

The Goa, Daman and Diu (Laws) No. 2 Regulation, 1963

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Act 11 of 1963

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The Goa, Daman and Diu (Laws) No. 2 Regulation, 1963 Regulation No. 11 of 1963 Promulgated by the President in the Fourteenth Year of the Republic of India. A Regulation to extend certain laws to the Union territory of Goa, Daman and Diu. In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:-

1. Short title and commencement.

(1) This Regulation may be called the Goa, Daman and Diu (Laws) No. 2 Regulation, 1963. (2) It shall come into force at once.

2. Definitions.

- In this Regulation, unless the context otherwise requires, -(a) "Act" means an Act specified in the Schedule; (b) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu; (c) "Lieutenant-Governor" means the Administrator of Goa, Daman and Diu.

3. Extension with amendments of certain laws to Goa, Daman and Diu and their commencement therein.

(1) The Acts, as they are generally in force in the territories to which they extend, shall extend to Goa, Daman and Diu, subject to the modifications, if any, specified in the Schedule. (2) Notwithstanding anything contained in sub-section (1) or in the relevant provision, if any, of each such Act for the commencement thereof, the provisions of each such Act shall come into force in Goa, Daman and Diu on such date as the Lieutenant-Governor may, by notification in the Goa, Daman and Diu Gazette, appoint: Provided that different dates may be appointed for different provisions of any Act and for different areas and any reference in any such provision to the commencement of the Act

shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

4. Repeal and saving.

(1) Any law in force in Goa, Daman and Diu or any area thereof corresponding to any Act referred to in section 3 or any part thereof shall stand repealed as from the coming into force of such Act or part in Goa, Daman and Diu or such area, as case may be. (2) Nothing in sub-section (1) shall affect—(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made: Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to Goa, Daman and Diu by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

5. Extension of rules, orders, etc., under certain laws.

- All rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in Goa, Daman and Diu, extend to, and come into force in Goa, Daman and Diu.

6. Validation of acts of Life Insurance Corporation.

- Anything done or any action taken by the Life Insurance Corporation of India in Goa, Daman and Diu which would have been validly done or taken had the Insurance Act, 1938, and the Life Insurance Corporation Act, 1956, been in force in that Union territory when such thing was done or action was taken shall, notwithstanding anything contained in any corresponding law repealed by the Goa, Daman and Diu (Laws) Regulation, 1962, or this Regulation, be deemed to have been validly done or taken.

7. Rule of construction.

(1) In any Act or in any of the rules, notifications, orders, regulations and bye-laws made or issued thereunder and extended to Goa, Daman and Diu by this Regulation,—(a) any reference to any provision of law not in force, or to any functionary not in existence, in Goa, Daman and Diu shall be

construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in that Union territory: Provided that-(i) if any question arises as to who such corresponding functionary is, or (ii) if there is no such corresponding functionary, the Lieutenant-Governor shall decide as to who such functionary will be and his decision shall be final; (b) any reference to the State Government shall be construed as a reference to the Central Government and also as including a reference to the Lieutenant-Governor; and (c) any reference to the High Court shall be construed as a reference to the Court of the Judicial Commissioner established for that Union territory. (2) For the purpose of facilitating the application in relation to Goa, Daman and Diu of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it, in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

8. Power to remove difficulties.

- If any difficulty arises in giving effect in Goa, Daman and Diu to the provisions of any Act extended by this Regulation to that Union territory, the Central Government may, by order in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty.

9. Amendment of Act I of 1956.

- In the Companies Act, 1956, as extended to the Union territory of Goa, Daman and Diu, -(1) in section 3 (1) (ii) -(a) the following word and sub-clause occurring after sub-clause (2) of clause (f) shall be omitted and shall be deemed always to have been omitted, namely:- "or (3) in the Union territory of Goa, Daman and Diu or any part thereof, before the commencement of this Act therein"; (b) the word "and" at the end of clause (e) shall be omitted and after clause (f), the following clause shall be inserted and shall be deemed always to have been inserted, namely:- '(g) The Portuguese Commercial Code (Carta Lei of the 11th April, 1901), in so far as it relates to "Sociedades anonimas";'; (2) after section 620A, the following section shall be inserted, namely:- "Special provision as to companies in Goa, Daman and Diu

620B. Special provision as to companies in Goa, Daman and Diu. - The Central Government may, by notification in the Official Gazette, direct that for such period or periods with effect from the 26th January, 1963, or any subsequent date, any of the provisions of this Act specified in the notification shall not apply, or shall apply only with such exceptions and modifications or adaptations as may be specified in the notification, to -

