except when any such person is required to be repatriated on the grounds such as promotion, reversion, termination or superannuation or any other reasons as may be directed by the State Government. After the expiry of the period of deputation, he shall stand repatriated to service under the State Government:

Provided that, during the period of such deputation, all matters relating to pay, leave, allowances, retirement, pension, provident fund and other conditions of service of the employees on deputation shall be regulated by the rules applicable to the State Government employees or such rules as may, from time to time, be made by the State Government.

(3) All regular, temporary and permanent employees of the said establishment transferred on deputation to the Corporation under sub-section (1) shall have a lien on their posts in the service under the State Government

and the period of their service under the Corporation shall, on their repatriation to the services under the State Government, be counted for their increments, pension, and other matters relating to their service.

(4) The Corporation shall have the authority to transfer the officers and staff members within the area of operation of the Corporation.

(5) No employee on deputation to the Corporation shall be entitled to any deputation allowance.

(6) The salaries and allowances of employees on deputation to the Corporation shall be paid from the Corporation fund.

(7) Save as otherwise provided in this section, the terms and conditions of services of employees on deputation to the Corporation, shall not be less advantageous than those applicable to them immediately before deputation and shall not be varied to their disadvantage except with the previous sanction of the State Government.

63. *Power to make regulations.*— (1) The Corporation may, with the previous approval of the State Government, make regulations consistent with this Act and the rules made thereunder for all or any of the matters to be provided under this Act by regulations and generally for all other matters for which provision is, in the opinion of the Corporation, necessary for the exercise of its powers and the discharge of its functions under this Act.

(2) Pending making of regulations by the Corporation the rules and procedures followed by the Irrigation Department which are not inconsistent with this Act shall, be followed by the Corporation for carrying out its functions.

Assembly Hall,
Porvorim, Goa.
17 March, 2001.

R. KOTHANDARAMAN
Secretary (Legislature)