



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA EMPLOYMENT (CONDITIONS OF  
SERVICE) AND RETIREMENT BENEFIT  
(SECOND AMENDMENT) BILL, 2003.**

(Bill No. 29 of 2003)

As \_\_\_\_\_  
(~~It~~ introduced in the Legislative Assembly of the State of Goa)  
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**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
SEPTEMBER, 2003**

**THE GOA EMPLOYMENT (CONDITIONS OF SERVICE) AND RETIREMENT BENEFIT (SECOND AMENDMENT) BILL, 2003.**

( Bill No. 29 of 2003)

A

BILL

*further to amend the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Act 35 of 2001).*

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Employment (Conditions of Service) and Retirement Benefit (Second Amendment) Act, 2003.

(2) It shall be deemed to have come into force with effect from 19.9.2001.

2. *Amendment of section 1.*— In section 1 of the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Act 35 of 2001)(hereinafter referred to as the "principal Act"), in sub-section (3), in the second proviso, for the words "not exceeding beyond one year from the date on which this Act shall come into force", the words " as deemed fit, and from such dates as may be specified therein" shall be substituted.

3. *Amendment of section 2.*— In section 2 of the principal Act, in sub-clause (i) of clause (n), for the words " a shop or commercial", the word "an" shall be substituted.

4. *Amendment of section 3.* — In section 3 of the principal Act,-

(i) after sub-section (1), the following sub-section shall be inserted, namely :-

"(1-A) Every employer shall ensure that every workman employed by him in any industrial establishment to which this Act applies, is issued an identity card by the authorized agency containing such details as may be notified by the Government in this behalf and the cost of the identity card shall be borne by the employer. The employer, after issue of such identity card to the workman, shall, at no time dispossess the workman of the same, either during employment or otherwise.";

(ii) after sub-section (2), the following proviso shall be inserted, namely:-

"Provided that the Government may, by notification, authorize any agency to issue such identity card to such person and the expenses towards the issuance of such identity card shall be borne by such person.";

(iii) in sub-section (3), (a) for the words and figures "sub-section (2)" the words and figures "sub-section (1-A) or sub-section (2), as the case may be," shall be substituted; (b) for the words "competent authority", the words and

figure "authorized agency or the competent authority, as case may be," shall be substituted.

5. *Amendment of section 6.*— In section 6 of the principal Act, after the words "public undertaking", the words "or if his monthly wages exceed rupees six thousand five hundred or he has completed the age of fifty years" shall be inserted.

6. *Amendment of section 8.*— In section 8 of the principal Act,-

(i) after the words "in the Official Gazette", the expression "and such employer shall also furnish to the competent authority and to such other agency as may be notified by the Government, monthly returns showing details of contribution in respect of individual workman in the prescribed form" shall be inserted;

(ii) in the second proviso, after the words "fifty years", the words "or whose monthly wages exceed rupees six thousand five hundred" shall be inserted.

7. *Insertion of new section 13B.*— After section 13-A of the principal Act, the following section shall be inserted, namely:-

"13-B *Compounding of certain offence.*—

(1) Any offence punishable under section 12 or section 13 and committed after the commencement of this Act, may, either before or after the institution of the prosecution, be compounded by such officer or authority and for such amounts as the

Government may, by notification in the Official Gazette, specify in this behalf.

(2) Where an offence is compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender in respect of the offence so compounded".

## STATEMENT OF OBJECTS AND REASONS

The Goa Employment (Conditions of Service) and Retirement Benefit Act, 2001 (Act 35 of 2001) is in force from 19-9-2001. It was initially enforced in respect of workshops or other establishments as defined under sub-clause (vi) of clause (n) of section 2 of the Act and factories as defined under sub-clause (ix) of clause (n) of section 2 of the Act.

Subsequently, it was also enforced in respect of establishments specified in sub-clauses (ii), (iii), (iv), (v) and (vii) of clause (n) of section 2 of the Act, with effect from 14-7-2003.

While enforcing the provisions of this Act in respect of factories and implementing the Scheme thereunder in respect of Identity Cards, it was found necessary to carry out certain amendments to the said Act, 2001, so that the same could be enforced in respect of all other industrial establishments and for its smooth implementation.

It is proposed to amend the second proviso to sub-section (3) of section 1 of the Act, 2001, so as to empower the Government to postpone or relax the operation of all or any of the provisions of the Act for such period as deemed fit and from a specified date.

Sub-clause (i) of clause (n) of Section 2 of the Act is required to be amended so that all establishments as defined under the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13

of 1974) are covered and therefore it is necessary to remove the words "a shop or commercial" appearing in said section 2 (n) (i).

It is proposed to amend section 3 of the Act, 2001, by inserting new sub-section (1-A) therein so as to provide for issuance of an identity card to a workman already in employment as existing sub-section (2) of section 3 provides for issue of identity card to a person seeking employment. It is also proposed to insert a proviso to sub-section (2) of section 3 so as to empower the Government to authorize any agency to issue identity card.

