

## **The Goa Shops and Establishments (Amendment) Bill 2021**

(Bill No. 47 of 2021)

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BILL

5 *further to amend the Goa, Daman and Diu Shops  
and Establishments Act, 1973 (Act No. 13 of  
1974).*

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

10 1. Short title and commencement.— (1) This  
Act may be called the Goa Shops and  
Establishments (Amendment) Act, 2021.

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

15 2. Amendment of section 2.— In section 2 of  
the Goa, Daman and Diu Shops and Establishments  
Act, 1973 (Act No.13 of 1974) (hereinafter referred  
to as the "principal Act"), in clause (7), the  
20 expression "or dependent relative of an employer  
or his partner, who is living with and depending  
upon such employer or partner" shall be omitted.

3. Amendment of section 3.— In section 3 of  
the Principal Act,—

25 (i) in sub-section (1) , for the expression "in  
the prescribed form together with such fees as  
may be prescribed", the expression "in such  
form and such manner and alongwith such fees  
and such documents as prescribed" shall be  
substituted;

(ii) in sub-section (2), for the expression "on receipt of the statement and the fees, the Inspector shall, on being satisfied about the correctness of the statement," the expression "The Inspector shall, within the period of seven working days from the date of receipt of the statement and the fees," shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

"(2A) If the Inspector fails to register the establishment within the prescribed period specified in sub-section (2), such establishment shall be deemed to have been registered under this Act, immediately on the expiration of such period and the electronic certificate of registration shall be auto generated."

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

"(4) The Inspector shall, within a period of seven working days from the date of receipt of the application for renewal made by the employer together with such fees as prescribed, renew the registration certificate for such period as requested by the applicant."

(v) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) If the Inspector fails to renew the registration certificate within the period specified in sub-section (4), such registration certificate shall be deemed to have been

renewed immediately on expiry of such period and an electronic certificate of renewal shall be auto generated."

5 (vi) for sub-section (5), the following sub-section shall be substituted, namely:—

10 " (5) Every application for the renewal of the registration certificate shall be made in such form and in such manner as prescribed not later than thirty days before the date of its expiry and an application made beyond such period shall not be entertained by the Inspector unless the applicant pays such penalty, not exceeding twenty five percent of the registration fees, prescribed."

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

20 (i) in sub-section (1), for the words " the prescribed form together with registration fees amounting to Rs. 25,000/-," the words " in such form, manner and documents as may be prescribed together with registration fees amounting to Rs. 25,000/-" shall be substituted;

25 (ii) in sub-section (2), the expression "on being satisfied about the correctness of the statement," shall be omitted;

(iii) for sub-section (3), the following sub-section shall be substituted, namely:—

30 " (3) The inspector shall, within a period of seven working days from the date of receipt of the application made by the bank or financial institution together with fees amounting to Rs.5,000/- per year in case of

bank situated within the limit of a municipal council and Rs. 1,000/- per year, in other cases, renew the registration certificate for such period as requested by the applicant” .

(iv) after sub-section (3), the following sub-section shall be inserted, namely:— 5

“(3A) If the Inspector fails to renew the registration certificate within the period specified in sub-section (3), such registration certificate shall be deemed to have been renewed immediately on expiry of such period and an electronic certificate of renewal shall be auto generated.” 10

5. Insertion of new section 17A.— After section 17 of the principal Act, the following section shall be inserted, namely:— 15

“17A. Restriction on employment of women.— (1) No woman shall be required or allowed to work in any shop or establishment except between the hours of 6.00 a.m. and 7.00 p.m. 20

Provided that where the Government or any person authorized by it, in this behalf, is satisfied that the provisions of adequate protection of women’s dignity, honour, safety, and the facility of transportation from the shop or establishment to the door step of their residence exists, it or he may, after obtaining the consent of the woman employee, allow her to work between 7.00 p.m. to 6.00 a.m. 25 30

(2) The Government, may by notification, require that the employer of shop or establishment shall provide such other

provisions as may be specified therein to the woman employee working between 7.00 p.m. to 6.00 a.m.”

5 6. Amendment of section 18.— In section 18 of the principal Act, for the words “but not to any wages”, the words “with wages” shall be substituted.

10 7. Amendment of section 31.— In section 31 of the principal Act, for the words “in current coin or currency notes or in both”, the words “by cheque or by crediting the wages in the bank account of the employee” shall be substituted.

