

# The Goa, Daman And Diu (Administration) Act, 1962

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### Act 1 of 1962

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### 1331.

Under the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963, a Court of Judicial Commissioner has been constituted for the Union territory of Goa, Daman and Diu. It is the highest Court of Appeal replacing the existing Court of Appeal (Tribunal de Relacao) in that territory. Article 241(1) of the Constitution provides that Parliament may by law declare any court in a Union territory to be a High Court for all or any of the purposes of the Constitution. In the absence of such a declaration, the Judicial Commissioner's Court will not be purposes of the Constitution. In the absence of such a declaration, the Judicial Commissioner's Court will not be competent to exercise the powers of a High Court and no appeal will lie to the Supreme Court. The Bill accordingly competent to exercise the powers of a High Court and no appeal will lie to the Supreme Court. The Bill accordingly seeks to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes and to apply thereto provisions of Chapter V of Part VI of the Constitution with certain exceptions and modifications.2. Provision has also been made for appeals to the Supreme Court against judgments, decrees and orders of the Tribunal de Relacao:(a) passed before 20th December, 1961, in respect of which appeals lay to the superior Courts in Portugal, and(b) passed on and after 20th December, 1961, in respect of which appeals could not be preferred in the absence of necessary provisions.3. Constitution of the Judicial Commissioner's Court has rendered superfluous the provisions of section 7 of the Goa, Daman and Diu (Administrative) Act, 1962, enabling the Central Government to extend the jurisdiction of the High Court at Bombay to the Union territory of Goa, Daman and Diu, Section 7 of the said Act is, therefore, being repealed - Gazette of India, 28-12-1963, Pt. II, Section 2, Extra, p. 1016.[27th March, 1962]An Act to provide for the administration of the Union territory of Goa, Daman and Diu and for matters connected therewith.BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:--

## **1. Short title and commencement.**

(1) This Act may be called the Goa, Daman and Diu (Administration) Act, 1962. (2) It shall be deemed to have come into force on the 5th day of March, 1962.

## **2. Definitions.**

In this Act, unless the context otherwise requires,--(a) "Administrator" means the Administrator of Goa, Daman and Diu appointed by the President under article 239 of the Constitution; (b) "appointed day" means the twentieth day of December, 1961; (c) "Goa, Daman and Diu" means the Union territory of Goa, Daman and Diu.

## **3. Representation in the House of the People.**

(1) There shall be allotted two seats to the Union territory of Goa, Daman and Diu in the House of the People. (2) In the Representation of the People Act, 1950 (43 of 1950),--(a) in section 4, in sub-section (1), after the words "to Dadra and Nagar Haveli", the words "to Goa, Daman and Diu" shall be inserted; (b) in the First Schedule,--(i) after entry 22, the following entry shall be inserted, namely:--"23. Goa, Daman and Diu.....2"; (ii) entries 23 and 24 shall be re-numbered as entries 24 and 25 respectively. (3) In the Representation of the People Act, 1951 (43 of 1951), in section 4, after the words "to Dadra and Nagar Haveli", the words "to Goa, Daman and Diu" shall be inserted.

## **4. Officers and functionaries in relation to Goa, Daman and Diu.**

Without prejudice to the powers of the Central Government to appoint from time to time such officers and authorities as may be necessary for the administration of Goa, Daman and Diu, all judges, magistrates and other officers and authorities who, immediately before the commencement of this Act, were exercising lawful functions in connection with the administration of Goa, Daman and Diu or any part thereof, shall, unless otherwise directed at any time by the Central Government in relation to any such judge, magistrate or other officer or authority, or until other provision is made by law, continue to exercise in connection with such administration their respective functions in the same manner and to the same extent as before such commencement with such altered designation, if any, as that Government may determine.

## **5. Continuance of existing laws and their adaptation.**

(1) All laws in force immediately before the appointed day in Goa, Daman and Diu or any part thereof shall continue to be in force therein until amended or repealed by a competent Legislature or other competent authority. (2) For the purpose of facilitating the application of any such law in relation to the administration of Goa, Daman and Diu as a Union territory and for the purpose of bringing the provisions of any such law into accord with the provisions of the Constitution, the Central Government may, within two years from the appointed day, by order, make such

adaptations and modifications, whether by way of repeal or amendment, as may be necessary or expedient and thereupon, every such law shall have effect subject to the adaptations and modifications so made.

## **6. Power to extend enactments to Goa, Daman and Diu.**

The Central Government may, by notification in the Official Gazette, extend with such restrictions or modifications as it thinks fit, to Goa, Daman and Diu any enactment which is in force in a State at the date of the notification.

### **Additional Information<sup>6</sup>**

For such notifications see S.O. 847, Gazette of India, 1962, Pt. II, Section 3(ii), Extra, page 517; S.O. 2734 and S.O. 2735, Gazette of India, 1962, Pt. II, Section 3(ii), Extra, page 1991 and Gazette of India, 25-3-1967, Pt. II, Section 3(i), page 471.

## **7. Extension of the jurisdiction of Bombay High Court to Goa, Daman and Diu.**

Rep. by the Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act, 1964 (16 of 1964), s. 8 (w.e.f. 16-12-1963).

## **8. Power to construe laws.**

For the purpose of facilitating the application of any law in relation to Goa, Daman and Diu, any court or other authority may construe any such law 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.

## **9. Validation of certain action and indemnity of officers for certain acts.**

(1) All things done and all action taken (including any acts of executive authority, proceedings, decrees and sentences) in or with respect to Goa, Daman and Diu on or after the appointed day and before the commencement of this Act, by the Administrator or any other officer, whether civil or military, or by any other person acting under the orders of the Administrator or such officer, which have been done or taken in good faith and in a reasonable belief that they were necessary for the peace and good government of Goa, Daman and Diu shall be as valid and operative as if they had been done or taken in accordance with law. (2) No suit or other legal proceeding whatsoever, whether civil or criminal, shall lie in any court of law against the Administrator or any other officer of Government, whether civil or military, or against any other person acting under the orders of the Administrator or such other officer for, or on account of, or in respect of, anything done or any action taken in Goa, Daman and Diu or any part thereof on or after the appointed day and before the commencement of this Act which has been done or taken in good faith and in a reasonable belief that it was necessary for the peace and good government of Goa, Daman and Diu: Provided that if any such suit or other legal proceeding has been instituted before the commencement of this Act, it shall, on such commencement, abate.

## **10. Power to remove difficulties.**

(1) If any difficulty arises in giving effect to the provisions of this Act or in connection with the administration of Goa, Daman and Diu, the Central Government may, by order, make such further provision as appears to it to be necessary or expedient for removing the [difficulty] [For such order see Gazette of India, 1962, Pt. II, Section 3(ii), Extra., pp. 517 and 2396 and Gazette of India, 1966, Pt. II, Section 3(ii), p. 1299.]. (2) Any order under sub-section (1) may be made so as to be retrospective to any date not earlier than the appointed day.

## **11. Repeal and saving.**

(1) The Goa, Daman and Diu (Administration) Ordinance, 1962 (2 of 1962), is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken in exercise of any of the powers conferred by or under the said Ordinance shall be deemed to have been done or taken in exercise of the powers conferred by or under this Act.