

Department of Public Works

Notification

22-24/PWD/PCE-EO/2020-21/20

GOA TELECOM INFRASTRUCTURE
POLICY, 2020

This policy aims to fulfill people's expectations of fast and reliable internet connection anywhere and anytime. The demand for internet connectivity, through mobile or broadband connectivity has exploded. Increasing number of people are connecting to the internet and trying to avail every expanding universe of online services, for example social media, online and mobile banking, G2C services, Video-on-demand etc.

Goa has the highest per capita income in India, as compared to any State/UT. Ten years ago, Goa was pioneering in expanding the broadband connectivity upto village level through GBBN. With time, the State needs to evolve its policy to facilitate the creation of the telecom infrastructure comparable to the best in the world, to attract the talent and technology needed to support an advanced economy.

This policy aims to encourage establishment of modern telecommunication infrastructure and ensure good quality Internet networks across Goa, especially remote and hilly areas.

Digitalization is not the choice but a necessity. Innovative strategies such as Work from Home, virtual meetings, utilisation of e-services, OTT platforms, e-commerce, e-governance e-learning, telemedicine, etc. also depend upon ubiquitous telecom connectivity. Therefore, in order to secure the economic progress of the State, this policy attempts to facilitate creation of a robust and resilient telecom infrastructure in the State of Goa.

1. *Short title, extent, applicability and commencement.*—

1.1 This Policy may be called the "Goa Telecom Infrastructure Policy, 2020".

1.2 It shall extend to the whole of the State.

1.3 It shall come into force from the date of its publication in the Gazette.

1.4 The Policy shall not be in violation or supersession of the provisions contained in the Indian Telegraph Act, 1885, Tower guidelines issued by DOT 2013, Indian Wireless Telegraphy Act, 1933 and Indian Telegraph Right of Way Rules, 2016 in any way.

1.5 This Policy shall supersede the existing guidelines for installation of mobile base station towers issued by Department of Science, Technology and Environment vide order No. 69/2/2004/STE-DIR/Part/1091 dated 26-11-2013 without affecting the permissions already granted therein.

1.6 The content of this policy shall be the order of the Government in terms of section 304 of Municipality Act, 1968 and directions under section 244-B, read with section 244-A, of Goa Panchayat Raj Act, 1994 for its implementation.

2. *Definition.*— In this Policy, unless the context otherwise requires:—

2.1 "State" means State of Goa.

2.2 "licensee" means any person holding a license issued under section 4 of the Indian Telegraph Act, 1885;

2.3 "Applicant" means any IP-I or TSP who makes an application seeking permission to establish and maintain Telecom Infrastructure.

2.4 "Application" means the application for single window clearance for the establishment and maintenance of Telecom Infrastructure.

2.5 "Fees" prescribed under this policy on Telecom Infrastructure do not include GST, Labour Cess & other applicable Taxes, if any.

2.6 "Authority" means the Public Works Department (PWD) of the Government of Goa in relation to the Government land and buildings or otherwise, for the purposes of

clause (b) of rule 2 of the Indian Telegraph (Right of Way) Rules, 2016.

2.7 “Telecom Infrastructure” means the overground telegraph infrastructure and underground telegraph infrastructure as defined in Indian Telegraph Right of Way Rules, 2016 and includes,—

A. *Optical Fibre Cable* — underground or overground (Aerial).

B. *Mobile Towers* — Ground base towers [GBT]¹, Roof Top Towers [RTF]², Roof Top Poles [RTP]³,

C. Cell on Wheel [COW]

D. In Building Solution & Micro Communication Equipment (Micro Cell), or any other appliances, apparatus, etc. necessary for the effective establishment & maintenance of telecom services.

E. “Micro Communications Equipment” means a Pico/Micro/Pole site which is small in size and light in weight, deployed on buildings, utility/streets poles, street furniture, indoors in large buildings viz: malls convention centers and in areas having space constraints, narrow streets, dense populated areas and open public spaces.

2.8 “Telecom Service Provider (TSP)” means a licensee providing telephony services, including, inter alia, mobile phone services, internet and data transfer services etc.

2.9 “Infrastructure Provider (IP)” means Infrastructure provider registered with the Department of Telecommunications to set up Telecom Infrastructures in India.

