

"Goa's Legislative Institutions in the Twentieth Century: A Historical Perspective".

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Introduction

The present paper analysis the legislative institutions functioning in Goa during the twentieth century. It is to be noted that in the twentieth century both during the pre and post-Liberation period, very important legislations emancipated from the Center i.e Lisbon or Delhi. However even though Portugal had a unitary system of Government, some legislations were carried out through Legislative institutions functioning from Goa. The present paper is concerned with those institutions that functioned in Goa during the twentieth century.

A Historical Overview

In the nineteenth century the seeds for the legislative institutions were laid by the Decree of 1836 on the Organisation of Administration in Overseas, which envisaged a Government Council¹. The Council was to be composed of heads of judicial, military, fiscal and ecclesiastic departments, and two or more councilors selected by the Governor from a list of four voted by the Provincial Board (*Junta Provincial*). The Government Council was to be an advisory body to the Governor. He had to consult the Government Council when exercising important functions though he was not bound to follow or adopt their decisions.

Later the Carta of 1869² reorganising the administration referred to the Government Council, which was to be composed of Secretary of the Government, Head of the Church, effective High Court Judges, two military officials, Procurator of the Crown and Revenue, Secretary of Public Revenue, Director of Health and President of Municipal Chamber. The Council had to vote on matters that the Governor General referred to it. The Governor General was bound to hear the Council in all grave affairs and especially while dealing with matters of legislative or regulamentary character. The Governor was however not bound by the vote of the Council, but he needed its affirmative vote when it concerned with determination of urgency for legislative measures or to contract loans. Besides, the same decree envisaged a General Provincial Board³, a body to assist the Governor in the administration of the Province. It comprised of: (a) Archbishop or his substitute, (b) Secretary General, (c) Procurator of the Crown and Revenue, (d) Director of Public Works, (e) Head of the Health Services, (f) Professors one each from medical college, lyceum and education college, and (g) Members elected one each by the municipalities of the State of India. Some of the functions mentioned were to vote on the following subjects: public works, public health, establishment of primary schools,

¹ See D'Souza, Carmo, *Legal System in Goa*, Vol. II, Publisher Agnelo D'Souza, Goa, 1995, pgs. 156-158

² Carta of 1 December 1869. See, Gracias, Ismael, J.A., *Carta Organica das Instituicoes Administrativas nas Provincias Ultramarinas*, Imprensa Nacional, Nova Goa, 1899, pgs.1-132. See also D'Souza, Carmo, *Legal System in Goa*, Vol. II, Publisher Agnelo D'Souza, Goa, 1995, pgs. 158-163.

³ Junta Geral de Provincia

imposition of taxes for maintenance of works undertaken, besides others. The Governor General was the authority to execute the deliberation of the General Provincial Board. All collections made by the provisions voted by the Board were to be administered by the Public Revenue Board, however maintaining a separate account. The Provincial Board was expressly prohibited from altering or revoking any legal measure of the Government of Portugal. It could make representations to that effect, and the Governor had to put forward the proposals to the Government in Portugal. The Governor General enjoyed a suspensive veto on the deliberations of the Provincial Board, if he opined as illegal, unjust or inconvenient for execution. He had to send an account and forward all necessary documents to the Government in Portugal. These institutions were forerunners of the later Government Council and the Legislative Council of the twentieth century.

In the twentieth century during the Republican period, the Charter of 1914⁴ expounded the principles for the Government Council. It stated that in each Colony as a first and principle organ after the Governor, there was to function a body called a Government Council. Government Council was to be constituted with inhabitants of colony, drawn from the official government cadre and from non-official section⁵. The later had the special duty to defend the legitimate interest of the Colony and express public opinion. It was the duty of the official members to explain and expose the technicalities of matter at hand. The ratio of official and non-officials was to vary with due regard to the development of the Colony and gradually raising the number of the non-official section, which however was not to exceed two thirds of the total strength

The Carta of 1917⁶ envisaged a Government Council to be constituted as to have technical element, administrative experience and representative elements of legitimate interests in the Province. There were to be ten government officials, and six elected by general electoral circles and four members elected by certain selected interests such as industrialist, proprietors, major taxpayers and procurators of Village Communities. However these laws were in a flux, and were repealed even before they were experimented properly.

