



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Labour Welfare Fund  
(Amendment) Bill, 2004**

(Bill No. 7 of 2004)

<sup>AS</sup>  
~~To~~ be introduced in the Legislative Assembly  
of the State of Goa

GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM  
FEBRUARY, 2004

# The Goa Labour Welfare Fund (Amendment) Bill 2004

(Bill No. 7 of 2004)

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BILL

*further to amend the Goa, Daman and Diu Labour Welfare Fund Act, 1986.*

BE it enacted by the Legislative Assembly of Goa in the Fifty-fifth Year of the Republic of India  
5 as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Labour Welfare Fund (Amendment) Act, 2004.

(2) It shall come into force at once.

10 2. *Amendment of section 3.*— In section 3 of the Goa, Daman and Diu Labour Welfare Fund Act, 1986 (Act 4 of 1987) (hereinafter referred to as the "principal Act"), in sub-section (2), for clause (c), the following clause shall be substituted, namely:—

15 "(c) contribution made by employers, employees and the Government;".

3. *Amendment of section 14.*— In section 14 of the principal Act,—

20 (i) for the existing heading, the following heading shall be substituted, namely:—

"14. Contribution to fund by employers, employees and the Government.-";

(ii) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Every employee shall contribute rupees sixty per year to the Fund and every employer and the Government shall, in respect of each such employee, contribute rupees one hundred and eighty and rupees one hundred and twenty 5 respectively, per year to the Fund".

4. *Amendment of section 16.*— In section 16 of the principal Act, in sub-section (2), after clause (p), the following clause shall be inserted, namely:-

"(q) any Scheme approved by the 10 Government for the benefit of retrenched workmen and other workmen affected by closure of industrial establishments."

### Statement of Objects and Reasons

In terms of sub-section (1) of section 14 of the Goa, Daman and Diu Labour Welfare Fund Act, 1986 (Act 4 of 1987), every employee shall contribute twelve rupees per year to the Fund and every 5 employer shall in respect of each such employee, contribute thirty six rupees per year to the Fund.

In order to finance Schemes framed by the Government for the benefit of retrenched workmen and other workmen affected by closure of 10 industrial establishments, it is proposed to amend said sub-section (1) of section 14 of the said Act by raising the existing contribution of employees from rupees twelve to rupees ~~thirty six~~ <sup>thirty six</sup> and that of employer from rupees thirty six to rupees one 15 hundred and eighty per year. Provision is also made in proposed amendment for contribution by the Government at the rate of rupees one hundred and twenty per year in respect of each such employee.

20 It is also proposed to insert new clause (q) in sub-section (2) of section 16 of the said Act, providing for utilization of the money in the Fund on the Schemes framed for the benefit of retrenched workmen.

25 This Bill seeks to achieve the above objects.

### Financial Memorandum

There are financial implications involved in this Bill. Exact financial implications cannot be quantified at this stage, however, the same may be approximately 90 lakhs per annum.

Memorandum Regarding Delegated Legislation.

No delegated legislation is envisaged in this Bill.

Assembly Hall,  
Porvorim Goa,  
Dated : 9-2-2004.

DR. SURESH AMONKAR  
Minister for Labour

Assembly Hall,  
Porvorim, Goa,  
Dated : 9-2-2004.

S. A. NARVEKAR  
Secretary (Legislature)

Governor's recommendation under Article 207 of the Constitution. In pursuance of Article 207 of the Constitution of India the Governor of Goa, has recommended to the Legislative Assembly of Goa, the introduction and consideration of the Goa Labour Welfare Fund (Amendment) Bill, 2004.

A N N E X E U R E

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Extract of The Goa, Daman and Diu Labour  
Welfare Fund Act, 1986

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Section 1

1. **Short title, extent and commencement.**— (1) This Act may be called the Goa, Daman and Diu Labour Welfare Fund Act, 1983.

