




Legislative Assembly of the State of Goa

**The Goa Shops and Establishments
(Amendment) Bill, 2001**

(Bill No. 46 of 2001)

 **(To be introduced in the Legislative Assembly of the State of Goa)**

**GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PANAJI
MARCH, 2001.**

The Goa Shops and Establishments (Amendment) Bill, 2001

(Bill No. 46 of 2001)

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BILL

*further to Amend the Goa, Daman and Diu
Shops and Establishments Act, 1973.*

Be it enacted by the Legislative Assembly of Goa, in the Fifty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Shops and Establishments (Amendment) Act, 2001.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974) (hereafter referred to as the “principal Act”),—

After clause (i), the following clause shall be inserted, namely,—

“(i)(1-A).— “bank” means establishments belonging to any nationalized, scheduled or co-operative bank;”;

(ii) in clause (4) in sub-clause (c), the word “Bank” shall be omitted;

(iii) in clause (9)— after the words “amusement or entertainment”, the words “and a bank” shall be inserted.

3. *Amendment of section 3.*— In section 3 of the principal Act,— (i) in sub-section (1) after the words “every establishment”, the figures and words “except a bank”, shall be inserted;

(ii) for sub-section (4) the following shall be substituted, namely:—

(4) “The Inspector may, on receipt of an application made by the employer together with the fees prescribed therefor, renew the registration certificate for a period not exceeding five years commencing from the date of its expiry”.

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

“3-A. *Registration and renewal of registration certificate in respect of Bank.*— (1) Within the period specified in sub-section (3) of section 3, every bank shall send to the Inspector concerned, a statement in the prescribed form together with registration fees amounting to Rs.25,000/-, containing,—

(a) the name of the bank and its General Manager or Branch Manager Or Regional Manager or Manager, as the case may be;

(b) the postal address of the bank;

(c) such other particulars as may be prescribed.

(2) On receipt of the statement and the registration fees, the Inspector shall, on being satisfied about the correctness of the statement, register the bank in the register of establishments in such manner as may be prescribed and shall issue in the prescribed form a Registration Certificate to the bank which shall display it at a prominent place in the bank.

(3) The Inspector may, on receipt of the application made by the bank together with fees amounting to Rs.10,000/-, renew the registration certificate for a period of one year commencing from the date of its expiry”.

5. *Amendment of section 52.*— for section 52 of the principal Act, the following section shall be substituted, namely:—

“52. Any employer who contravenes any of the provisions of section 4,5 to 8, 10 to 25, 27 to 39, 41 and 57 shall be punishable for a first offence with fine which may extend to two hundred and fifty rupees, for a second offence with fine which shall not be less than five hundred rupees and which may extend to one thousand rupees and for a third or subsequent offence with fine which shall not be less than one thousand five hundred rupees and which may extend to two thousand rupees;

Provided that where any employer fails to possess a valid certificate of registration in contravention of the provisions of section 3 or

3-A or of the rules made thereunder, he shall, on conviction, be punishable, in the case of a continuing offence, with a further fine which may extend to hundred rupees for each day during which the offence continues."

6. *Amendment of section 53.*— In section 53 of the principal Act, for the words "two hundred and fifty rupees", the words "one thousand rupees" shall be substituted.

7. *Amendment of section 61.*— In sub-section (1) of section 61 of the Principal Act,

(i) in clause (a), for the words "two thousand five hundred rupees", the words "six thousand five hundred rupees" shall be substituted;

(ii) clause (e) shall be omitted.

Statement of Objects and Reasons

Goa, Daman and Diu Shops and Establishments Act, 1973 was brought into force in the erstwhile Union Territory of Goa, Daman and Diu w.e.f. 26-1-1975.

Some of provisins have become obsolete and it is necessary to carry out certain amendments. The definition of employees has virtually become outdated as the Sr. employees even under unorganized sector draw wages upto Rs. 2,500/- per month. Hence, it has become necessary to raise the ceiling limit of wage to Rs. 6,500/-. There is also need to provide deterrent punishment so that offences are not repeated and the benefits contemplated under the statute are enjoyed by the workers in the lower strata of income. It is also necessary that the Banking institutions should be brought under purview of the Act as the lower staff may get protection.

