

**The Goa Medical Practitioners Act, 2004  
and Rules, 2011**



### **The Goa Medical Practitioners Act, 2004**

**The Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004) [1-4-2004]** published in the Official Gazette, Series I No. 1 (Extraordinary No. 2) dated 5<sup>th</sup> April, 2004.

**The Goa Medical Practitioners Rules, 2011** published in the Official Gazette, Series I No. 47 dated 17<sup>th</sup> February, 2011.

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**GOVERNMENT OF GOA**  
**Department of Law and Judiciary**

Legal Affairs Division

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**Notification**

7/3/2004-LA

The Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004), which has been passed by the Legislative Assembly of Goa on 19-2-2004 and assented to by the Governor of Goa on 1-4-2004, is hereby published for general information of the public.

*S. G. Marathe*, Under Secretary (Drafting).

Panaji, 5th April, 2004.

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**The Goa Medical Practitioners Act, 2004**

(Goa Act 9 of 2004) [1-4-2004]

AN

ACT

*to provide for medical treatment only by qualified medical practitioners and to stop unauthorised practice and medical treatment.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-fifth 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 Medical Practitioners Act, 2004.

(2) It extends 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) “appointed day” means the date on which the provisions of this Act shall come into force;

(b) “appellate authority” means any person or persons or authority appointed by the Government to perform the functions of appellate authority under this Act, and different persons or authorities may be appointed to perform different functions;

(c) “Central Government” means the Government of India;

(d) “competent authority” means any person or persons or authority appointed by the Government to perform the functions of the competent authority under this Act, and different persons or authorities may be appointed to perform different functions;

(e) “dentist” means a dentist as defined under the Dentists Act, 1948 (Central Act 16 of 1948);

(f) “dentistry” shall have the meaning assigned to it under the Dentists Act, 1948 (Central Act 16 of 1948);

(g) “emergency” means the situation when the patient requires immediate medical assistance, which, if not provided promptly, may endanger his life or cause permanent damage;

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

(i) “Government doctor” means a medical practitioner or a dentist who is in employment of the Government/Central Government or any Undertaking owned and controlled or managed by such Government;

(j) “inspecting authority” means the authority appointed by the competent authority for the purpose of this Act;

(k) “licence” means a licence granted under the provisions of this Act;

(l) “medicine” means modern scientific medicine in all its branches including surgery and obstetrics and includes the Ayurvedic, Unani, Homoeopathic and Siddha system of medicine, but not including veterinary medicine and surgery;

(m) “medical practitioner” means a person who is qualified and engaged in the practice of modern scientific medicine in any of its branches including Surgery and Obstetrics and includes the Ayurvedic, Unani, Homoeopathic and Siddha system of medicine, but not including Veterinary medicine/surgery, and registered in the State of Goa under the law in force for the registration of medical practitioners;

(n) “medical treatment” means treatment in medicine or dentistry given by a qualified and registered medical practitioner or dentist;

(o) “Official Gazette” means the Government Gazette;

(p) “private doctor” means a medical practitioner or a dentist who is not a Government doctor;

(q) “prescribed” means prescribed by rules framed under the provisions of this Act;

(r) “register” means a register of medical practitioners prepared and maintained under this Act;

## CHAPTER - II

### Licence

**3. Doctors to be licenced.**— On or after the appointed day, no doctor shall establish a clinic or hospital or nursing home or practice medicine or dentistry in the State of Goa, except under and in accordance with the terms and conditions of a licence granted under the provisions of this Act and the rules made thereunder:

Provided that the doctor already having a clinic or hospital or nursing home or practicing medicine or dentistry immediately before the appointed day shall also apply for a licence to the competent authority in such form and manner and on payment of such fees as may be prescribed from time to time, within a period of one year from such day as may be notified by the Government in this behalf, and pending orders thereon, may continue to run such clinic or hospital or nursing home or practice medicine or dentistry subject to the provisions of this Act.

**Explanation:**— No Government doctor can apply for a licence nor shall he be entitled for such a licence under the provisions of this Act and the rules made thereunder for so long as he remains in Government service.

**4. Standards.**— Every private doctor engaged in private practice shall conform to the minimum standards as may be prescribed from time to time.

**5. Application for licence.**— Every private doctor desiring to establish, run or maintain a clinic or hospital or nursing home or practice medicine or dentistry in the State of Goa shall make an application to the competent authority in such form and manner and on payment of such fees as may be prescribed from time to time.

