



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA ADMINISTRATIVE TRIBUNALS
(AMENDMENT) BILL, 2009**

(Bill No. 5 of 2009)

^{As}
(~~Be~~ introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM, GOA
FEBRUARY, 2009.**

**THE GOA ADMINISTRATIVE TRIBUNALS
(AMENDMENT) BILL, 2009**

(Bill No. 5 of 2009)

A

Bill

*further to amend the Goa Administrative
Tribunals Act, 1965 (Act 6 of 1965)*

5 Be it enacted by the Legislative Assembly of
Goa in the Sixtieth Year of the Republic of India,
as follows.-

1. *Short title and commencement.*— (1) This
Act may be called the Goa Administrative
10 Tribunals (Amendment) Act, 2009.

(2) It shall come into force on such date as the
Government may, by Notification in the Official
Gazette, appoint.

2. *Amendment of section 3.*— In section 3 of
15 the Goa Administrative Tribunal Act, 1965 (Act 6
of 1965) (hereinafter referred to as the "**principal
Act**"), for sub-sections (1) and (2), the following
sub-sections shall be substituted, namely.—

20 "(1) The State Government shall, by
Notification in the Official Gazette, constitute for
each district of the State, a Tribunal to exercise
the jurisdiction, perform the functions and
discharge the duties entrusted to it by or under
this Act or any other law for the time being in
25 force.

(2) Each Tribunal shall consist of a President and an Additional President, as the State Government may deem fit. Both, the President as well as the Additional President, shall have co-extensive powers and concurrent jurisdiction to deal with cases filed in the Tribunals. The Additional President shall decide such cases as are made over to him by the President".

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

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"3A – Tribunal for the North Goa District. – On and from the date of commencement of the Goa Administrative Tribunal (Amendment) Act, 2009, the Tribunal constituted and functioning for the State of Goa, shall be deemed to be the Administrative Tribunal for the North Goa District and the President and the Additional President appointed under the Act shall continue to function as the President and Additional President, respectively, for the Tribunal for the North Goa District".

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4. *Amendment of section 5.*— In section 5 of the principal Act, for the expression "**The Tribunal shall ordinarily sit at Panaji**", the expression "**The Tribunal shall ordinarily sit at District Head Quarters in North Goa and in South Goa District, respectively**" shall be substituted.

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5. *Insertion of new section 6A.*— After section 6 of the principal Act, the following section shall be inserted, namely:—

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"6A – Transfer of Appeal, Revision, Application, other matters pending before Tribunal.— Notwithstanding anything contained in this Act or any other law for time being in force all appeals, revisions, applications, other matters etc. relating to South Goa District, received and registered under section 6 of the Act and pending before the Tribunal at Panaji, immediately before the commencement of the Goa Administrative Tribunal (Amendment) Act, 2009, shall, on such commencement stand transferred to the Tribunal for the South Goa District and the President of the Tribunal for the South Goa District shall proceed to deal with such appeals, revisions, applications etc, from the stage which was reached before such transfer or from any earlier stage or de- novo, as the President may deem fit".

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STATEMENTS OF OBJECTS AND REASONS

Section 3 of the Goa, Daman and Diu Administrative Tribunal Act, 1965 (Act No. 6 of 1965) empowers the Government to constitute Administrative Tribunal for the State of Goa to exercise the jurisdiction and perform the functions and to discharge the duties entrusted to it under the Act and any other law for the time being in force.

As per sub-section (2) of section 3 amended vide the Amendment Act 54 of 2001, the Government is invested with the powers towards appointment of Addl. President of the Administrative Tribunal. The Addl. President would decide such cases as are made over to him by the President.

In pursuance of section 5(1) of the Act, 1965 the Administrative Tribunal would ordinarily sit at Panaji but may sit at any other place convenient for transaction of the business which the President with the approval of the Government, may, by general or special order, notify in the Official Gazette.

As the Administrative Tribunal is constituted for the entire State of Goa, various appeals, revisions, applications and other matters of South Goa District have also been filed before the aforesaid Administrative Tribunal. The Advocate Association has also made demand for appointment of a separate Administrative Tribunal for the South Goa District.