Financial Memorandum

The Goa, Daman and Diu Shops and Establishments Act, 1973 was brought into force i the erstwhile Union Territory of Goa, Daman and Diu w.e.f. 26-30-1975.—

The proposed amendment is as follows:—

1. To make provision for renewal of certificate not exceeding five years.

2. To enhance penal provision of Act.

3. To cover more employees by enhancing the limit of wages from 2,500/- to Rs. 6,500/- per month.

4. To bring the bank within the ambit of the Act.

In view of sustained rise in wages of the employees it is also necessary that an amendment is carried out to the term 'employee' so as to cover the employees who are drawing a salary of Rs. 2500/- per month. On account of this amendment there shall be manifold rise in the Registration and Renewal fees under the Act. The State is expected to realize an additional revenue of Rs. 50,000/- per year on this count. Moreover, coverage of Banks shall also bring in additional revenue of almost 10 crores. No additional financial expenditure however is involved as the enforcement in respect of proposed amendment shall be carried out within the existing frame work of the machinery.

Memorandum Regarding Delegation Legislation

The Act envisages delegation of Rule making powers to the Government for carrying out the purposes of this Act, and it is a normal delegation of legislation.

Clause 59 of the Act empowers the Government to make rules for carrying out the purposes of the Act.

This delegation is of normal character.

Porvorim-Goa
20 March, 2001.

DR. SURESH AMONKAR,
Minister for Labour.

Assembly Hall,
Porvorim-Goa,
20 March, 2001.

R. KOTHANDARAMAN,
Secretary (Legislature).

ANNEXURE

Extract of the Goa, Daman and Diu Shops and Establishment Act, 1973

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

(1) "apprentice" means a person who is employed, whether on payment of wages or not, for the purpose of being trained in any trade, craft or employment in any establishment;

(2) "child" means a person who has not completed his (fourteenth) year of age;

(4)(c) an insurance company, Joint Stock Company, bank, broker's office or exchange; and

(9) "establishment" means a shop commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment to which this act applies and includes such other establishment as the Government may, by notification in the Official Gazette, declare to be an establishment for the purposes of the act;

3. Registration of Establishments and renewal of registration certificates.— (1) Within the period specified in sub-section (3) the employer of every establishment shall send to the Inspector concerned, a statement in the prescribed form together with such fees as may be prescribed, containing —

(a) the name of the employer and the manager, if any;

- (b) the postal address of the establishment;
- (c) the name, if any, of the establishment;
- (d) the category of the establishment; and
- (e) such other particulars as may be prescribed.

(2) On receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement, register the establishment in the Register of Establishment in such manner as may be prescribed and shall issue in the prescribed form a Registration Certificate to the employer who shall display it at a prominent place in the establishment.

(4) The Inspector may, on receipt of an application made by the employer together with the fees prescribed therefore, renew the registration certificate for a period of one year commencing from the date of its expiry.

(5) Every application from the renewal of the registration certificate shall be made in such form and in such manner as may be prescribed so as to reach the Inspector not later than thirty days before the date of its expiry;

Provided that an application for the renewal of a registration certificate received not later than thirty days after its expiry may be entertained by the Inspector on the applicant paying such penalty, not exceeding twenty-five rupees, as may be prescribed.

(6) An applicant for the renewal of a registration certificate under sub-section (5), shall until communication of orders on his application, be entitled to act as if the registration certificate had been renewed.

(7) In the event of any doubt or difference of opinion between an employer and the Inspector as to the category to which an establishment would belong, the Inspector shall refer the matter to the prescribed authority which shall after such inquiry as it thinks proper decide the category of such establishment and its decision shall be final for the purposes of this Act.

52. *Penalties.*— Any employer who contravenes any of the provisions of sections 4, 5 to 8, 10 to 25, 27 to 39, 41 and 57 shall be punishable for a first offence with fine which may extend to twenty five rupees, for a second offence with fine which shall not be less than fifty rupees and which may extend to one hundred rupees, and for a third or subsequent offence with fine which shall not be less than one hundred rupees and which may extend to two hundred and fifty rupees:

Provided that where any employer fails to possess a valid certificate of registration in contravention of the provisions of section 3 or of the rules made thereunder, he shall, on conviction, be punishable, in the case of a continuing offence, with a further fine which may extend to ten rupees for each day during which the offence continues.

53. *Penalty for obstructing Inspector, etc.*— Any person who willfully obstructs an Inspector in the exercise of any power conferred on him under this Act, or any person lawfully assisting such Inspector in the exercise of such power, or who fails to comply with any lawful direction made by such Inspector, shall be punishable with fine which may extend to two hundred and fifty rupees.

61. *Exemptions* — (1) Nothing in this Act shall apply to —

(ā) employees in any establishments whose average monthly wages exceed {two thousand five hundred rupees};

(e) establishments belonging to any nationalized, scheduled or co-operative bank;