The Council of Government as per new regime envisaged by Law of 1914 and following legislations, was inaugurated by the session held on 1 July 1919. Earlier a preparatory session was held on 6 January 1919, and the first session on 8 January 1919. There was absenteeism at elections held and this Council was said to be not really representative institution. Later the Government declared the earlier elections held under Carta of 1917 as valid, and the first session of a real representative Council of Government was held on 1 July 1919⁷. Thus we see some fluctuations in its functioning.

⁴ Law no. 277 of 15 August 1914, *Legislacao do Estado da India*, 1914, p.345-370

⁵ D'Souza, Carmo, *Legal System in Goa*, Vol. II, Publisher Agnelo D'Souza, Goa, 1995, pg. 30

⁶ Carta of 1917 for the State of India, Decree No. 3266 of 27 July 1917.

⁷ D'Souza, Carmo, *Legal System in Goa*, Vol. II, Publisher Agnelo D'Souza, Goa, 1995, pg. 54, footnote 148.

The Charter of 1920⁸ laying principles for Civil and Financial Administration of Colonies propounded the idea of a Legislative Council. It envisaged a Legislative Council and an Executive Council. The Legislative Council was to be staffed with government officials and also non-officials representing the interests of the Province. Non-official elected members were to represent the population, to safeguard people's interests and to express public opinion. The official members were to elucidate on technical matters, norms of administration and provide orientation for legislation. The ratio of official and non-official members was to depend on the stage of development of each colony. However, the non-officials could not exceed more than two thirds of the total number of members of the Council. Non-officials were to be elected from different fora depending on each colony, giving more or less exact representation to diverse as well as predominant local interests. Based on this and other legislations, the Legislative Council functioned in the 1920s. It is to be noted that the Legislative Council was opposed by some prominent people in Goa especially during the 1923-24 period for certain events that took place in the Council⁹. Later it was dissolved and there was a return to the form of Government Council.

The Carta for the State of India of 1926¹⁰ envisaged a Government Council with reduced representation to non-officials. It was to be composed of the Governor General, four specified government officials, five citizens nominated by Governor General and five representatives elected by the general electoral circles. Thus we see that Government Council or Legislative Council functioned intermittently.

In the fifties of the twentieth century there was a change as regards the colonial policy partly due to the world pressures. The colonies were labeled as Overseas Provinces forming part of one nation¹¹. The Law on Administration of Overseas¹² contemplated a Legislative Council. Based on this Statute of State of India (1955) was promulgated which is discussed in reference to Legislative Council a little later.

On Liberation the Military Governor took charge for a brief period¹³. Soon the task of governance and law making was carried out by the Lt. Governor aided by a 29 member informal Consultative Council, constituted on 24th September 1962, consisting of prominent Goans and the Lt. Governor was ultimately accountable to the President of

⁸ Decree no. 7008 of 9 October 1920. See also D'Souza, Carmo, *Legal System in Goa*, Vol. II, Publisher Agnelo D'Souza, Goa, 1995, pgs. 166-171.

⁹ India Portuguesa had several articles from the pen of Jose Inacio Candido de Loyola against the functioning of the Legislative Council, which he viewed, as wasteful expenditure. In Loyola's opinion there was a defection in this Council. See, Borges, Charles, J., Ed., *Goa's Foremost Nationalist Jose Inacio Candido de Loyola*, XCHR Studies Series No.9, Concept Publishing Company, New Delhi, 2000, pgs.3-26.

¹⁰ Decree no. 12499-A of 4 October 1926, Art. 34, *Legislacao do Estado da India*, 1926, pg 320. See also D'Souza, Carmo, *Legal System in Goa*, Vol. II, Publisher Agnelo D'Souza, Goa, 1995, pgs.172-173

¹¹ This stand is found in earlier periods too especially with regard to the State of India.

¹² Law No. 2066 of 27 June 1953, *Legislacao do Estado da India*, 1953, pgs. 516-560. See also D'Souza, Carmo, *Legal System in Goa*, Vol. II, Publisher Agnelo D'Souza, Goa, 1995, pgs.177-180.

¹³ Military Governor Candeth (20 December 1961 to 8 June 1962). See Fernandes Aureliano, *Cabinet Government in Goa*, maureen & camvet publishers Pvt. Ltd, Panjim, 1997, pg. 1.