(a) any existing company in the Union territory of Goa, Daman and Diu; (b) any company registered in the said Union territory under this Act on or after the 26th January, 1963". The Schedule (See section 2)

| Year | No. | Short title | Modifications |
|------|-----|--|---|
| 1 | 2 | 3 | 4 |
| 1850 | 37 | The Public Servants (Inquiries) Act, 1850. | |
| 1867 | 3 | The Public Gambling Act, 1867. | |
| 1870 | 7 | The Court-fees Act, 1870. | |
| 1872 | 1 | The Indian Evidence Act, 1872. | |
| 1872 | 9 | The Indian Contract Act, 1872. | |
| 1878 | 6 | The Indian Treasure-trove Act, 1878. | |
| 1882 | 2 | The Indian Trusts Act, 1882. | |
| 1882 | 4 | The Transfer of Property Act, 1882. | |
| 1885 | 18 | The Land Acquisition (Mines) Act, 1885. | |
| 1886 | 6 | The Births, Deaths and Marriages Registration Act, 1886. | In section 32, after the words and figures "at any timebefore the first day of April, 1891", insert "or in thecase of the Union territory of Goa, Daman and Diu, before suchdate as may be specified by notification by the CentralGovernment". |
| 1889 | 1 | The Metal Tokens Act, 1889. | |
| 1890 | 6 | The Charitable Endowments Act, 1890. | |
| 1894 | 1 | The Land Acquisition Act, 1894. | |
| 1894 | 9 | The Prisons Act, 1894. | |
| 1895 | 15 | The Government Grants Act, 1895. | |
| 1897 | 8 | | |

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|------|-----|--|---|
| | | The Reformatory Schools Act, 1897. | |
| 1899 | 2 | The Indian Stamp Act, 1899. | In sub-section (1) of section 57, after clause (f), insert -(g) if it arises in the Union territory of Goa, Daman and Diu, to the High Court at Bombay". |
| 1899 | 13 | The Glanders and Farcy Act, 1899. | In Schedule I, omit entry 30. |
| 1900 | 3 | The Prisoners Act, 1900. | |
| 1908 | 16 | The Indian Registration Act, 1908. | |
| 1910 | 5 | The Dourine Act, 1910. | |
| 1912 | 4 | The Indian Lunacy Act, 1912. | |
| 1916 | 7 | The Indian Medical Degrees Act, 1916. | |
| 1920 | 14 | The Charitable and Religious Trusts Act, 1920. | |
| 1920 | 33 | The Identification of Prisoners Act, 1920. | |
| 1927 | 16 | The Indian Forest Act, 1927. | |
| 1929 | 19 | The Child Marriage Restraint Act, 1929. | |
| 1930 | 3 | The Sale of Goods Act, 1930. | |
| 1932 | 9 | The Indian Partnership Act, 1932. | In section 1, for sub-section (3), substitute - "(3) It shall come into force at once except section 69, which shall come into force on the 1st day of January, 1965". |
| 1940 | 23 | The Drugs Act, 1940. | |
| 1942 | 18 | The Weekly Holidays Act, 1942. | |
| 1945 | ... | The International Monetary Fund and | |

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| | | Bank Act, 1945. | |
| 1947 | 48 | The Indian Nursing Council Act, 1947. | |
| 1948 | ... | The Pharmacy Act, 1948. | |
| 1948 | 16 | The Dentists Act, 1948. | |
| 1948 | 34 | The Employees' State Insurance Act, 1948. | |
| 1948 | 37 | The Census Act, 1948. | |
| 1948 | 63 | The Factories Act, 1948. | |
| 1949 | 10 | The Banking Companies Act, 1949. | |
| 1949 | 38 | The Chartered Accountants Act, 1949. | |
| 1949 | 46 | The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949. | |
| 1951 | 63 | The State Financial Corporations Act, 1951. | |
| 1952 | 19 | The Employees' Provident Funds Act, 1952. | |
| 1952 | 37 | The Cinematograph Act, 1952. | |
| 1953 | 12 | The Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953. | In clause (a) of section 2, omit "and" at the end of sub-clause (i) and after that sub-clause, insert: "(ia) in relation to the Union territory of Goa, Daman and Diu, the date on which this Act comes into force therein;". |
| 1953 | 29 | The Tea Act, 1953. | Omit sub-section (3) of section 17 and sub-sections (2) and (3) of section 18. |
| 1953 | 32 | The Collection of Statistics Act, 1953. | |
| 1953 | 45 | | |

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| | | The Coir Industry Act, 1953. | |
| 1954 | 21 | The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. | |
| 1954 | 37 | The Prevention of Food Adulteration Act, 1954. | |
| 1955 | 23 | The State Bank of India Act, 1955. | |
| 1955 | 32 | The Prisoners (Attendance in Courts) Act, 1955. | |
| 1955 | 42 | The Prize Competitions Act, 1955. | |
| 1955 | 45 | The Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955. | Omit section 4. In sub-section (1) of section 5, in clauses (b) and (c), omit "on or after the 1st day of July, 1961". |
| 1956 | 31 | The Life Insurance Corporation Act, 1956. | After section 48, insert - '48A. Act to supply to Goa, Daman and Diu subject to modifications.- The provisions of this Act shall, in their application to the Union territory of Goa, Daman and Diu, have effect subject to the following modifications, namely:- (1) In section 2, -(i) for clause (1), the following clause shall be substituted, namely:- '(1) "appointed day" means -(i) in the case of any insurer incorporated or registered in Portugal or the Portuguese occupied territories outside India, the 8th June, 1962; and (ii) in |