¹ These towers are erected on natural ground with suitable foundations. These towers have high load bearing capacity and are suitable for hosting outdoor Antenna, fixtures, etc.

² These types of towers are erected on top of the roofs of existing buildings with iron structures, columns and tie beams. The towers are intended for hosting Antenna, fixtures, etc.

³ These types of poles are erected on top of the roofs of existing buildings intended for hosting smaller Antenna, fixtures, etc.

2.10 “Local Authority” includes Municipal Corporation, Municipal Council and Village Panchayats.

2.11 “Urban Areas”, “Developing Areas”, “Rural Areas” and “Coastal Areas” shall be the same as specified for the purpose of determination of stamp duty by the Revenue Department, Government of Goa Order No. 17/1/Fixation of Land Rates/2012-RD/5004, dated 26th December, 2012.

3. *The Authority shall,—*

- collect applications from the licensed TSP/IP in the specified format along with the requisite document and fees to give the permission for the Telecom Infrastructure;
- scrutinize the application to meet the requirements of this policy;
- communicate to the applicant about any additional requirement for or deficiency in the issue of permission;
- ensure that applications are processed within 30 days from the receipt of the complete application.

4. *Electronic application process & General Conditions.—*

4.1 The Authority shall establish a single electronic application process within a period of three months from the date of publication of this policy for submission of applications. Till such an online process is developed, the Authority shall, on receipt of the application, process the physical application along with all documents so received, for necessary action.

4.2 Every application shall be charged one time non-refundable application fee of Rs. 10000/- and shall be submitted with the prescribed documents.

4.3 The permission issued under this policy to any Applicant shall be co-terminus with the validity of License issued to TSP/Registration certificate issued to IP-I.

4.4 Appeals against the decision of the Authority shall lie to the Appellate Authority, which would dispose of such

appeals within 30 days. The Appellate Committee shall have the power to amend, cancel, remand back or endorse the decisions of the Authority.

4.5 Appellate Authority shall consist of Secretary (PWD), Secretary (Science and Technology), and Secretary (Information and Publicity) and PCE (PWD), who would be the Member Secretary.

4.6 The Authority would be competent to give user rights for installation of Telecom Infrastructure on any land and buildings belonging to the Government. No other permission shall be required in such cases, including from the relevant department or local bodies.

4.7 If the tower being constructed on the Government land/building is to be shared with other Telecom Infrastructure Provider/Service Provider, then permission from the Authority shall be obtained before sharing infrastructure.

5. Guidelines for Installation of Mobile Base Tower.—

5.1 Telecom towers have been given infrastructure status by Government of India vide Gazette No. 81 dated 28-03-2012. Accordingly, India has adopted strict limit from Base Transceiver Station (BTS), as below, which is 1/10th of the International norms (ICNIRP):

Frequency in MHz	Power density limit
900	0.45 watt/m ²
1800	0.9 watt/m ²
2100 and above	1 watt/m ²

5.2 Based on the above and as per the compliance with the advisory guidelines issued by the Department of Telecommunications (DoT), Government of India, dated 1st August, 2013, the Government proposes the following guidelines for installation of site-specific location of Mobile Base Station (MBST) in the State.

5.3 An application as specified in Annexure-A for installation of Mobile Tower

shall be accompanied with the following documents,—

(1) Copy of relevant license/Infrastructure Provider Registration Certificate from Department of Telecommunications (DoT).

(2) Data Sheet as prescribed in the application form.

(3) Consent of the owner of building/land except in the case of land and buildings belonging to the Government.

(4) Copy of SACFA clearance/copy of SACFA application for the said location submitted to WPC wing of DoT with registration number as WPC acknowledgement along with undertaking that in case of any objection/rejection, TSP's will take corrective actions/remove the tower.

(5) Copy of the structural stability certificate for the ground based tower. In case of roof top towers, structural stability certificate for the building and tower based on written approvals of any authorized/registered Structural Engineer of the State/local bodies/Central Building Research Institute (CBRI), Roorkee/IITs'/NITs'/GEC. In the case of a building/structure belonging to the State Government or any corporation/commission or local authority etc., the structural safety certificate will be given by the Public Works Department, or any other agency authorised in this behalf.

(6) Copy of the type test certificate issued by Automotive Research Association of India (ARAI) to the manufacturers of Diesel Generator (DG) sets.