India¹⁴. Soon The Union Territories Act, 1963 was promulgated and it contemplated a Legislative Assembly for Goa, Daman and Diu. Based on the Act, elections were held on 9 December 1963, the ministry took office on 20 December of the same year and the first session of the Legislative Assembly took place on 9th January 1964. The total number of seats was thirty and the Government could nominate three. Rules of Procedure and Conduct of Business of the Legislative Assembly of Uttar Pradesh, 1958 as modified and adopted by the Administrator were applicable to the House¹⁵. Subsequently the Legislative Assembly adopted new rules with effect from 5th October 1973¹⁶. As regards nominations only during the term of Second Assembly 1967- 72, two members one from the Scheduled Tribe and the other from the Scheduled Caste were nominated by the Central Government. Thereafter in 1985 during the Sixth Assembly three lady members were nominated to take the total strength to 33¹⁷.

Goa attained statehood on 30th May 1987. Daman and Diu were delinked and a Provisional Assembly functioned in Goa, consisting of members of the previous Assembly (except for the representatives of Daman and Diu). The total strength of the Provisional Assembly was 31, as the representatives of Daman and Diu were excluded. The Provisional Assembly as per the Goa, Daman and Diu Reorganisation Act was to function till the forty membered House was elected¹⁸. Elections were held on 22 November 1989 for the First Assembly of the Goa State consisting of forty members.

Important Legislations

In order to understand the Legislative Institutions functioning in Goa during the twentieth century, it is decided to discuss the following legislations:

- A. Regiment for Legislative Council (1921).
- B. Regiment of Government Council (1927).
- C. Statute of State of India (1955).
- D. The Government of Union Territories Act, 1963.
- E. The Goa , Daman and Diu Reorganisation Act, 1987¹⁹.

A. Regiment of Legislative Council (1921)²⁰

Composition: As per the Regiment of 1921 the Legislative Council was to be constituted by members of the Executive Council and by non-official members who were to be elected. Among the non-officials: (a) Six members were to be elected from the electoral circles of Ilhas, Salcette, Bardez, New Conquests, Daman and Diu , each circle electing one; (b) One member was to be elected by Procurators of Village Communities; (c) One

¹⁴ Ibid .

¹⁵ See Government Gazette, Series I, No. 50, Supplement 2, 20 December 1963 for Rules and modification made by the Administrator of Goa, Daman and Diu, as per sec. 33(3) of The Government of Union Territories Act, 1963.

¹⁶ Dias , Bibial, *The Office of the Speaker*, Government College of Arts and Commerce, Quepem, Goa, 1991, pg. 24.

¹⁷ *Goa Legislative Assembly Information Brochure*, Goa Legislative Secretariat , 2003.

¹⁸ Ibid.

¹⁹ Official Gazette, Series I, No. 15 , Extraordinary , 9 July 1987.

²⁰ Portaria Provincial, No. 83, 17 January 1921. See *Legislacao do Estado da India*, Vol XXI , Nova Goa, Imprensa Nacional, 1922.

member elected by Commercial and Industrial Association, (d) One elected by Association of Agriculturists and Proprietors ; (e) One by classes not specified above; and (f) One by 90 major tax payers of the province. Thus there were eleven members representing either the electoral circles or certain interests in the State of India.

The Executive Council as per another Regiment ²¹ was to be composed of the Governor General, Procurator of the Republic, four heads of the departments nominated annually by the Governor and confirmed by the Executive in Portugal, and one member nominated annually and confirmed by the Executive in Portugal.

Elections: The election of the effective member and his substitute was to be conducted by secret scrutiny. Panjim, Margao , Mapusa , Casabe de Ponda, Daman City and Diu City were the seats for the electoral circles. The Governor General was to publish the number and seats of electoral assemblies into which each electoral circle would be sub-divided. To be elector one had to be a Portuguese Citizen²² of masculine sex, above twenty-one years, who knew to read and write any language. Also foreigners above 21 years of age, with habitual residence in province of not less than five years who knew to read and write Portuguese were eligible to be electors. Some categories of people were excluded from being electors under Art. 3, such as bankrupts, poor people in asylum, certain categories of condemned etc. To be eligible for elections a person had to be Portuguese citizen, major of 21 years, who knew to read and write Portuguese and the naturalised too five years after naturalisation. The mandate of the effective member and his substitute was of two years.