**6. Disposal of applications.**— (1) On receipt of an application under section 3 or section 5, as the case may be, and after such enquiry as may be deemed necessary, the competent authority may, within a period of 90 days from the date of receipt of the

application, by order, grant the licence subject to such conditions as may be prescribed or refuse to grant the licence, and where the licence is refused, the reasons for such refusal shall be recorded in writing.

(2) Every order under sub-section (1) shall be communicated to the applicant in writing by registered post acknowledgement due within 30 days of such order:

Provided that where no such communication is received within a period of 120 days from the date of receipt of the application, the licence shall be deemed to have been granted, and the competent authority shall accordingly issue the licence within a period of 30 days:

Provided further that if the competent authority fails to issue the license, in terms of the preceding proviso within a period of 30 days, the applicant may apply to the Appellate Authority for issue of such licence, and the appellate authority may after making necessary inquiries pass necessary orders for issue of such licence.

**7. Factors to be taken into account in disposing of application.**— In disposing of an application under section 6, the competent authority shall have regard to the following factors:—

(a) whether the private doctor is holding the qualifications prescribed by a statute or an enactment or allied laws in any system of medicine/dentistry recognised by the Government/Central Government and is registered with the Medical Council of India/Dental Council of India or the Goa Medical Council/Goa Dental Council or the Goa Board of Indian System of Medicine and Homoeopathy;

(b) whether the place where private practice is carried on is hygienically suitable and conforms to the minimum standards as prescribed under section 4;

(c) where the private doctor has more than one place of private practice, whether all such places conform to the norms as specified in clause (b) above;

(d) such other factors as may be prescribed.

**8. Displaying of licence.**— (a) The licence issued under this Act shall be displayed at the place of private practice. In case where there is more than one place of practice, photocopies of the licence should be displayed at all such places, which are notified in the licence;

(b) The licence number shall be written/typed/printed on the prescription paper of the private doctor;

(c) In case of clinic or hospital or nursing home, details of licences of all the private doctors who are engaged in practice in the said clinic or hospital or nursing home, shall be displayed prominently on the Notice Board;

(d) No private clinic or hospital or nursing home, shall engage or allow to practice any person other than a qualified medical practitioner nor shall it allow any Government doctor to practice, for monetary consideration or otherwise, in its clinic, hospital or nursing home.

**9. Validity of licence.**— A licence granted under this Act shall be valid for a period of five years from the date of its issue, provided that the licensee is holding or continues to hold a valid registration from the Goa Medical Council or the Goa Dental Council, or the Goa Board of Indian System of Medicine and Homoeopathy, as the case may be.

**10. Renewal of licence.**— A licence granted under this Act may be renewed for a further period of five years on an application made in this behalf to the competent authority in the prescribed form and manner and on payment of prescribed fees, within ninety days before the date of expiry of the licence granted under this Act and thereafter on payment of five times such prescribed fees, provided such application is made within six months

**11. Suspension or cancellation of licence.**— If on a complaint or information received or otherwise, the competent authority, after holding an inquiry in the matter, is satisfied that a person who has been granted a licence under this Act has committed breach of any of the provisions of this Act and/or the Rules made thereunder or of the conditions of the licence, then the competent authority may suspend the licence for such period as may be deemed fit or cancel the licence:

Provided that no order of suspension or cancellation of a licence under this section shall be made unless the licensee is given an opportunity of being heard in the matter.

**12. Appeal.**— (1) Any person whose application for a licence under this Act is refused and any person aggrieved by any order made under this Act, may prefer an appeal to the appellate authority.

(2) Every such appeal shall be preferred within ninety days from the date of the order referred to in sub-section (1) in such manner and on payment of such fees as may be prescribed from time to time.

(3) The order of the appellate authority on such appeal shall be final.

### CHAPTER - III

#### Inspection

**13. Inspections.**— (1) The competent authority or the inspecting authority may at any time, visit a private doctor to verify as to whether the provisions of this Act and the conditions of the licence are being duly observed.

(2) If as a result of such inspection, any defects or deficiencies are noted, the competent authority or the inspecting authority, as the case may be, may, by order, direct the private doctor to remedy the same within such time as may be specified in the order. Thereupon, the said doctor shall comply with every such direction and submit a compliance report to the competent authority, or the inspecting authority, as the case may be.

**14. Default.**— (1) If any private doctor wilfully obstructs or prevents a free access for inspection, the competent authority, after receiving such information, and after giving the concerned person an opportunity of being heard, may, by order, impose a fine which may extend to rupees two thousand.