(7) Copy of clearance from Fire Safety Department only in case for high rise buildings where Fire Clearance is mandatory.

(8) For Forest protected areas, the copy of clearance from the State Environment & Forest Department, if applicable.

(9) Acknowledgement receipts issued by TERM cells (DoT) of the self certificate submitted by Telecom Service Provider/Infrastructure Provider in respect of mobile tower/BTS (ground based/roof-to/Pole/wall mounted) establishing/certifying that all General Public areas around the tower will be within safe Electro-magnetic Radiation (EMR) exposure limit as per peak traffic measurement after the antennas starts radiating.

5.4 If the application is not complete, the applicant may be given the opportunity to submit revised application or document(s), rectifying the defects within 15 days and the Authority may accept the revised application. If an application is still incomplete, the Authority may reject the application, the reasons for the rejection should be intimated to the applicant in writing. However, no application shall be rejected unless the applicant has been given an opportunity of being heard on the reasons for such rejection.

5.6 The Authority shall issue the permission within 30 days from accepting the application or revised application or documents, as the case may be. Applicants will not be asked to seek any other clearance. The Authority will coordinate with other Government departments/local bodies/Agencies, if required.

5.7 The Authority shall collect a fixed amount as specified in Annexure B per Mobile Tower and would deposit it with the concerned Local Authority. The Authority shall collect all the remaining fees and monthly rent (in case of Government land and building) as may be prescribed from time to time, and deposit the same in the designated budget head. The current fees and charges are mentioned in Annexure B.

5.8 At the time of granting the permission, the Authority shall mention all dues payable by the applicant including payments to be made to any other department or local bodies.

5.9 Except as mentioned in the permission given by the Authority, no other permission or fee would be required or charged for erecting or laying of telecom infrastructure in Goa.

6. *Cell on Wheels (COW).*— No formal permission or any payment is required for installation of Cell on Wheel to provide good quality mobile coverage. The Cell on Wheel can be placed maximum for thirty days normally without any permission.

Before installation of COW, a prior written intimation to the following authorities within its jurisdiction will be given preferable 15 days before the installation of COW mentioning Geo coordinate (Lat-Long) positions:

- a. District Collector/Superintendent of Police of the concerned district.
- b. Concerned Officer in charge of the police station of the area where the COW is going to be installed.

7. *In Building Solution, IBS.*—

7.1 No permission or fee is required for installation of IBS except from the owner of the building/structure.

7.2 IBS may be provided/deployed by a neutral host infrastructure provider or build and managed by mobile operator and sharing with other service providers on non-discriminatory basis.

7.3 IBS can also be deployed by IP-I (Infrastructure Provider Category I) and shared with telecom service providers. For deploying indoor solutions these companies will be requiring permissions from the building owners. Moreover, if these IP-I companies are required to install optical fibre for connecting IBS/Distributed Antenna System (DAS) nodes for which ROW/permissions will be required and shall be granted accordingly.

8. *Right of Way (ROW) for Optical Fiber Cable infrastructures.*—

8.1 For the works of laying optical fibre cable (Underground and Aerial) by the side of the roads and other places, the licensee shall apply to the Authority, who shall issue

permissions for laying of optical fibre along the roads, land, power supply poles, bridges, etc. in coordination with the concerned departments/institutions like Public Works Departments (Buildings and Roads), Rural Development, Forest Department, Water Resources Department, GIDC, Electricity Distribution Companies, local bodies, other authorities under the jurisdiction of State Government and also from the private owners.

8.2 If the applicant has submitted along with the application, valid approval to work on the land belonging to the Forest Department, Water Resources Department, local authority, Industry Department, NHAI, Archaeological Survey of India, PWD, other State and Central agency, the issuing authority need not send the concerned Departments for their concurrences or permission.

8.3 The applicant shall have no right over the property which has been approved to use for the establishment and maintenance of Optical Fibre Cable infrastructures.

8.4 The applicant shall not claim exclusive right on the Right of Way and subsequent users will be allowed to use the ROW, either above or below or by the side of the utilities laid by the first user, subject to the technical requirements being fulfilled.

8.5 In case of non-compliances noticed, the Authority shall direct the Department under whose jurisdiction the road/land falls, to raise compensation for the damage to be collected from the applicant or may cancel the permission granted.

