



Legislative Assembly of the State of Goa

**The Goa Members of Legislative
Assembly (Removal of
Disqualification) (Amendment)
Bill, 2005**

(Bill No. 7 of 2005)

~~AS~~
~~(To be~~ introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
JANUARY, 2005**

The Goa Members of Legislative Assembly
(Removal of Disqualification) (Amendment)
Bill, 2005

(Bill No. 7 of 2005)

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BILL

*further to amend the Goa, Daman and Diu Members
of Legislative Assembly (Removal of
Disqualification) Act, 1982 (Act 1 of 1982).*

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

1. *Short title and commencement.*— (1) This Act
may be called the Goa Members of Legislative
15 Assembly (Removal of Disqualification)
(Amendment) Act, 2005.

(2) It shall be deemed to have come into force
with effect from 15th September, 2004.

2. *Amendment of Schedule.*— In the Schedule
20 to the Goa, Daman and Diu Members of Legislative
Assembly (Removal of Disqualification) Act, 1982
(Act 1 of 1982),—

(i) after entry at serial number 9, the following
entry shall be inserted, namely:—

25 “10. The office of a Parliamentary
Secretary.”;

(ii) in the proviso, after the words “or
corporations” and before the words “is not
entitled”, the words and figures “as specified
30 at serial numbers 1 to 9 above,” shall be
inserted.

3. *Repeal and saving.*— (1) The Goa Members of Legislative Assembly (Removal of Disqualification) (Amendment) Ordinance, 2004 (Ordinance No. 2 of 2004), is hereby repealed.

(2) Notwithstanding such repeal, anything done 5
or any action taken in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act was in force on the day on which such 10
thing or action was done or taken.

Statement of Objects and Reasons

With a view to assist the Hon'ble Chief Minister in discharging his duties smoothly, the office of Parliamentary Secretary was created. In order to protect the holder of such office of Parliamentary Secretary from incurring disqualification under Article 102 read with Article 191 of the Constitution, the Goa, Daman and Diu Members of Legislative Assembly (Removal of Disqualification) (Amendment) Ordinance, 2004 (Ordinance No. 2 of 2004), was promulgated by the Governor of Goa on 15-09-2004. This Bill seeks to replace the said Ordinance.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim,

Dated : 3rd January, 2005.

FRANCISCO D'SOUZA

Minister for Legislative Affairs

Assembly Hall,

Porvorim, Goa.

Dated : 3rd January, 2005.

SUDHIR NARVEKAR

Secretary to the Legislative

Assembly of Goa

ANNEXURE

.....
**Extract of the Goa, Daman and Diu Members of
Legislative Assembly (Removal of Disqualification)
Act, 1982 (Act No. 1 of 1982)**
.....

2. *Removal of Certain Disqualifications.*— A person shall not be disqualified for being chosen as, or for being, a member of the Legislative Assembly of Goa, Daman and Diu merely by reason of the fact that he holds any of the offices specified in the Schedule appended to this Act.

SCHEDULE

1. The office of a member of a Home Guard constituted under any law for the time being in force in any State;
2. Any office in connection with the affairs of the Goa University or any committee, council or body connected with the Goa University;
3. The office of Chairman, Economic Development Corporation, Goa, Daman and Diu;
4. The office of Chairman, Kadamba Transport Corporation Limited;
5. The office of Chairman, Goa, Daman and Diu Housing Board;
6. The office of Chairman, Goa, Daman and Diu Tourism Development Corporation Limited;
7. The office of Chairman, Goa, Handicrafts Rural and Small Scale Industries Corporation Limited;
8. The office of Chairman, Goa, Daman and Diu Industrial Development Corporation;
9. The office of Chairman, Director or member of a statutory or non-statutory body or committee or corporation constituted by the Government of Goa, Daman and Diu:

Provided that the Chairman, Director or member of any of the aforesaid committees or bodies or corporations is not entitled to any remuneration other than compensatory allowance.

Explanation.— For the purpose of the aforesaid entries —

(i) "compensatory allowance" means any sum of money payable to the holder of an office by way of daily allowance, [such allowance not exceeding the amount of daily allowance to which a member of the Legislative Assembly is entitled under the Goa, Daman and Diu Salary, Allowances and Pension of the Members of the Legislative Assembly Act, 1964 (2 of 1965)], any conveyance allowance, house-rent allowance or travelling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office;

(ii) "statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force;

(iii) "non-statutory body" means any body of persons other than a statutory body."

Assembly Hall,
Porvorim, Goa,
3rd January, 2005.

SUDHIR NARVEKAR
Secretary to the
Legislative Assembly
of Goa.