(2) The fine imposed shall be paid within a period of fifteen days from the date of the order referred to in sub-section (1). In case of non-payment of fine, the same shall be recovered as arrears of land revenue under the law for the time being in force;

(3) In case of defaults exceeding two in a year, the competent authority may suspend the licence for a maximum period of 90 days.

**15. Penalty.**— (1) Whoever contravenes any of the provisions of this Act or of the rules made thereunder or the terms and conditions of a licence, shall be liable, on conviction, to payment of fine of rupees five thousand for the first such offence, and fine of rupees ten thousand and/or imprisonment of six months for every subsequent offence.

(2) An offence under this Act shall be cognizable.

**16. Cognizance and trial of offence.**— No Court inferior to that of Judicial Magistrate First Class shall try any offence under this Act:

Provided that no such Court shall take cognizance of any offence under this Act except on a complaint made by the competent authority or any officer authorized by it, either generally or specially in writing.

**17. Indemnity.**— No suit, prosecution or other legal proceedings shall lie against the Government or any Officer of the Government in respect of anything which is in good faith done or intended to be done by or under this Act.

**18. Rules.**— (1) The Government may, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

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

- (a) the minimum standards referred to in section 4;
- (b) the form and manner of application and fees under sections 3 and 5;
- (c) conditions subject to which licence may be granted under section 6;
- (d) other factors to be taken into account under section 7;
- (e) the form and manner of application and fees under section 10;
- (f) the manner of preferring appeal and fees for appeal under section 12;
- (g) any other matter required to be prescribed.

**19. Exemptions.**— (1) In case of emergency, the nearest private doctor shall be bound to attend the patient irrespective of the area/place for which the licence is granted. Likewise, a Government doctor shall not refuse to attend the patient in such an emergency on the ground that he is not allowed to treat the patient at places other than Government Hospitals. Refusal to attend in emergency shall be an offence punishable under section 15 of this Act.



(2) A medical practitioner or a dentist visiting Goa for consultation, diagnostic and surgical procedures in a clinic or a hospital or a nursing home, shall be exempt from the provisions of this Act.

(3) The Government may, if it deems fit to do so in public interest, by order, exempt any special class or category of doctors from registration under the provisions of this Act.

Secretariat Annexe,  
Panaji – Goa.  
Dated: 5-4-2004.

L. S. SHETTY,  
Secretary to the Government of Goa  
Law Department (Legal Affairs).

## Department of Public Health

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**Notification**

22/1/2003-I/PHD

Whereas the draft rules which the Government of Goa proposes to make under the Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004) (hereinafter referred to as the "said Act"), were pre-published as required by sub-section (1) of section 18 of the said Act, in the Official Gazette, Series I No. 17 dated 22-7-2010, under Notification No. 22/1/2003-I/PHD dated 12-7-2010, of the Department of Public Health, Government of Goa, inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of publication of the said Notification in the Official Gazette;

And whereas the said Gazette was made available to the public on the 22nd July, 2010;

And whereas no objections or suggestions have been received from the public on the said draft Rules by the Government.

**RULES**

Now, therefore, in exercise of the powers conferred by section 18 read with sections 3 to 7, 10 and 12 of the Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:—

**1. Short title and commencement.**— (1) These rules may be called the Goa Medical Practitioners Rules, 2011.

(2) They shall come into force from such date as the Government may, by notification in the Official Gazette, specify.

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

(a) 'Act' means the Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004);

(b) 'clinic' means a place where one or more Medical Practitioners provide medical treatment to the Out-patients;

(c) 'Director' means the Director of Health Services, Goa;

(d) 'Form' means a form appended to these rules;

(e) 'hospital' means a place where patients are admitted as In-patients and where treatment is available for a number of ailments;

(f) 'license' means a license granted under the provisions of the Act and these rules;

(g) 'Medical Superintendent' means a person, by whatever name and designation he/she is called, who is a medical practitioner and is in-charge of, or is entrusted with the running of a Clinic, Hospital or Nursing Home;

(h) 'nursing home' means a place where the patients are admitted and where they can avail of specific specialty medical services;

(i) 'Schedule' means a Schedule appended to these rules;

Words and expressions used herein but not defined shall have the same meaning as assigned to them in the Act.

**3. Minimum Standards.**— Every private doctor/medical practitioner engaged in private practice shall conform to the minimum standards referred to in section 4 of the Act, as specified in the Schedule hereto.