Section 6 of the Act, 2001, is proposed to be amended so as to provide that in case the monthly wages of the workman exceed rupees six thousand five hundred or he has completed the age of fifty years, no contribution shall be required to be made by the employer under section 8 of the Act.

Section 8 of the Act, 2001, is proposed to be amended so that the details of contribution made by the employer in respect of each individual workman is known.

It is also proposed to insert a new section 13-B in the Act, 2001, to provide for compounding of offences.

This Bill seeks to achieve the above objects.

## FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Proposed amendment of section 1 empowers the Government to issue notification to postpone or relax the operation of all or any of the provisions of the Act for such period as deemed fit and from a specified date.

Proposed new sub-section (1-A) of section 3 empowers the Government to issue notification to give details to be contained in the identity card to be issued to the workman. Proposed proviso to sub-section (2) of section 3 empowers the Government to issue notification authorizing an agency to issue identity card.

Proposed amendment of section 8 empowers the Government to notify the agency to whom employers will have to furnish the monthly returns showing details of contribution in respect of individual workman and also prescribe the form for the purpose.

Proposed new section 13-B empowers the Government to notify the officer or authority who

shall compound offences and the amount for which the offence may be compounded.

These delegations are of normal character.

Panaji-Goa.  
22<sup>nd</sup> September, 2003.

DR.SURESH AMONKAR  
Minister for Labour.

Assembly Hall,  
Porvorim - Goa.

SUDHIR NARVEKAR  
Secretary (Legislature)

23<sup>rd</sup> September, 2003.

A N N E X U R E

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**Extracts of Goa Employment (Conditions of Service)  
and Retirement Benefit Act, 2001**  
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1. *Short title, extent, commencement.*— (1) This Act may be called the Goa Employment (Conditions of Service) and Retirement Benefit Act, 2002.

(2) It shall be deemed to have come into force with effect from 19-9-2001.

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

Provided that the Government may, by notification, appoint different dates for different types of industrial establishments:

Provided further that if the Government considers it necessary or expedient to do so, it may postpone or relax to such extent as may be mentioned in the notification, the operation of all or any of the provisions of this Act for such period not exceeding beyond one year from the date on which this Act shall come into force.

(4) It shall apply to persons employed in any factory, either directly or through a contractor, and to persons in any industrial or other establishments including employed by any employer in any scheduled employment under the Minimum Wages Act, 1948 (Central Act XI of 1948).

2. *Interpretation.*— In this Act, unless there is any thing, repugnant in the subject or Context—

(n) "industrial establishment" means any establishment, operation or process, belonging to or

under the control of the Government, local authority, any body corporate or firm, an individual or association or other body of individuals and includes:—

- (i) a shop or commercial establishment defined under the Goa, Daman and Diu Shops and Establishment Act, 1973 (Act 13 of 1974);

3. *Registration of workman.*— (1) Every workman already in employment, on the date on which this Act comes into force, in any industrial establishment, operation or process to which this Act applies, shall, within a period of ninety days from the date of commencement of this Act have to be registered by his employer with such registering officer notified in this behalf by the Government.

(2) Any person seeking employment in any establishment, operation or process or in any such employment in the State of Goa shall have to get himself registered with competent authority and shall be issued an identity card giving such details as may be notified by the Government in this behalf indicating the specimen of such identity card.

(3) A workman who loses the identity card issued to him under sub section (2) shall immediately make a report about the loss of the identity card to the competent authority as well as to the employer and shall apply for a duplicate card on payment of prescribed charges.

6. *Cessation of Contribution.*— No contribution by an employer shall be required to be made in accordance with the provisions of section 8 in respect of a workman who has been registered under this Act and issued such identity card after he secures a job of permanent nature having completed 240 days of work as continuous service in any factory or industrial establishment, operation or process or in any public undertaking.

8. *Contribution.*— Every employer engaging workman with such identity card shall Deposit in the Government Treasury an amount equivalent to 5% of the total gross wages of the workman every month within 21 days from the pay day as employer's contribution towards retirement benefit and such deposits shall be made in the Government Treasury under such head of account as may be notified by the Government in the official Gazette:—

Provided that no such employer shall be liable to deposit such amount after the workman is absorbed as a regular employee after he has put in 240 days of continuous service:

Provided further that no employer shall be liable to make contribution in respect of a workman who has completed the age of fifty years.

13. *Other offences.*— If any person contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided, he shall be punishable with fine which may extend to two thousand rupees.

13-A. *Cognizance of offences.*— No court shall take cognizance of a complain against an employer under the Act, except on a complaint made by or with the previous sanction in writing of an Inspector under this Act within six months from the date on which the offence or contravention is alleged to have been committed.