Considering the demands of the public at large, it is proposed to constitute a separate

Administrative Tribunal for the South Goa District by amending provisions of section 3 suitably, so as to empower the Government to constitute for each District of the State, Administrative Tribunal to exercise the jurisdiction, perform the function and discharge the duties entrusted to it by under the Act or any other law for the time being in force. It is also proposed that each Administrative Tribunal would consist a President and Addl. President as the State Government may deem fit. Both the President as well as the Addl. President shall have co-extensive powers and concurrent jurisdiction to deal with cases filed in the Administrative Tribunal.

As per section 5 of the Act, the sitting of the Administrative Tribunal has been laid down at Panaji, a provision is also made that sitting of each Administrative Tribunal would ordinarily be at the District Headquarters in North Goa District and in South Goa District.

It is also proposed to incorporate a new section 3A after section 3 of the principal Act, to function the existing Administrative Tribunal as Administrative Tribunal for the North Goa District and a deeming provision is contemplated, so that the Administrative Tribunal constituted for Goa would be deemed to be the Administrative Tribunal for the North Goa District and the President and Addl. President presiding over such Tribunal shall continue to function as the President and Addl. President of the Administrative Tribunal of the North Goa District, respectively.

Further, as number of appeals, revisions, applications and other matters pending before the

Administrative Tribunal at Panaji are increased considerably, and in view of the proposed constitution of a separate Administrative Tribunal at South Goa District, it is necessary to transfer the applications, matters relating to South Goa District received and registered under-section 6 of the Act and pending before the Administrative Tribunal at Panaji, at the commencement of the proposed Amendment Act, to transfer before the Administrative Tribunal constituted for the South Goa District, so that the said Administrative Tribunal could proceed to deal with such appeals, revisions, applications etc. from the stage which was reached before such transfer or from any earlier stage or de novo, as the President may deem fit. A provision to that effect is also incorporated as section 6A after section 6 of the principal Act.

The Bill seeks to achieve the above object.

FINANCIAL MEMORANDUM

The financial implications including staff, office equipments, furniture, misc. requirements of vehicles and premises will be to the tune of amount Rs. 47,41,000/- at the time of setting up of new Administrative Tribunal at South Goa District.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Amendment Bill empowers the State Government by Notification in Official

Gazette, to constitute for each District an Administrative Tribunal, to exercise jurisdiction and perform the functions under the Act or any other law for the time being in force.

This delegation is of normal character.

Porvorim, Goa.
Dated: 03-2-2009

SHRI DIGAMBAR KAMAT
Chief Minister/Law Minister

Assembly Hall,
Porvorim, Goa.
Dated: 03-2-2009

R. KOTHANDARAMAN
Secretary(Legislature)

ANNEXURE

2. *Definition.*— In this Act, unless the context otherwise requires,—

“(a) ‘Additional President’ means the Additional President of the Tribunal”;

3. *Constitution of Tribunal.*— (1) As from the commencement of this Act, there shall be a Tribunal to be called the Administrative Tribunal for the State of Goa to exercise the jurisdiction, perform the functions and discharge the duties entrusted to it by or under this Act or any other law for the time being in force.

(2) The Tribunal shall consist of a President and an Additional President both of whom shall be appointed by the State Government. Both, the President and the Additional President, shall have co-extensive powers and concurrent jurisdiction to deal with cases filed in the Tribunal. The Additional President shall decide such cases as are made over to him by the President.

(3) The qualifications for a person to be appointed as [“President or Additional President”] shall be such as may be prescribed.

Provided that the President and the Additional President shall be persons who have such legal qualification or experience as may be prescribed.

5. *Sitting and decisions of Tribunal.*— (1) The Tribunal shall ordinarily sit at Panaji; but, may sit at any other

place convenient for the transaction of the business, which the [“President”] with the approval of the State Government, may, by general or special order, notify in the Official Gazette.

[“(2) The Tribunal shall sit in such manner as may be prescribed by regulations”].

Assembly Hall,
Porvorim, Goa.
Dated: 03-2-2009

R. KOTHANDARAMAN
Secretary (Legislature)