Sessions: The Governor General or his substitute was to preside over the sessions. The Legislative Council had two periods of ordinary sessions every year, the first session being from 2nd to 31st January and the second from 1st to 30th July. The President or his substitute could convoke extraordinary session for important and urgent matters through a notice on Official Gazette (*Boletim Oficial*). The Legislative Assembly could function through secret or public sessions. The sessions were secret whenever it functioned as a consultative body and public when it functioned as a deliberative body. However even in the second case the Council could function in a secret session if higher interests of the province demanded it. Public could attend the deliberative sessions in place reserved for them. The audience however had to leave the hall in silence once the President announced that the Council was going into a consultative session or a secret deliberative session.

As a rule, the Governor General put forward proposals before the Legislative Council, however other members too could bring forward proposals under certain conditions like they did not involve increase in expenditures or a proposal was accompanied by effective measures for creation of revenue to meet those expenditures. The members of the Council had a right to solicit verbally during the sessions or in writing, any clarification or information concerning administration of Province.

²¹ Regimento do Conselho Executivo do Estado da India of 1921. No. 82 , 17 July 1921, *Legislacao do Estado da India*, 1921, pg.15 , art. 2

²² Goans were considered as Portuguese citizens.

The President of the Council exercised functions like directing the work of the Council, constituting the various Commissions, opening and closing the sessions, maintaining order, carrying on the voting, etc. The members had to direct their speech to the President and had to speak from their places.

Committees:: The Legislative Council had Commissions looking after the following matters:

1. Civil and Political Administration and Legislation.
2. Finances and Budget.
3. Military and Navy Services.
4. Public Works and Economic Interests.
5. Sanitary Services and Education , and
6. Editing and Absenteeism (i.e. Renunciation or loss of mandate, editing of projects and diplomas of the Legislative Council, etc.)

Miscellaneous: There were many other provisions. For instance Articles 88 to 100 dealt with the various Committees; Articles 101 to 116 dealt with Procedures and Debates; Art. 117 to 132 on Voting and Publication of Diplomas; Articles 133 –134 on Reports of Proceedings (*Actas*), Articles 135-136 on Secretary of Legislative Council and Articles 137-145 on Secretariat and Police of the Legislative Council.

B. Regiment of Government Council (1927) ²³

The Legislative Council and the Government Council had a very similar structure as regard their functioning. However it differed greatly in the membership. Hence it is decided to restrict to the membership of the Council.

Composition: Near the Governor General and presided by him or his substitute there was to function regularly in the colony a body called the Government Council with deliberative and consultative functions and consisting of ex-officio members²⁴, nominated members as well as elected members. The ex-officio members were government servants²⁵ and were considered as official members of the Council. The nominated and elected members were to be in equal numbers.

The non-official members had especial duty to represent the population, promote and defend its legitimate interests and to give public opinion. The official members had to expound and elucidate technical matters as per administrative traditions and norms. All members of the Government Council had the absolute liberty of vote.

The section of ex officio²⁶ members was to be composed of following officials: (a) Procurator of Republic near the High Court²⁷ at Nova Goa, (b) Director of Services of

²³ Regimento do Conselho do Governo do Estado da India. Aprovado por Diploma Legislativo Provincial no. 282 of 18 July 1927.

²⁴ Natos.

²⁵ Funcionarios.

²⁶ Natos

²⁷ Relacao

Civil Administration, (c) Director of Public Works, and (d) Director of Revenue. In case of absence or impediments there was provision for substitutes. The non-official members of the Government Council were five citizens nominated by the Governor General and other five directly elected. The elected members represented the State of India divided into three electoral circles i.e. (a) Electoral circle of Daman and Diu elected one, (b) Electoral Circle of New Conquests elected one; and (c) Electoral Circle of Old Conquests elected three . Thus in comparison to the Legislative Council of 1921 there was less representation to directly elected members. However it is to be noted that the Legislative Council functioning under 1921 scheme was vigorously opposed by prominent Goans like Jose Inacio Loyola who called the Council a sham just merely increasing the expenditure of the Province without productive work²⁸.

