



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Civil Courts
(Amendment) Bill, 2004**

(Bill No. 6 of 2004)

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

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
FEBRUARY, 2004

The Goa Civil Courts (Amendment) Bill, 2004

(Bill No. 6 of 2004)

A

BILL

further to amend the Goa, Daman and Diu Civil Courts Act, 1965 (Act 16 of 1965).

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 Civil Courts (Amendment) Act, 2004.

(2) It shall come into force at once.

10 2. *Amendment of section 26.*— In section 26 of the Goa, Daman and Diu Civil Courts Act, 1965 (Act 16 of 1965) (hereinafter referred to as the “principal Act”), in sub-section (1), for the words “Court of a Senior Civil Judge”, the words “District Court”
15 shall be substituted.

3. *Insertion of new section 26A.*— After section 26 of the principal Act, the following section shall be inserted, namely:—

20 “26A. *Transfer of pending suits and bar on jurisdiction.*— All suits received or registered under section 26 and pending before any Court of a Senior Civil Judge immediately before the commencement of the Goa Civil

Courts (Amendment) Act, 2004, shall, on such commencement, stand transferred to the District Court of the concerned district and such District Court may proceed to deal with such suit from the stage which was reached before 5 such transfer or from any earlier stage or de novo, as such District Court may deem fit and no Court of any Senior Civil Judge shall entertain, try, dispose off or proceed to hear any matter where the Central Government or the 10 Government of Goa or any officer of the Government in his official capacity, is a party to the proceedings."

Statement of Objects and Reasons

Sub-section (1) of section 26 of the Goa, Daman and Diu Civil Courts Act, 1965 (Act 16 of 1965), inter alia provides that no court other than the 5 Court of a Senior Civil Judge shall receive or register any suit in which the Central Government or the Government of Goa or any officer of Government in his official capacity is a party.

The Bill seeks to amend said sub-section (1) of 10 section 26 of the said Act, 1965, so as to confer jurisdiction of suits filed by the Government or against the Government upon District Court of the respective district, as matters against the Government or by Government are generally 15 important and sensitive matters wherein larger and greater public interest are involved.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

20 Porvorim-Goa
9th February, 2004
Assembly Hall

Francisco D'Souza
Minister for Law

Porvorim-Goa
9th February, 2004
25 Assembly Hall

Sudhir A. Narvekar
Secretary (Legislature)

**An extract of the Goa, Daman and Diu Civil Courts
Act, 1965**

(Act No. 16 of 1965)

26. Suits in which the Government is a party.—

(1) No Court other than the Court of a Senior Civil Judge 5
shall receive or register any suit in which the Central
Government or the Administrator of the Government of
Goa, Daman and Diu or any officer of Government in his
official capacity, is a party:

Provided that the Administrator may by general or 10
special order notified in the Official Gazette, direct that
the provisions of this section shall not apply to any suit or
class or category of suits of the nature referred to therein.

(2) Nothing in this section shall be deemed to apply to 15
a suit against the administration of a Government
Railway.