8. Amendment of section 52.— In section 52 of the principal Act,—

15 (i) for the words “less than two hundred and fifty rupees”, the words “less than ten thousand rupees” shall be substituted;

20 (ii) for the words “five hundred rupees”, the words “twenty thousand rupees” shall be substituted;

(iii) for the words “one thousand rupees”, the words “thirty thousand rupees” shall be substituted;

25 (iv) for the words “one thousand five hundred rupees”, the words “forty thousand rupees” shall be substituted;

(v) for the words “two thousand rupees”, the word “fifty thousand rupees” shall be substituted;

30 (vi) in the proviso, for the words “hundred rupees”, the words “five hundred rupees” shall be substituted.

9. Insertion of new section 52A.— After section 52 of the principal Act, the following section shall be inserted namely:—

“ 52A. Compounding of Offences.— (1) Any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by such Officer, as the State Government may, by notification in the Official Gazette, specify, for a sum of rupees seventy five percent of the maximum fine provided for such offences, in the manner as may be prescribed. 5  
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(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date,— 15

(a) of commission of a similar offence which was earlier compounded; 20

(b) of commission of a similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the State Government. 25

(4) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.

(5) where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, 30

against the offender in relation to whom the offence is so compounded.

5 (6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

10 (7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty percent of the maximum fine provided for the offence, in addition to such fine.

15 (8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section.

20 10. Amendment of section 57.— In section 57 of the principal Act, in sub-section (2),—

25 (i) for the expression "as may be prescribed," the expression "as may be prescribed either electronically or manually." shall be inserted.

(ii) for the expression "." at the end, the expression ":" shall be substituted.

(iii) the following proviso shall be inserted, namely:—

30 "Provided that in case of electronic maintenance of registers and records, at the time

of inspection by an Inspector, the employer shall submit hard copy of such registers and records duly signed by him” .

11. Amendment of section 61.— In section 61 of the principal Act, in sub-section (1), in clause (a), for the words “six thousand five hundred”, the words “twenty-four thousand” shall be substituted. 5



### **Statement of Objects and Reasons**

The Bill seeks to amend Section 3 and 3A of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act No.13 of 1974) so as to facilitate the ease of doing business in the State of Goa.

The Bill also seeks to amend certain provisions of the Act, so as to make the provisions of the said Act, employer employee friendly and remove ambiguity in the existing provisions.

This Bill seeks to achieve the above objects.

### **Financial Memorandum**

There are no financial implications involved in the bill, however the Bill seeks to enhance the amount of fines imposed for the offences committed under the Act, which will generate some revenue, the amount of which cannot be quantified at this stage.

### **Memorandum Regarding Delegated Legislation**

Clause 3 of the Bill seeks to empower the Government to frame rules to prescribe the form, fees, the manner and the documents which the employer of every establishment shall send a statement to the Inspector

Clause 4 of the Bill seeks to empower the Government to make rules to prescribe, the form and manner and the documents which the Bank and financial institutions shall send a statement to the Inspector .

Clause 5 of the Bill seeks to empower the Government to issue notification specifying other provisions that may be required to be made for woman working between 7.00 p.m. to 6.00 a.m.

Clause 9 of the Bill seeks to empower the Government to issue notification specifying the officer for compounding the offences punishable under the Act.

These delegations are of normal character.

Porvorim-Goa  
28th July, 2021

(Jennifer Monserrate)  
Minister for Labour &  
Employment

Assembly Hall,  
Porvorim-Goa,  
28th July, 2021

(Namrata Ulman)  
Secretary to the Legislature  
Assembly of Goa

**Governor's Recommendation under Article 207  
of the Constitution of India**

In pursuance of Article 207 of the Constitution of India, I, P. S. Sreedharan Pillai, the Governor of Goa hereby recommend the introduction and consideration of the Goa, Daman and Diu Shops and Establishments (Amendment) Bill, 2021 by the Legislative Assembly of Goa.

P. S. Sreedharan Pillai  
Governor of Goa.

Annexure

.....  
Extract of The Goa Shops and Establishments  
Act, 1973.  
.....

1. Short title, extent, commencement and application. — (1) This Act may be called the Goa, Daman and Diu Shops and Establishments Act, 1973.

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

(3) It shall come into force in such areas and on such dates as the Government may, from time to time, by notification, appoint.

2. Definitions.— 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;

1[(1-A).—"bank" means establishments belonging to any nationalized, scheduled or co-operative bank;]

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

(3) "closed" means not open, for the service of any customer, or for any trade or business or for any other purpose connected with the establishment except loading, unloading and annual stock-taking;

(4) "commercial establishment" means any establishment which carries on any business, trade or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession and includes—

(a) a society registered under the Societies Registration Act, 1860 (Central Act XXI of 1860) or charitable or other trust, whether registered or not,

which carries on any business, trade or profession or work in connection with, or incidental or ancillary to, such business trade or profession;

(b) an establishment which carries on the business of advertising, commission agency, forwarding or commercial agency or which is a clerical department of a factory or of any industrial or commercial undertaking;

(c) an insurance company, Joint Stock Company, 3[ ] broker's office or exchange;

(d) any other establishment which the Government may notify to be a commercial establishment, but does not include a factory, shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment.