C. Statute of State of India (1955).

In order to understand the Legislative Council functioning in Goa in the mid fifties of the twentieth century, it is decided to discuss the provisions of the Statute of State of India with respect to the Legislative Council²⁹. The Statute was formulated on Bases V and XCII of Organic Law of Overseas³⁰.

It is to be noted that both the Parliament and the Government especially the Ministry of Overseas carried out legislation from Portugal for the Overseas Provinces. Besides there was legislation at the level of Province i.e. in this case the State of India. As per Art. 7, the Ministry of Overseas was competent to legislate on matters which involved superior interests of national politics or whose regulation was to be common to Overseas Provinces. Some of them were regulating exercise of rights and liberties guaranteed by Title VII of Part II of the Portuguese Constitution, or rectify accords and conventions, which the Government of State of India negotiated with governments of other provinces or with foreign territories, or to concede amnesties, or to organise common or special courts within the legal the framework established among others.

Organs of Government of State of India: Besides the Government in Portugal, there was Provincial Government functioning in the State of India. As per Art. 12, the proper organs of the Government of State of India were the Governor General, the Legislative Council and the Government Council.

The legislative competence of the Governor General covered all matters, which were of exclusive interest of State of India and were not pertaining to any other central or provincial organ. The legislative competence of the Governor as a rule depended on the vote of the Legislative Council. However in the interval between ordinary sessions of the Legislative Council and the Council not being in extraordinary session, the Governor General could publish legislative diplomas, on obtaining a favourable vote of the Government Council.

²⁸ See footnote 9.

²⁹ Estatuto do Estado da India, Republica Portuguesa, Ministerio de Ultramar, Agencia Geral de Ultramar, 1955.

³⁰ Lei Organica da Ultramar, Law no. 2.066 of 27 June 1953.

Publication of Legislative Diplomas: As per Art. 18, the Governor had to order the publication of legislative diplomas in order to be complied once voted by the Legislative Council, within a 15 days period after they were ready for his signature. On lapse of that period, if it was a bill initiated by the Governor, he could inform the Council that it was considered as inappropriate for publication. If the legislative diploma was from the initiative of the members of the Council it was to be considered that the Governor General did not agree with the voted text. The text had to be resubmitted with or without amendments to a fresh vote. If two third majority of legal number of members of the Council voted in confirmation, the Governor General had to effect the publication. However if the discordance was founded on unconstitutionality or illegality, the whole process had to be submitted to Overseas Council, which would decide the matter at its plenary session. The Governor General was bound by the decision of the Overseas Council. The legislative competence of the Governor General was exercised through legislative diplomas published in the Official Gazette and preceded as a rule by justifying preamble.

Competence of Legislative Council: As per Article 24, the Legislative Council was competent to decide over projects of legislative diplomas; to give its opinion³¹ in all cases required by law and in all matters submitted to it by the Minister of Overseas or the Governor General, and to elaborate on its own internal regime³².

Composition of the Legislative Council: As per Art. 25 it was the duty of all members of the Council without distinction, to zealously safeguard the integrity of the Portuguese Nation and the welfare of the State of India, promoting both its moral and material progress. The Legislative Council was to consist of 23 members of whom 18 were elected and five nominated. The elected members represented and were elected by the following interests: (a) One member elected by tax payers , registered as voters with a minimum contribution of 5.0000 *escudos*; (b) One members elected by corporate bodies and associations of economic interests; (c) Two members elected by representative bodies of spiritual and moral interests; (d) Two members elected by Village Communities; (e) One member elected by Administrative bodies³³ and (f) eleven members elected directly by citizens inscribed in the electoral circles. The circles mentioned were: (a) The Goa circle comprising of talukas ³⁴of Goa , Ponda and Sanguem electing 3 members ; (b) the Margao circle comprising of Murnugao, Salcetter, Quepem, and Canacona electing 3 members; (c) the Bardez circle comprising of talukas of Bardez, Pernem, Bicholim and Satari electing 3 members; (d) Daman circle electing one member and finally (e) Diu circle electing one member..

Besides the above elected members the Council consisted of nominated or ex-officio members. They were: (a) Secretary General, (b) Procurator of Republic. , (c) Director of Revenue and (d) Two persons with personal and moral integrity selected by the Governor , one of whom was to represent the interests of the emigrants in that place.