8.8 Application with the following supporting documents for establishment and maintenance of underground telecom infrastructure (OFC) shall be submitted by the applicant before the Authority:

- a. a copy of the licence/IP I registration granted by the Central Government;
- b. proof of payment of Fees as per Annexure B;
- c. the details of underground telegraph infrastructure (OFC) proposed to be laid;

- d. the mode of and the time duration for, execution of the work;
- e. the time of the day when the work is expected to be done in case the applicant expects the work to be done during specific time of the day;
- f. the details of expenses that such appropriate authority will necessarily be put in consequence of the work proposed to be undertaken by the applicant;
- g. the inconvenience that is likely to be caused to the public and the specific measures proposed to be taken to mitigate such inconvenience;
- h. the specific measures proposed to be taken to ensure public safety during the execution of the work;
- i. authorization from various State Govt. Agencies/PSU or Public for use of their land for OFC laying;
- j. the names and contact details of the employees of the applicant for purposes of communication in regard to the application made;
- k. any other matter relevant, in the opinion of the applicant, connected with or relative to the work proposed to be undertaken; and
- l. any other matter connected with or related to the work as may be specified, through a general or special order, by the Central Government or appropriate State Government or appropriate local authority;
- m. the applicant shall, while making the application, give a specific commitment on whether he undertakes to discharge the responsibility for restoration, to the extent reasonable and prudent, of the damage that the appropriate authority shall necessarily be put in consequence of the work proposed to be undertaken.

8.9 Notwithstanding anything contained in this policy, Right of Way (ROW) using

electricity poles for Aerial OFC laying will be permitted as per the prevailing policy of the Electricity Department, Government of Goa, without any permission from the Authority.

9. *Other Terms and Conditions.*—

9.1 In case the application for permission is rejected, except the processing fee, other fees paid shall be returned to the applicant within one month from the date of rejection.

9.2 No Coercive Actions: In order to avoid disruption in mobile communication which is an essential service, sealing of mobile communication towers/disconnection of electricity may not be resorted to without the consent of the respective TERM cell of DOT in case of any complaint or issue related to EMF emissions. Mandatory advance notice of 90 days, mentioning the action to be taken, must be given to the applicant initiating any steps against the Telecom Infrastructure.

9.3 Cancellation of the permission: In case of violation of provisions of the Policy by any applicant, the Authority shall issue show cause notice to the applicant. In case a satisfactory reply is not received within 15 days of the issuance of the show cause notice, the permission/no objection issued to the service provider will be cancelled.

9.4 Penalty: If an applicant violates any provision of this Policy, it shall be liable to be penalized as per following terms and conditions:

- a. As soon as the nodal office comes to know that any provision has been violated, a show cause will be issued to TSP/IP. TSP/IP has to reply within 15 days from the date of service of notice.
- b. If reply is not satisfactory the applicant will be levied fee upto Rs. 25000. The penalty money may be recovered from Bank Guarantee provided by the applicant.
- c. The bank guarantee, wherever applicable, will be forfeited in the following cases:

- i. In case of the Applicant failing to discharge the obligation of making good of the restoration work.
- ii. If the Applicant failed to perform as per the undertaking, in spite of extension of time.
- iii. Regular accidents or mishaps happen because of lack of sufficient safety precaution measures during the execution of work.

d. In case, the performance bank guarantee is invoked as mentioned above, the applicant shall be required to replenish and reinstate the required Performance Bank Guarantee within one month of such invocation.

9.5 Obligations of licensed TSPs/IPs in undertaking work:—

- a. The applicant shall ensure that prior to the commencement of work of laying the underground telegraph infrastructure and at all times during the execution of work, the measures to mitigate public inconvenience and provide for public safety are implemented and the work of laying underground telegraph infrastructure is carried out in accordance with the conditions specified in the grant of permission by the PWD.
- b. The applicant shall ensure provision of positional intelligence, through appropriate technology, like GIS Map etc., of all underground telegraph infrastructures to enable the Nodal Officer to obtain real time information on its location. In this regard the Government of Goa may create a GIS infrastructure in future.
- c. If any damage is caused to the Government property by the work of the applicant, then it will be the responsibility of the applicant to restore the same at his own cost or compensate the damage. If delivery

of service is affected then the applicant must restore the service within 24 hours and the applicant will have to carry out the work according to the instructions of the concerned Department.