(5) "day" means a period of twenty-four hours beginning at mid-night, except that in the case of an employee, whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(6) "dependent" means in relation to a deceased employee, his nominee or in the absence of such nominee, his heir or legal representative;

(7) "employee" means a person wholly or principally employed in, and in connection with, any establishment, and includes an apprentice or any clerical or other staff of a factory or industrial establishment which falls outside the scope of the Factories Act, 1948 (Central Act 63 of 1948); but does not include the husband, wife, son, daughter, father, mother, brother, sister or dependent relative of an employer or his partner, who is living with and depending upon such employer or partner and is not in receipt of any wages;

(8) "employer" means a person having charge of or owning or having ultimate control over the affairs of an establishment and includes the manager, agent or other

person acting in the general management or control of an establishment;

(9) "establishment" means a shop, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment 4[and a bank] 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,

(10) "factory" means factory within the meaning of the Factories Act, 1948 (Central Act 63 of 1948);

5[(10A) „Gada means an establishment mounted on wheels, whether moving or stationary and constructed by using either wood or metal sheets or both and managed by the owner himself or a member of his family or a dependent and the value of the goods stored therein, on any particular day, for the purpose of trading does not exceed Rs. 5000/-.

Explanation.— For the purpose of valuation of the goods, the Inspector shall be competent to make an assessment thereof and for this purpose he may take into consideration the valuation made, if any, by any local authority.]

(11) "goods" includes all materials, commodities and articles;

(12) "Government" means the Administrator of the Union territory of Goa, Daman and Diu appointed under article 239 of the Constitution;

(13) "gratuity" means the gratuity payable under section 39;

(14) "Inspector" means an Inspector appointed under section 49;

(15) "notification" means a notification published in the Goa, Daman and Diu Government Gazette;

(16) "opened" means opened for the service of any customer or for any trade or business connected with the establishment;

(17) "periods of work" means the time during which an employee is at the disposal of the employer;

(18) "prescribed" means prescribed by rules made under this Act;

(19) "residential hotel" means any premises used for the reception of guests and travelers desirous of dwelling or sleeping therein and includes a club;

(20) "restaurant" or "eating house" means any premises in which is carried on wholly or principally the business of supplying meals or refreshments to the public or a class of the public for consumption on the premises and includes a Halwai shop but does not include a restaurant attached to a theatre or restaurant or a canteen attached to a factory if the persons employed therein are allowed the benefits provided for workers under the Factories Act, 1948 (Central Act 63 of 1948);

(21) "shop" means any premises where goods are sold, either by retail or wholesale or both or where services are rendered to customers and includes an office, store-room, godown, ware-house, sale depot and work-place, whether in the same premises or elsewhere, used mainly in connection with such trade or business, but does not include a factory, commercial establishment, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment or a shop attached to a factory where the persons employed in the shop are allowed the benefits provided for workers under the Factories Act, 1948 (Central Act 63 of 1948) ;

(22) "spread over" means the period between the commencement and termination of work of an employee on any day;

(23) "theatre" includes any premises intended principally or wholly for the exhibition of pictures or other optical effects by means of cinematograph or other

suitable apparatus or for dramatic or circus performances or for any other amusement or entertainment;

(24) "wages" means every remuneration, whether by way of salary, allowances, or otherwise expressed in terms of money or capable of being so expressed which would, if the term of employment, express or implied were fulfilled, be payable to an employee in respect of his employment or of work done in such employment, and includes—

(a) any remuneration payable under any settlement between the parties or order of a tribunal or court;

(b) any remuneration to which the employee is entitled in respect of overtime work or holidays or any leave period;

(c) any additional remuneration payable under the terms of employment, whether called a bonus or by any other name;

(d) any sum which by reason of the termination of employment of the employee is payable under any law, contract or instrument which provides for the payment of such sums, whether with or without deductions, but does not provide for the time within which the payment is to be made;

(e) any sum to which the employee is entitled under any scheme framed under any law for the time being in force, but does not include —

(i) any bonus, whether under a scheme of profit sharing or otherwise, which does not form part of the remuneration payable under the terms of employment, or, which is not payable under any award or settlement between the parties or order of a court;

(ii) the value of any house accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the Government;



(iii) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;

(iv) any travelling allowance or the value of any travelling concession;

(v) any sum paid to the employee to defray special expenses incurred by him on account of the nature of his employment; or

(vi) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (d) ;

(25) " week " means a period of seven days beginning at midnight on Saturday;

(26) " young person " means a person who is not a child but has not completed eighteen years of age.