³¹ Emitir parecer

³² Regimento i.e. Rules of Conduct of Business of the House.

³³ Corpos Administrativos

³⁴ Concelhos

Article 31 referred to qualifications for eligibility of an elected member of the Legislative Council. He had to be Portuguese citizen by origin³⁵, had to be major and have knowledge of reading and writing Portuguese with residence of at least three years in the colonies, who was not a servant of State or Local body and so on. Certain category of people were disqualified from being members such as those whose civil or political rights were suspended by the judiciary, those who were bankrupt or those dismissed from public service for dishonesty among others.

Term and Functioning: The Legislative Assembly enjoyed a four year term while those representing the administrative bodies enjoyed two year term. The Legislative Council could in a secret session determine the loss of mandate of any of its members, who by his public or private behaviour had manifested that he is unworthy to hold the position, provided the decision was supported by a majority of two thirds of the members assisting the session. The Legislative Council was to be presided by the Governor or any one substituting him. The Council was to function in the City of Goa. The sessions were to be public except in case it was decided contrary whenever superior interests demanded it. The reports of proceedings³⁶ of the public sessions were to be published as annexure to the Official Gazette. The copies of the proceedings of secret sessions were to be sent urgently and secretly to the Minister of Overseas.

The Legislative Council was to function in ordinary and extraordinary sessions. There was to be one ordinary session every year divided into two periods of 30 days beginning from 1 March and 1 September respectively. The Governor General could convoke the extraordinary sessions giving immediate information to the Minister of Overseas. The quorum for the House was half plus one member of the total members that composed the Council including its President. The deliberations of the Legislative Council were to be taken by absolute majority except in special cases as determined by law. The President enjoyed a casting vote in case of equality. The Governor, member of the Legislative or member of the Government Council could initiate proposals for legislative diplomas. However members of the Legislative Council could not show proposals which involved increase in expenditure or decrease in receipts created by previous laws.

The members of the Legislative Council were inviolable for the opinion expressed in exercise of their mandate except when: (a) manifested opinions contrary to integrity and independence of the nation, (b) incited violent subversion of public and social order, and (c) if defamed, calumniated persons or institution, or transgressed public moral or provoked public crime.

Dissolution: The Minister of Overseas for reasons of superior interest could determine the dissolution of the Legislative Council. The dissolution was to be proposed by the Governor General on hearing the Council of Government, sending reasons justifying the same. The elections /nominations of members were to be carried as per Organic Law of

³⁵ People in Goa were considered as Portuguese citizens by origin

³⁶ Actas.

Overseas and the present statute in a period of 60 days from the date of publication of the *Portaria* of dissolution in the Official Gazette.

Government Council: Article 44 referred to Government Council functioning near the Governor, and which was presided by him. The Government Council was to assist him in the exercise of his executive functions. The Council had to give its opinion³⁷ in all matters required by law and in a general way in all matters referring to administration of Overseas submitted to it by the Governor General. In matters where the Governor was bound to hear the Council, if he decided contrary to their opinion, he had to communicate the matter to the Overseas Council giving justification. The Overseas Minister could confirm, annul or revoke the resolution. The Government Council was to consist of Secretary -General, Military Commander, Procurator of Republic, Director of Health Services and two elected members of the Legislative Council designated by the Governor.

D. The Government of Union Territories Act, 1963³⁸.

The Government of Union Territories Act, 1963 contemplated Legislative Assemblies and Council of Ministers for certain Union Territories mentioned in the Act and the Union Territory of Goa, Daman and Diu was to have a House of 30 seats to be filled with direct elections. Seats were to be reserved for Scheduled Caste and Scheduled Tribes in other Union Territories excluding the Union Territories of Goa, Daman and Diu.. To be a member of the Legislative Assembly, a person had to have the following qualifications: (a) Citizen of India who made and subscribed to an oath or affirmation as per form in the First Schedule before some person authorized by Election Commissioner; (b) Not less than 25 years of age, and (c) Possessed any other qualification as prescribed by or under any law. The term of the House was five years unless dissolved earlier.