(2) It extends to the Whole of the Union territory of Goa, Daman and Diu

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

**Section 3:- Labour Welfare Fund.** — (1) The Government shall constitute a fund called the Labour Welfare Fund, and notwithstanding anything contained in any other law for the time being in force or in any contract or instrument, all unpaid accumulations shall be paid at such intervals as may be prescribed, to the Board, and be credited to the Fund and the Board shall keep a separate account therefore until claims thereto have been decided in the manner provided for in section 12:-

(2) There shall also be credited to the Fund -

- (a) Unpaid accumulations paid to the Board under sub-section (2) of section 12;
- (b) Deductions made under the proviso to sub-section (2) of section 9 of the Payment of Wages Act, 1936 (Central Act 4 of 1936);
- (c) Contribution made by employers and employees;
- (d) any interest by way of penalty paid under section 13;
- (e) any voluntary donations;

- (f) any fund transferred under sub-section (5) of section 16;
- (g) any sum borrowed under section 17;
- (h) grants or advances made by the Government; and
- (i) all fines imposed and realised from employers by courts for violations of Labour Laws less the deduction made by Court towards administrative expenses.

(3) The sum specified in sub-section (2) shall be paid to, or collected by such agencies, at such intervals and in such manner and the accounts of the funds shall be maintained and audited in such manner, as may be prescribed.

**Section 14:— Contribution to fund by employees and employer.**— (1) Every employees shall contribute Rupees twelve per year to the fund and every employer shall in respect of each such employee contribute Rupees thirty six per year to the fund.

(2) Notwithstanding anything contained in any other law for the time being in force, but subject to the provisions of this Act and any rules made thereunder, the employer shall be entitled to recover from the employee the employee's contribution by deduction from his wages in such manner as may be prescribed and such deduction shall be deemed to be a deduction authorized by or under the Payment of Wages Act, 1936 (Central Act 4 of 1936).

**Section 16:— Vesting and application of Fund.** — (1) The Fund shall vest in and be held and applied by the Board as trustees subject to the provisions and for the purposes of this Act. The money therein shall be utilized by the Board to defray the cost of carrying out measures which may be specified by the Government from time to time to promote the welfare of employees and their dependants.

(2) Without prejudice to the generality of the provisions of sub-section (1), the money in the Fund may be utilized by the Board to defray expenditure on the following namely:-

- (a) community and special education centres, including reading rooms and Libraries;
- (b) vocational trainings;
- (c) games and sports;
- (d) excursions and tours;
- (e) community necessities;
- (f) entertainment and other forms of recreation;
- (g) convalescent homes for tuberculosis patients;
- (h) holiday homes in health resorts;
- (i) home industries and subsidiary occupations for women and unemployed;
- (j) part-time employment for housewives of employees;
- (k) pre-schools, nurseries and crèches for employees;
- (l) nutritious food to children of employees;
- (m) employment opportunities to the disabled employees;
- (n) cost of administering this Act including the salaries and allowances of the staff appointed for the purposes of this Act; and
- (o) such other objects as would, in the opinion of the Board, improve the standard of living and ameliorate the social conditions of labour;
- (p) accident and occupational diseases.

Provided that the Fund shall not be utilised in financing any measure which the employer is required under any law for the time being in force to carry out;

Provided further that the fines shall be expended by the Board under this Act notwithstanding anything

contained in the Payment of Wages Act, 1936 (Central Act 4 of 1936) or any other law or agreement for the time being in force.

(3) The Board may, with the approval of the Government, make a grant from the Fund to any local authority or any other body in aid of any activity for the welfare of employees.

(4) If any question arises whether any particular expenditure is or is not debitable to the Fund, the matter shall be referred to the Government whose decision thereon shall be final.

(5) The Board may accept the transfer of any Labour Welfare Fund or similar fund of any establishment and may continue any activity financed from such Fund, if the said Fund is duly transferred to the Board.