3. Registration of Establishments and renewal of registration certificates.— (1) Within the period specified in sub-section (3), the employer of every establishment [except a bank] 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) 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 Establishments 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.

(3) The period in respect of establishments mentioned in column (1) below for filling the statement and depositing the fees as required under sub-section (1) shall be as specified against it in column (2)–

Establishment (1)	Period (2)
(i) Establishment existing on the date on which this Act into force	Ninety days from the date on which the Act comes into force.
(ii) New Establishments	Ninety days from the date on which the establishment commences its work.

(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 not exceeding five years commencing from the date its expiry;

(5) Every application for 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 registration certificate received not later than thirty days after its expiry may be entertained by the Inspector on the application paying such penalty, not exceeding twenty-five rupees, as may be prescribed.

(6) An application 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 differences 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.

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 9[Rs. 5,000/- in case of bank situated within the limits of a Municipal Council and Rs.1,000/- in other cases] renew the registration certificate for a period of one year commencing from the date of its expiry.

17. Daily and weekly hours of work for young persons.— Notwithstanding anything contained in this Act, no young persons shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week nor shall such person be allowed to work overtime.

18. Maternity benefit.— The periods of absence from duty in respect of which a woman employee is entitled to maternity leave under section 19, shall be treated as authorised absence from duty, and the woman employee shall be entitled to maternity leave, but not to any wages for any of those periods.

31. Wages to be paid in current coin or currency notes.— All wages shall be paid in current coin or currency notes or in both.

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 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.

57. Restriction on double employment, maintenance of registers, records, etc. — (1) No employee shall work in any establishment, nor shall any employer knowingly permit an employee to work in any establishment, on a day or part of a day on which the employee is given a holiday or is on leave in accordance with the provisions of this Act.

(2) Subject to the control of the Government, an employer shall maintain such registers and records and display such notices, as may be prescribed. All such registers and records shall be kept, and all such notices shall be displayed on the premises of the establishment to which they relate.

(3) Every employer shall on demand produce or cause to be produced for inspection by an Inspector all registers, records and notices required to be kept by or under this Act.

(4) Every employer shall submit such returns relating to his business, in such manner and within such period, and to such authority as may be prescribed.

(5) Every employer shall give an order of appointment to his employee in the establishment before such employee joins the service:

Provided that in the case of an employee in the service at the commencement of this Act, the employer shall give such order of appointment within a period of three months from the date of such commencement.

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

(a) employees in any establishments whose average monthly wages exceed 15[six thousand five hundred rupees]:

(b) establishments under the Central and State Governments, local authorities, cantonment authorities, the Reserve Bank of India, a railway administration operating any railway as defined in clause (20) of article 366 of the Constitution;

(c) establishments in mines and oil fields;

(d) establishments in bazaar or in places where fairs or festivals are held temporarily for a period not exceeding one month at a time.

16[(e) establishments belonging to any nationalised, scheduled or co-operative bank;

(f) establishments known as „Gadas as defined under clause (10-A) of section 2.]

(2) Nothing in section 4 or section 10, as the case be, shall apply to—

(a) hospitals and other institutions for treatment or care of the sick, the infirm, destitute or the mentally unfit;

(b) such chemists or druggists shops as the Government may, by general or special order, specify;

(c) hair-dressing shops, clubs and residential hotels, educational institutions, hostels attached to schools or colleges, and establishments maintained in connection with the boarding and lodging of pupils and resident masters;

(d) stalls and refreshment rooms at railway stations, docks, wharves, ports, airports or bus stands;

(e) establishments wholly or principally engaged in the sale of ice or aerated water;

(f) establishments wholly or principally engaged in the sale of funeral requisites.

(3) Nothing in sections 4, 5, 8 or 10 shall apply to—

(a) persons whose work is of an intermittent nature such as caretaker, sweeper, travelling staff;

(b) persons employed for loading and unloading goods at godowns.

(4) The Government may, by notification, exempt either permanently or for any specified period, any establishment or class of establishments, or persons or classes of persons, from all or any of the provisions of this Act, subject to such condition as they may deem fit.

(5) Notwithstanding anything contained in the foregoing sub-sections, the Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in those sub-sections other than those mentioned in clause

(b) of sub-section (1) and modify or cancel any such notification.

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LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

THE GOA SHOPS AND ESTABLISHMENTS  
(AMENDMENT) BILL 2021

(Bill No. 47 of 2021)

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

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**GOA LEGISLATURE SECRETARIAT,  
ASSEMBLY HALL, PORVORIM, GOA  
JULY, 2021**