The Administrator could prorogue and dissolve the Legislative Assembly. The Act had provisions for choosing Speaker and Deputy Speaker as well as for a resolution for their removal. Also it provide for oath or affirmation by the members. As a rule except where otherwise provided in the Act, all questions at the sittings were to be determined by majority of votes, present and voting other than the Speaker or person acting as such. The Speaker or person acting on his behalf exercised a casting vote in case of equality. The quorum was one third of the total number of members of the House.

The Act mentioned power and privileges of members such as freedom of speech, exemption from liability to any proceedings in any court in respect of anything said or any vote given by him in the Assembly. As regards the extent of legislative power of the Assembly, as a general rule subject to other provisions of the Act, it extended to legislating for whole or any part of the territory with respect to matters enumerated in the State or Concurrent List of the Seventh Schedule of the Indian Constitution.

³⁷ Parecer.

³⁸ Act No. 20 of 1963. See *Official Gazette*, Series I, No. 51, 30 December 1963, pgs. 452-466.

Other Provisions: There were various other provisions such as sanction of Administrator was required for certain legislative proposals. There were special provisions as regards Financial Bills. For instance recommendation of the Administrator was required to introduce, move any financial bill or amendment. Articles 44 to 66 of the Act dealt with Council of Ministers, whereas Articles 38-43 dealt with delimitation of Constituencies. Interestingly the Legislative Assembly could by law adopt any one or more of the languages in use in the Union territory or Hindi as the official language, to be used for all or any of the official purposes of the Union territory. In Pondichery by default till the Legislative Assembly did not decide otherwise, French was to continue as the official language.

E. The Goa , Daman and Diu Reorganisation Act, 1987³⁹.

The Act was passed to reorganise the Union Territory of Goa, Daman and Diu, and hence certain amendments had to be carried out to some provisions of the Constitution. Two seats were allocated to Goa in the House of the People while Daman and Diu were together provided with one seat. It is to be noted that earlier the Union Territory of Goa , Daman and Diu ,as a whole had two seats allotted to it. From the appointed day the total number of seats for the Legislative Assembly were deemed to be forty. However until the Legislative Assembly was constituted and summoned for the first session, there was to function a Provisional Legislative Assembly. It consisted of members: (a) elected from the territorial constituencies of the Union Territory excluding Daman and Diu and (b) members nominated to that Assembly. Thus the members of the Assembly of the Union Territory, whether elected or nominated became the members of the Provisional Assembly of the State of Goa, except the two representatives from Daman and Diu. So by the deeming provision in the Act, the Legislative Assembly in existence continued to be the Provisional Legislative Assembly of the new State. So too Speaker or members of the Legislative Assembly of the Union Territory were to be Speaker or members of the Provisional Assembly. The Act also had provisions for delimitation of Constituencies.

Conclusion:

The twentieth century history of the Legislative Institutions in Goa is very interesting. The present paper gives a general glimpse of their composition, organisation and functioning in a brief and general way. However it is necessary to carry out an in-depth study of these institutions. Here are some suggestions for promotion of research in this area.

1. There is a need for comprehensive research on historical evolution of the present Legislative Assembly of Goa. There are two good doctoral theses dealing with the Office of the Speaker and the Cabinet Government in Goa, touching some aspects of the Legislative Assembly⁴⁰. However a direct historical study on the Legislative Assembly is the need of the hour.

³⁹ *Official Gazette*, Series I, No. 15 , Extraordinary , 9 July 1987

⁴⁰ Fernandes, Aureliano , *Cabinet Government in Goa* , maureen & camvet publishers Pvt. Ltd, Panjim, 1997, and Dias , Bibial, *The Office of the Speaker*, Government College of Arts and Commerce, Quepem, Goa, 1991.

2. The Legislative institutions in Goa both during pre as well as post Liberation days have left valuable records of their proceedings. These records can give an insight into their working.
3. The Legislative institutions had some members if not all who were elected. A study of the electoral process of these institutions can be carried out as records are available. However it is to be noted that there were other elections besides those of the Legislative institutions in both pre and post Liberation period.
4. Goan parties were usually associated with the legislative institutions. Hence it is possible to carry out a study of party politics with respect to Legislative Institutions in Goa , during the twentieth century.
5. It is possible to carry a comparative study between legislative institutions in British India and Portuguese India.

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