
Goa, Daman And Diu Administrative Tribunal Act, 1965

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Goa, Daman And Diu Administrative Tribunal Act, 1965

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An Act to constitute an Administrative Tribunal for the Union Territory of Goa, Daman and Diu, to invest it with jurisdiction in certain matters and to provide for matters connected therewith. Be it enacted by the Legislative Assembly of Goa, Daman and Diu, in the Sixteenth Year of the Republic of India, as follows:-

1. Short Title, Extent And Commencement :-

- 1) This Act may be called the Goa 2[...] Administrative Tribunal Act, 1965.
- (2) It extends to the whole of the 3["State of Goa"].

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

2. Definitions :-

In this Act, unless the context otherwise requires,-

a) 4["...] Additional President means the Additional President of the Tribunal."

(b) Official Gazette means the Government Gazette;

(c) prescribed, except where it occurs in the expression prescribed by regulation means prescribed by rules made under this Act;

"(cc) President means the President of the Tribunal."]

(d) State Government means 6["the Government of Goa."]

(e) Tribunal means the Administrative Tribunal constituted by this Act.

3. Constitution Of Tribunal :-

(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 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]

(3) The qualifications for a person to be appointed as 8["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 qualifications or experience as may be prescribed].

(4) The President and the Additional President shall hold office until they attain the age of sixty five years.].

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".

4. Vacancies, Etc., Not To Invalidate Acts And Proceedings Of Tribunal :-

(1) No Act done by the Tribunal and no proceedings before it shall be questioned on the ground merely 12[...] any defect in the constitution of the Tribunal.

5. Sittings And Decisions Of Tribunal :-

(1) 14[The Tribunal shall ordinarily sit at District Head Quarters in North Goa and in South Goa District, respectively] but, may sit at any other place convenient for the transaction of the business, which the 15["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"]. 7 Present sub-section (1) and (2) of section 3, substituted by the (Amendment) Act 6 of 2009, before that by the Amendment Act , 2001 (Act 54 of 2001) sub-section (2) was substituted. In the year 1996 by (Amendment) Act,1996 (Goa Act No. 4 of 1997) sub-section (2) was substituted as below: The Tribunal shall consist of a President who shall be appointed by the State Government. The original sub-section (2) reads as follows: "The Tribunal shall consist of a Chairman and such number of other Members as may be determined by the State Government."

6. Jurisdiction Of Tribunal :-

The Tribunal shall have all such jurisdiction as was exercisable by the Tribunal Administrative in relation to appeals against decisions and orders--

- (a) of the administrators of concelhos;
- (b) of the administrators of Comunidades;
- (c) of the administrators of Municipalities or other autonomous bodies; and
- (d) in election matters pertaining to Municipalities or other local authorities in respect of which appeals to the said Tribunal were allowed under any law in force immediately before the 19th December, 1961:

Provided that if the jurisdiction in relation to any matter specified above is conferred upon any other tribunal court or other authority

by or under any other law for the time being in force, the Tribunal shall not exercise such jurisdiction.

Explanation.- The reference to the administrator in this section shall be construed as a reference also to any other authority with a different designation which exercises functions of, or corresponding to, those of the administrator under the relevant law.

(2) The Tribunal shall also have jurisdiction in relation to any other matter if such jurisdiction is conferred by or under any Act of the Legislature of the State of Goa.

(3) The Tribunal shall have no jurisdiction in any matter which is pending in a court of law or which, in its opinion, involves a question as to the validity of any enactment for the time being in force.

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].

7. Tribunal To Have Powers Of Civil Court :-

(1) 19[The Tribunal shall, while exercising its jurisdiction, have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) in respect of the following matter, namely:-"]

i) taking evidence on oath, affirmation or affidavit; 17 A new sub-section (6) was inserted by the Amendment Act (Act 1 of 1981) thereafter sub-sections (3), (4), (5) and (6) omitted by the Amendment Act, 1996 (Act 4 of 1997).

(ii) summoning and enforcing the attendance of witnesses;

(iii) compelling the discovery and production of documents and material objects;

(iv) requisitioning any public record or any copy thereof from any

court or office;

(v) issuing summons for examination of witnesses or production of documents; and

"(vi) any other matter which may be prescribed."]

(1A) In any proceeding, other than an original proceeding, which is pending before it, the Tribunal may, if it thinks necessary direct that such further investigation be made, or such additional evidence be taken; or may itself take such additional evidence; or may remand the case for disposal with such direction as it deems fit.]

(2) The Tribunal shall be deemed to be a civil court for all the purposes of 22["sections 195, 345(I) and 346 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974)"] and, its proceedings shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(3) In the case of any affidavit to be filed, any officer appointed by the Tribunal in this behalf may administer the oath to the deponent.

8. Government To Be Heard And Government Pleader To Assist In Certain Cases :-

(1) If at any stage of any proceedings before the Tribunal, it appears to the Tribunal that the proceedings raise a question as to the interpretation of a law which is of such a nature and of such public importance that it is expedient to issue notice to the State Government, the Tribunal shall issue notice to the State Government and that Government may, if it thinks fit, appear; the Tribunal shall then hear the State Government before deciding the question.

(2) If it appears to the State Government that the interpretation of a provision of a law in any proceedings before a Tribunal is of such a nature and of such public importance that it is expedient that the State Government should be heard before decision of the question, it may apply to the Tribunal to be heard in the proceedings and the Tribunal shall not decide the question without hearing the State Government.