the case of any other foreign insurer transacting life insurance business in the Union territory of Goa, Daman and Diu, the commencement of this Act;';(ii) in sub-clause (ii) of clause (3),-(a) after item (b), the following proviso shall be inserted, namely:-"Provided that nothing contained in this sub-clause shall be deemed to include policies of insurance issued in favour of persons who have not opted to become citizens of India under the order issued under section 7 of the Citizenship Act, 1955 (57 of 1955);";and (a) item (c) shall be omitted.(2) Sections 11 and 12 shall be omitted.(3) In section 14 and sub-section (I) of section 15, for the figures, letters and words "19th day of January, 1956", the words "appointed day" shall be substituted.(4) In section 16, after sub-section (2), the following sub-section shall be inserted, namely:-"(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), no compensation shall be payable or be offered to an insurer incorporated or registered in Portugal or any of the Portuguese-occupied territories, unless the

Central Government is satisfied that the amounts, if any, which are due to be recovered from such insurer or to be remitted by such insurer to India have been or will be recovered or remitted in full". (5) In section 30, for the words "certificate of registration under the Insurance Act", the following words shall be substituted, namely: - "certificate or authorization under the Insurance Act or under any other law, decree or order". (6) In section 35, after the words "insurer incorporated outside India", wherever they occur, the words "not being an insurer registered or incorporated in Portugal or the Portuguese-occupied territories" shall be inserted. (7) In section 36, after the proviso, the following proviso shall be inserted, namely: - "Provided further that no compensation shall be payable to the chief agent or special agent of insurers registered or incorporated in Portugal or Portuguese-occupied territories unless (a) they are citizens of India, or (b) in the case of chief agents or special agents who are not citizens of India, the amounts, if any, due from

such insurers have been recovered or remitted to India in full, or (c) the Central Government specifically authorizes the payment of such compensation".(8) In the First Schedule, -(i) in Part 'A' -(a) for the words, figures and letters "the 1st day of January, 1955", wherever they occur, the words, figure and letters "the 1st day of the completed calendar year immediately preceding the appointed day" shall be substituted, for the words, figures and letters "the 31st day of December, 1955", the words "the last day of the completed calendar year immediately preceding the appointed day" shall be substituted and for the figures and word "1950 to 1955", the figures and word "1956 to 1961" shall be substituted;(b) after the words "abstracts prepared in accordance with Part II of the Fourth Schedule to the Insurance Act", wherever they occur, the words "or in any other corresponding abstract, return or statement" shall be inserted:(c) in Paragraph 2, after the words "Form A in the First Schedule to the Insurance Act", the words "or any other corresponding form or statement" shall be

inserted; and(ii) in PartB, for the words, figures and letters "the 1st day ofJanuary, 1955", the words "the first day of thecompleted calendar year immediately preceding the appointed day"shall be subs-tituted and references to the 19th day of January,1956 (except in paragraph 5) shall be changed into references tothe appointed day.(9) In the Second Schedule,references to the 1st day of January, 1955 and the 31st day ofDecember, 1955, shall be changed into references to the first dayand the last day respectively of the completed calendar yearimmediately preceding the appointed day.(10) In the Third Schedule, -(i) in thefirst paragraph, for the words "seventy-five per cent",the words such percentage as the Central Government may fix"and for the words "ten years", the words "fiveyears" shall be substituted; and(ii) in the second paragraph,references to the 1st day of January, 1952, and the 31st day ofDecember, 1955, shall be changed into references to the 1st dayof January, 1958, and the 31st day of December, 1961,respectively.

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| 1956 | 42 | The Securities Contracts (Regulation) Act, 1956. | |
| 1956 | 61 | The Khadi and Village Industries Commission Act, 1956. | |
| 1956 | 102 | The Indian Medical Council Act, 1956. | In the Third Schedule - (i) in Part I, add at the end- |
| "Medico-Surgical College, Nova-Goa, Panaji. | Diploma of licentiate of the Medico-Surgical College (Goa.); Nova-Gao. | Medico-Surgeon | |
| (ii) in Part II, omit the following: - "Medico-Surgeon (Goa)". | | | |
| 1956 | 104 | The Suppression of Immoral Traffic in Women and Girls Act, 1956. | |
| 1958 | 20 | The Probation of Offenders Act, 1958. | |
| 1959 | 23 | The Cost and Works Accountants Act, 1959. | |
| 1959 | 31 | The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959. | |
| 1959 | 38 | The State Bank of India (Subsidiary Banks) Act, 1959. | |
| 1960 | 59 | The Prevention of Cruelty to Animals Act, 1960. | |
| 1961 | 27 | The Motor Transport Workers Act, 1961. | |
| 1961 | 52 | The Apprentices Act, 1961. | |
| 1961 | 53 | The Maternity Benefit Act, 1961. | |
| 1961 | 58 | The Iron Ore Mines | |

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**Labour Welfare Cess
Act, 1961.**