- d. The applicant will have to install the optical fibre at a safe distance from the electricity wires while using electric poles.
- e. In case the Department intends to increase the width of the road then the applicant will have to shift the trench dug by it to the safe distance on its own cost at the place suggested by the agency.
- f. The applicant would have to inform in advance about repair or maintenance work to the Nodal Officer Public Works Department, Government of Goa along with other Section heads of departments such as Municipality, Electricity Department etc. in whose jurisdiction the work shall be undertaken in cases where such maintenance shall be planned in order to avoid inconvenience to the public.

10. *NOFN (National Optical Fibre Network)/Bharatnet.*— The permission for the Right of Way for the use of Government land will be issued free of cost for Bharatnet Projects.

11. *Right of the Authority to seek removal of Mobile Towers and OFC and other related telecom infrastructure.*— Wherever it is necessary and expedient to remove or alter any telecom infrastructure, the Nodal Officer shall issue a notice to the applicant, being the owner of such telecom infrastructure to remove or alter its location. On receipt of the notice, the applicant shall, forthwith and within a period of thirty days, proceed to submit, a detailed plan for removal or alteration of such telecom infrastructure. The Nodal Officer shall, after examination of the detailed plan submitted by the applicant, pass such orders as it deems fit. Provided that the

Authority shall, having regard to emergent and expedient circumstances requiring the removal or alteration of such telecom infrastructure, provide reasonable time to the applicant for removal or alteration of such telegraph infrastructure. Provided, further that the responsibility and liability, including the cost thereof, for removal or alteration of such telecom infrastructure shall be borne by the applicant.

12. *Construction/Repair works by various utility service providers of State/Central authorities.*— The agencies of various utility service providers extending services such as electricity department, water supply pipes, gas pipes, sewerage, ROW works (PWD/NHAI) etc. while undertaking new construction [repair works in specific alignment to optical fibre cable (OFC) shall intimate to the Nodal Officer and also to concerned TSP/IP providers well in advance, but not less than 15 days before the start of work, so as to give sufficient time to TSP/IP to make plans for shifting of OFC to an alternate route in order to avoid disruption in services. As the TSP/IP are providing/supporting Telecom services the power disconnection to telecom installation shall not be done without prior notice to the concerned TSP/IP at least 15 days in advance.

13. *Changes in the Policy.*— This policy shall be suitably adjusted, with the approval of the Government, to accommodate changes that may be necessitated on account of any technology or regulatory changes which may be introduced by the Department of Telecommunications, Government of India or any other competent authority in order to keep this policy dynamically responsive to changing technology, regulatory regime or any other unforeseen development.

By order and in the name of Governor of Goa.

UP Parsekar, Principal Chief Engineer & ex officio Addl. Secretary to the Government.

Panaji, 14th August, 2020.

Annexure A

**Application for Issue of Permission For
Establishment of Telecom Infrastructure in the State of Goa**

Ref. No.

Date

To,

The Authority,
Office of the Principal Chief Engineer (Technical Cell),
Government of Goa,
Public Works Department,
Altinho, Panaji-Goa.

A Details of the Applicant

- | | | |
|---|------------------------------------|--|
| 1 | Name of the IP/ TSP | |
| 2 | Address for correspondence | Plot/Flat No.
Street/Road
Village
City/Town
District
Pin
Contact No. |
| 3 | Authorised person with designation | Name
Designation
Mobile No.
e-Mail |

B Proposals (tick whichever applicable)

- | | | | | |
|---|---------------|-------------|-----|--------|
| 1 | Mobile Towers | GBT | RTT | RTP |
| 2 | ROW OFC | Underground | | Aerial |
| 3 | COW | | | |

C Location of the Proposed Site Route**Mobile Towers**

Owner of the land/Building	Govt./Local Bodies/ Private	
Name of the owner/ /Authorised Person		
Plot/Flat/Premises Nos.		
Sanctioned Layout No. if any		
Road/Street		
Ward/Block No.		
Landmark		
City/Town/District/PIN Code		
Plot Size	Survey No.	Sub-Div.
Ownership Document	Agreement No.	Date

