



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Members of the
Legislative Assembly (Special Rights)
(Amendment) Bill, 2004**

(Bill No. 22 of 2004)

^{AS}
~~To~~ be introduced in the Legislative Assembly of the State of Goa

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM-GOA

JULY, 2004

**The Goa Members of the Legislative
Assembly (Special Rights)
(Amendment) Bill, 2004**

(Bill No. 22 of 2004)

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BILL

*to amend the Goa Members of the
Legislative Assembly (Special Rights) Act, 1995.*

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

15 1. *Short title and commencement.*— (1) This
Act may be called the Goa Members of
the Legislative Assembly (Special Rights)
(Amendment) Act, 2004.

(2) It shall come into force at once.

20 2. *Insertion of new section 3-A.*— After section 3
of the Goa Members of the Legislative Assembly
(Special Rights) Act, 1995 (Act 18 of 1995), the
following section shall be inserted, namely:—

25 "3-A. *Act to apply to certain cases.*—
Notwithstanding anything to the contrary
contained in this Act, the provisions of this
Act shall be applicable to any elected
Member of the Legislative Assembly of the
State of Goa or of the then Union Territory of
Goa, Daman and Diu, as the case may be,
who, on the date of his election as such
30 member, was employed in a Government
aided Primary, Middle, Secondary or Higher
Secondary Educational Institution in Goa, at
any time during the period commencing from
the 1st day of January, 1981 to the 31st day
of March, 1995."

Statement of Objects and Reasons

In terms of section 3 of the Goa Members of the Legislative Assembly (Special Rights) Act, 1995 (Act 18 of 1995), the Members of the Legislative Assembly who are employed in Government aided educational institutions have been granted certain benefits vis-à-vis the grant of leave of absence to such Members by the managements of such educational institutions. The said Act, 1995, has come into force with effect from the 1st day of April, 1995, and as such, the benefits under the said Act, 1995, are available with effect from the 1st day of April, 1995.

On a representation received from a former Member of the Legislative Assembly, who was a Member from the year 1990 to 1995, to regularize her leave as she could not avail the benefits of the provisions of the said Act, 1995, as the said Act, 1995, was in force from 1st April, 1995, the matter has been examined by the Government and it has been decided to cover all the cases of Members of the Legislative Assembly, who, on the date of their election as such Member, were employed in a Government aided educational institution at any time during the period commencing from the 1st day of January, 1981 to the 31st day of March, 1995, by inserting a new section 3-A in the said Act, 1995.

This Bill seeks to achieve the above object.

Financial Memorandum

In view of proposed insertion of new section 3-A in the Act, financial implications are involved

vis-à-vis grant of retirement/pensionary benefits to the Members who on the date of their election as Members, were employed in a Government aided educational institution during the period from 1-1-1981 to 31-3-1995. The expenditure that will be incurred on account of the proposed new section 3-A cannot be quantified at this stage.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim,
26th July, 2004.

FRANCISCO D'SOUZA
Minister for Legislative Affairs.

Assembly Hall,
Porvorim, Goa
26th July, 2004.

SUDHIR NARVEKAR
Secretary to the Legislative
Assembly of Goa.

Governor's Recommendation under Article 207 of the Constitution

In pursuance of Article 207 of the Constitution of India, I, S. C. Jamir, Governor of Goa, hereby recommend the introduction and consideration of the Goa Members of the Legislative Assembly (Special Rights) (Amendment) Bill, 2004, by the Legislative Assembly of Goa.

A N N E X E U R E

**Extract of the Goa Members of the Legislative
Assembly (Special Rights) Act, 1995
(Act 18 of 1995)**

Section 3.

3. *Special rights of Members of the Legislative Assembly.*— (1) Where an elected Member of the Legislative Assembly of the State of Goa is, on the date of his election, employed in a Government aided Primary, Middle, Secondary or Higher Secondary Educational Institution, then, if,—

(a) elected by the Legislative Assembly as the Speaker or Deputy Speaker thereof; or

(b) appointed as a Minister under Article 164 of the Constitution of India or recognised as Leader of Opposition; or

(c) exercises option to be on special leave as specified in this sub-section;

he shall be entitled to a special leave without pay from the concerned educational institution till he continues to hold such office or the membership as the case may be and shall, on giving a notice of holding of such office, be deemed to be on special leave from the educational institution in which he was so employed from the date of such election, appointment or recognition, as the case may be.

(2) If the provision of sub-section (1) is not applicable to any such Member, he shall be granted special leave without pay by the educational institution to attend to the Business of the Legislative Assembly for such period

as may be specified in a certificate to be issued by the Speaker of the Legislative Assembly.

(3) Any leave granted to a Member of the Legislative Assembly by the educational institution under the provisions of this section shall be deemed as period spent on duty for the purposes of retirement benefits as also for determination of his seniority in the educational institution.

Section 4.

4. *Act to override other laws.*— The provisions of this Act shall have effect notwithstanding anything contained in the Goa, Daman and Diu School Education Act, 1984 (Act 15 of 1985).

Assembly Hall,
Porvorim, Goa,
26th July, 2004.

SUDHIR NARVEKAR
Secretary to the
Legislative Assembly
of Goa.