**4. Procedure for obtaining license.**— (1) An application for a license under sections 3, 3A or section 5 of the Act or for renewal of license under section 10 of the Act, as the case may be, shall be made to the Competent Authority in Form I hereto alongwith a fee of Rs. 250/- (Rupees Two hundred fifty only) by demand draft drawn in favour of the Director.

(2) The Competent Authority, on receipt of such application, shall make enquiry and direct the Inspecting Authority to inspect the Clinic/Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory where the applicant is practicing/proposes to practice and to find out whether the applicant fulfills the minimum standards specified in the Schedule to these rules and submit to the Competent Authority its Inspection Report.

(3) On the basis of the Inspection Report, the Competent Authority may grant the license, or as the case may be, refuse to grant the license after recording the reasons for such refusal in writing.

(4) The license shall be granted in Form II hereto.

(5) The license granted under sub-rule (4) shall be valid for a period of five years from the date of its issue, provided that the Licensee is holding or continues to hold a valid registration from the Goa Medical Council or the Goa Dental Council or the Goa Board of Indian System of Medicine and Homoeopathy, as the case may be. The Licensee shall apply for renewal of license within ninety days before the date of expiry of the license.

(6) The Competent Authority or the Inspecting Authority, at any time, on receipt of complaint or otherwise, visit a Clinic/Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory with or without prior notice, and verify whether the provisions of the Act, these rules and the conditions of the license are being duly observed or not.

(7) The Inspection Report, together with the observations, if any, of the Competent Authority, shall be communicated to the concerned doctor or the Medical Superintendent, as the case may be, for compliance within sixty days from the date of receipt of the same.

(8) In case of failure to comply with the observations communicated under sub-rule (7) above within the specified time, the license shall be liable to be cancelled/suspended for such period as may be specified in writing in that behalf.

**5. Manner of filing appeal.**— Every appeal against the order of Competent Authority shall be preferred before the Appellate Authority accompanied by the order against which the appeal is being preferred and fee of Rs. 500/- (Rupees Five hundred only) by demand draft drawn in favour of the Director.

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

*D. G. Sardessai*, Joint Secretary (Health).

Porvorim, 11th February, 2011.

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SCHEDULE

(See rule 3)

(Standards to be maintained by doctor/medical practitioner engaged in practice in Medicine/Dentistry in a clinic or in Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory).

(I) *Staff*.— (1) The Medical Practitioner shall be assisted by para-medical staff, including qualified Nurse/s and Technician/s (wherever required), with Attendants/Servants, etc.

(2) They should be free from communicable or contagious diseases and medically examined at the time of appointment and thereafter at every six months.

(3) They should wear clean clothes or identifiable uniforms.

(II) *Facilities*.— The premises should include—

(1) A Consulting Room;

(2) A Patient Room;

(3) A Reception/Lobby area;

(4) Equipments and Instruments of good quality and adequate quantity to carry out the various required tasks;

(5) Beds with mattresses and linen;

(6) Adequate number of toilets with water facility;

(7) Fully equipped Operation Theatre and Labour Room;

(8) Proper method of disposal of Bio-Medical Waste as per the Bio-Medical Waste (Management and Handling) Rules, 1998, as amended from time to time.

(III) In case of Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory, names, addresses and license numbers of all the practicing doctors/medical practitioners including that of honorary doctors shall be displayed at conspicuous place.

(IV) Minimum standards as laid down under trade license issued by the Municipal Corporation/Municipal Council/Village Panchayat concerned shall be maintained.

(V) In addition to above, proper hygiene and cleanliness, adequate water and power supply quality equipment/instruments, beds with mattresses and linen, shall be provided and always maintained neat and clean.

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FORM I  
[See rule 4 (1)]

Application for License/Renewal of License to practice Medicine/Dentistry in a Clinic/Hospital/  
/Nursing Home/Diagnostic Centre/Pathological Laboratory.

To  
The Competent Authority,  
Directorate of Health Services,  
Campal, Panaji-Goa.

Sir/Madam,

I wish to apply for license(s) to practice Modern Medicine/Dentistry/Alternate Medicine in a  
Clinic/to establish Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory.

Details of the Applicant:

Name:

Age:

Sex:

Qualifications:

Specialization:

Registration Number of Medical Council/Board:

Name of the Medical Council/Board:

Address of Clinic/Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory:

Residential Address:

Telephone No.

Fax:

Mobile No.