ROW OFC

Route Permit	From	To
Area in Meter/KM		

District under coverage	Dist 1	Dist 2
Land Under The Ownership	In Meter/Kms.	
Rural Authority	Urban Authority	
	NHAI	
PWD	RD	
Central Authority	Private	
PSU		
Others if any		
ROW - Aerial OFC		
Route Permit	From	To
Area in Sq. Meter/KM		
Number of poles to be used		
Permit from Dept of Like PWD, Electricity department.		
MICRO Cell		
Owner of the land Building	Govt./PSU/ Private	
Name of the Owner		
Plot Flat Premises Nos.		
Road/Street		
Landmark		
CITY/Town District/PIN Code		
Ownership Document	Agreement No. if any	Date

D Fees

Prescribed Fees
Demand Draft Challan Number
Drawn in favour of
Date
Drawing Bank
Payable at

E Documents

Enclosed Y/N

Copy of relevant license or Infrastructure Provider Registration Certificate from DOT
Copy of structural stability certificate for Roof-To Towers
Copy of the type test certificate issued by Automotive Research Association of India (ARAI) or any other authorized Agency to the manufacturers of the Diesel Generator (DG) Sets
Copy of clearance from Fire Safe Department, if applicable
Drawing of the tower along with specifications of foundations and design parameters
Indemnity Bond (Original) to take care of any loss or injury to accident caused by the tower
Three copies of Location Plan, Site Plan, Elevation Plan and Structure plan.
Copy of NOC from building/land owner or Authorized Personnel
Route plan along with GIS Map (only for laying OFC)
Prescribed Fees for Permission

NOC from NHAI, ASI, Airport Authority if required
 Other documents if any prescribed under this policy
 Any other certificates/NOC required by the authority from
 time to time

Certified that all the information/documents furnished above are authentic and true to the best of my knowledge. I have read and understood the terms and conditions of the Goa Telecom Policy 2020, and orders issued thereunder, and I agree to abide by them.

Name of Authorized Official
 Designation
 Signature with Seal of the Organization
 E-Mail
 Tele. No.
 Mobile No.
 Date

Annexure - B

Sr. No.	Particulars	Rate
a	Application Fee	Rs. 10,000/-
b	One Time permission charges for establishment of Mobile Towers (To be paid to the concerned Local Bodies by the Authority after collection)	Rs. 50,000/-
c	Licensee Fee, Reinstatement/Restoration charges and other applicable charges in case of Optical Fibre Cable (For Govt. Land only)	As per Circular/Notification in force issued by the Authority.
d	Government Land Usage charges for Ground Based Masts (GBM) for more than 10 sq. mtrs. (For Govt. Land only)	Rs. 50,000/- per tower/month for an area upto 25 sq. mtrs. to be paid as advance for the entire year, payable before 30th April of the financial year. For fresh permissions, rental of the remaining months (including the month in which permission is being granted) of the financial year will be payable. In case the area utilised is more than 25 sq. mtrs. the rentals will be calculated on a pro-rata basis.
e	Roof Usage Charges for Roof Top Towers or Small Size Ground Based Towers which requires area upto 10 sq. mtrs. (For Govt. Land/Buildings only)	Rs. 20,000/- per tower/month to be paid as advance for the entire year, payable before 30th April of the financial year. For fresh permissions, rental of the remaining months (including the month in which permission is being granted) of the financial year will be payable.

Note:

1. Terms and conditions of any existing agreement executed or permission granted by any Government department shall remain valid.
2. The rates for (d) and (e) would automatically increase Rs. 5,000 and Rs. 2,000 respectively per year which will be made applicable at the beginning of each financial year, effective from 1 April, 2021.

3. In case if the Ground Based Masts, Roof Top Tower/Ground Based Tower of similar size as of Roof Top Towers is utilized for/by more than 1 operator/service provider then the Monthly Rentals will be 1.5 times of the applicable rates.
4. The rates for (d) and (e) for the Rural Areas will be charged at 50% of the applicable charges.
5. The Operator shall make advance payment upto end of the financial year before issue of NOC/Permission by the Nodal Department and thereafter advance payment of 1 year as applicable shall be paid by the applicant every year.
6. In case if advance payment is not made by the applicant before the beginning of financial year, then late fee of Rs. 50,000/- per month shall be applicable in addition to Monthly rentals payable by the applicant.
7. Any utility charges will be borne by the applicant.

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