(3) The Tribunal may, whenever it considers it necessary, require the assistance of the Government Pleader on any matter or in any case or class of cases pending before it and, in such cases may direct the payment of such fees or honoraria as may be prescribed.

9. Finality Of Decisions Of Tribunal :-

Subject to the other provisions of this Act, every order of decision of the Tribunal shall be final and conclusive.

10. Power Of Review :-

The Tribunal may, either on its own motion or on the application of any party interested and where the State Government it heard under section 22 These words and figures have been substituted for the words and figures "sections 195, 480 and 482 of the Code of Criminal Procedure, 1898" vide (Amendment) Act, 1996 (Act 4 of 1997) [O. G., Series I No. 51 (Extraordinary No.3) dated 25-3-1997]. 8, on the application of the State Government, review its own order or decision in any case and pass in reference thereto such order as it think just and proper: Provided that no such application made by any party shall be entertained unless the Tribunal is satisfied that there has been discovery or new and important matter or evidence which after the exercise of due diligence was not within the knowledge of such party or could not be produced by the party at the time when its order or decision was made, or that there has been some mistake or error apparent on the face of the record or for any other sufficient reason:

Provided further that no such order or decision shall be varied or revised unless notice has been given to the parties interested to appear and be heard in support of such order.

(2) An application for review under sub-section (1) by any party or by the State Government shall be made within ninety days from the date of the order or decision of the Tribunal:

Provided that in computing the period of limitation, the provisions of the Limitation Act, 1963, applicable to application for review of a judgment or order of a civil court shall, as far as may be, apply to application for review under this section.

11. Execution Of Orders :-

(1) All final orders of the Tribunal shall be executed, as far as may be, in the same manner as a decree of a civil court.

12. Indemnity :-

(1) 23["The President or the Additional President of the Tribunal" shall not be liable to be sued or proceeded against in any court for any act done or ordered to be done by him or by the Tribunal in the discharge of his or its duty whether or not within the limits of his or its jurisdiction:

Provided that he, at the time, in good faith believed himself to have jurisdiction to do or order the act complained of.

(2) No officer or other person bound to execute the lawful orders of the Tribunal shall be liable to be sued or proceeded against in any court, in respect of the execution of such orders.

13. Power To Make Rules :-

(1) The State Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for the following matters, namely:--

(a) the process and other fees to be paid and the deposits to be made by the parties to the proceedings before the Tribunal and the manner of accounting of all moneys received by the Tribunal;

"(b) the matter in respect of which powers may be vested in the Tribunal." 23 These words have been substituted for the words "Chairman or any other member" vide (Amendment) Act, 1996 (Act 4 of 1997). Thereafter by the (Amendment) Act, 2001 (Act 54 of 2001) in place of word "President" the word "President or the Additional President" was substituted. 24 Clause (b) of sub-section (2) of section 13 has been substituted vide (Amendment) Act, 1980 (Act 1 of 1981).

(c) the fee or honoraria to be paid to the 25["President or the Additional President"] or the Government Pleader;

(d) any other matter which has to be, or may be prescribed or provided for by rules.

(3) All rules made under this Act shall be published in the Official Gazette and shall be laid on the table of Legislative Assembly after they are made and shall be subject to such modifications as the Assembly may make during the Session in which they are so laid.

14. Power To Make Regulations :-

(1) Subject to the provisions of this Act and the rules made thereunder and to the previous approval of the State Government, the 26["President"] may make regulations for regulating the practice and procedure before the Tribunal.

(2) In particular and without prejudice to the generality of the foregoing power, the 27["President"] may make regulations for the following matters, namely:

(a) the award of costs by the Tribunal;

(b) the right of audience before the Tribunal;

(c) 28[...] Omitted.

(3) The regulations made in this Section shall be published in the Official Gazette.

15. Transitional :-

(1) Notwithstanding anything contained in this Act or in any other law for the time being in force the Administrative Tribunal constituted by order of the State Government No. L. D. 45/64 dated the 26th June, 1964, shall be deemed to have been validly constituted in accordance with law and the President and Members thereof appointed by the same order shall be deemed to have been duly appointed in accordance with law and the said President and Members shall be the Chairman and Members respectively of the Tribunal under this Act, until appointments are made in their places.

(2) Any proceeding pending immediately before the commencement of this Act before the Tribunal constituted under the order referred to in sub-section (1) shall be dealt with and disposed of by the Tribunal under this Act as if instituted before it.

16. Repeal :-

(1) On the commencement of this Act, the provisions of the Reforma Administrativa Ultramarina dealing with the constitution, organisation and powers of the Tribunal Administrative shall stand repealed.

(2) The provisions of the General Clauses Act, 1897, shall apply to such repeal as if the said Reforma Administrativa Ultramarina and this Act were Central Acts. 25 The word "Chairman, or any other member" has been substituted by the word "President" vide (Amendment) Act, 1996 (Act 4 of 1997). Thereafter by the (Amendment) Act, 2001 (Act 54 of 2001) in place of word "President" the word " President or the Additional President" was substituted.

(3) In respect of any matter for which rules or regulations may be made under this Act, the corresponding provisions, if any, in the Reforma Administrativa Ultramarina shall continue to be in force until such rules or regulations are made.

17. Power To Remove Difficulties :-

The State Government may, by order, do anything, not inconsistent

with this Act, for removing any difficulty which arises in giving effect to the provisions of this Act:

Provided that the power under this section shall not be exercisable after the expiry of a period of two years after the commencement of this Act.