E-mail:

Website:

(If applying for more than one place of practice, please give the address of each  
Clinic/Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory)—

(1)

(2)

(3)

Copies of documents to be attached to the application:—

- (1) Proof of qualifications/specialization;
- (2) Registration Certificate from Goa Medical Council/Goa Dental Council/Goa Board of Indian System of Homoeopathy and Medicine;
- (3) Trade license(s) from Municipal Corporation/Council/Village Panchayat concerned;
- (4) Ownership documents of the Clinic/Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory;
- (5) Fee of Rs. 250/- by demand draft drawn in favour of Director.

- I certify that the details furnished are true to the best of my knowledge.
- I agree to abide by the provisions of the Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004) and Rules framed thereunder.
- I undertake to inform the Competent Authority immediately in the event of any changes in the details furnished heretofore.

Signature of the Applicant: .....

Date: .....

Details of the Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory:

To be filled if the applicant is Owner/Co-owner/Trustee or connected with the management of Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory.

Name of the Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory—

Location:                      House No.:                      Street:                      Ward No.:                      City/Village:

Name of the Owner:

Name of the Medical Superintendent/Medical Director:

Age:                      Sex:                      Qualifications:

Tel. Nos.:                      Office:                      Residence:                      Mobile:                      E-Mail ID:

Details about the Medical Practitioners attached to the Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory:

- (1) Name:                      Sex:
- Age:
- Qualifications:
- Location:

(2) Name: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Age: \_\_\_\_\_  
 Qualifications: \_\_\_\_\_  
 Location: \_\_\_\_\_

(3) Name: \_\_\_\_\_ Sex: \_\_\_\_\_  
 Age: \_\_\_\_\_  
 Qualifications: \_\_\_\_\_  
 Location: \_\_\_\_\_

(Please attach a separate sheet if the space provided is insufficient).

- I certify that the details furnished are true to the best of my knowledge.
- I agree to abide by the provisions of the Goa Medical Practitioners Act, 2004 and the Rules framed thereunder.
- I undertake to inform the Competent Authority immediately in the event of any change in the details furnished heretofore.
- I undertake that the Medical Practitioners without license under the said Act SHALL NOT be allowed to attend on any patients in the Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory.

Signature of the Applicant: .....

Date:

\_\_\_\_\_  
 FORM II  
 [See rule 4 (4)]

License No. \_\_\_\_\_ Dated: \_\_\_\_\_

License for a Clinic/Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory.

- o MODERN MEDICINE
- o DENTISTRY
- o ALTERNATE MEDICINE

License is hereby granted to Dr. .... for running/establishing Clinic/Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory, under the provisions of the Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004) and the rules framed thereunder, at the following address/es:-

- (i)
- (ii)

(1) This License, unless renewed, shall be valid till .....

(2) The Licensee has paid the prescribed fees of Rs. 250/- by demand draft under receipt No. .... dated .....

(3) This License shall be displayed at the Clinic/Hospital/Nursing Home/Diagnostic Centre/Pathological Laboratory (where there is more than one place of practice, photocopies thereof shall be displayed at all such places).

(4) The Licensee shall intimate to the Competent Authority any changes in the addresses mentioned above.

(5) The Licensee shall observe and maintain the standards as specified in Schedule appended to the Goa Medical Practitioners Rules, 2010.

Seal

Competent Authority

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**Notification**

22/1/2003-I/PHD

In exercise of the powers conferred by sub-section (2) of section 1 of the Goa Medical Practitioners (Amendment) Act, 2008 (Goa Act 08 of 2009) (hereinafter referred to as the "said Act"), the Government of Goa hereby appoints the 17th day of February, 2011, as the date on which the provisions of the said Act shall come into force.

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

*D. G. Sardesai*, Joint Secretary (Health).

Porvorim, 11th February, 2011.

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**Notification**

22/1/2003-I/PHD(B)

In exercise of the powers conferred by sections 3 and 3A of the Goa Medical Practitioners Act, 2004 (Goa Act 9 of 2004) (hereinafter referred to as the "said Act"), the Government of Goa hereby fixes 17th day of February, 2011, as the date for the purposes of the proviso to sections 3 and 3A of the said Act.

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

*D. G. Sardesai*, Joint Secretary (Health).

Porvorim, 11th February, 2011.

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**Notification**

22/1/2003-I/PHD

In pursuance of sub-rule (2) of rule 1 of the Goa Medical Practitioners Rules, 2011 (hereinafter called as the "said Rules"), the Government of Goa hereby appoints the 17th day of February, 2011 as the date on which the said Rules shall come into force.

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

*D. G. Sardesai*, Joint Secretary (Health).

Porvorim, 8th February, 2011.