



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Advocates' Welfare Fund
(Amendment) Bill, 2008**

(Bill No. 4 of 2008)

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

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM-GOA
MARCH, 2008

The Goa Advocates' Welfare Fund (Amendment) Bill, 2008

(Bill No. 4 of 2008)

A

BILL

to amend the Goa Advocates' Welfare Fund Act, 1995.

Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of the Republic of India, as follows:-

1. *Short title and commencement.*— (1) This Act may be called the Goa Advocates' Welfare Fund (Amendment) Act, 2008.

(2) It shall come into force at once.

2. *Amendment of section 4.*— In section 4 of the Goa Advocates' Welfare Fund Act, 1995 (Goa Act No. 2 of 1997) (hereinafter referred to as the "principal Act"), in sub-section (1),-

(i) after clause (d), the following clause shall be inserted, namely:-

"(dd) One member of Bar Council elected from the State of Goa to be recommended by the said Council and whenever such member is not available, any other member of Bar Council recommended by the Bar Council.

(ii) for clause (f), the following clause shall be substituted, namely:—

“(f) The Under Secretary (Establishment) to the Government—Ex—Officio Secretary.”

3. *Amendment of section 5.*— In section 5 of 5
the principal Act,

(i) for the expression “clause (d) and (e)”, the expression “clauses (d), (dd) and (e)” shall be substituted;

(ii) for the words “Bar Council”, the expression 10
“Bar Association or Bar Council, as the case may be”, shall be substituted.

4. *Amendment of section 8.*— In section 8 of
the principal Act,

(i) for the words “Bar Association”, the 15
expression “Bar Association or by the Bar Council” shall be substituted.

(ii) for the expression “clause (d) and (e)”, the expression “clauses (d), (dd) and (e)” shall be substituted. 20

Statement of Objects and Reasons

The Bill seeks to amend sub-section (1) of section 4 of the Goa Advocates Welfare Fund Act, 1995 (Goa Act 2 of 1997) so as to allow the Bar Council of Maharashtra and Goa to recommend a person from the State of Goa who is elected on the said Council to be a member of the Goa Advocates' Welfare Fund Board and whenever such person is not available, the said Council shall recommend any other elected person. Amendments to sections 5 and 8 are consequential in nature.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa
25th March, 2008.

DAYANAND NARVEKAR
Minister for Law, Judiciary and
Legislative Affairs

Assembly Hall,
Porvorim-Goa
25th March, 2008.

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

**Extract of 4, 5 and 8 of the Goa Advocates
Welfare Fund Act, 1995
(Goa Act 2 of 1997)**

Section 4

4. *Constitution of Board.*— (1) There shall be a Board to be known as Goa Advocates Welfare Fund Board consisting of the following members namely:—

- | | |
|---|----------------------------|
| (a) The Advocate-General,
Goa State | Ex-Officio-
-Chairman. |
| (b) The Law Secretary to
the Government | Ex-Officio. |
| (c) Finance Secretary to
Government or his nominee | Ex-Officio. |
| (d) One representative from
each registered Bar
Association to be
recommended by the
Executive Council or
Managing Committee
of the Association concerned | |
| (e) One member to be elected
from amongst the members
of the Board, who shall be
treasurer of the Board | |
| (f) The Under Secretary (Law)
to the Government | Ex-Officio-
-Secretary. |

(2) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire and hold property and shall by the said name, sue and be used.

Section 5

5. *Term of office of (nominated) members of Board.*— A person elected or recommended as a member of the Board under clause (d) and (e) of sub-section (1) of section 4 shall hold office for a period of four years or for the duration of his membership in the Bar Council, whichever is less.

Section 8

8. *Filling up of casual vacancies.*— A casual vacancy in the office of a elected or recommended member occurring on account of death, resignation or removal of the member may be filled up, as soon as may be, by the Executive Council or managing committee of the concerned registered Bar Association as the case may be under clause (d) and (e) of sub-section (1) of section 4 and the person so elected or recommended as the case may be shall hold office so long as the member in whose place he is elected or recommended would have been entitled to hold office, if the vacancy had not occurred.

Assembly Hall,
Porvorim, Goa
23rd March, 2008

R. KOTHANDARAMAN
Secretary to the Legislative
Assembly of Goa.