



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA SHOPS AND ESTABLISHMENTS
(AMENDMENT) BILL 2021**

(Bill No. 47 of 2021)

(As passed by the Legislative Assembly of the State of Goa)

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

The Goa Shops and Establishments (Amendment) Bill 2021

(Bill No. 47 of 2021)

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BILL

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:

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.

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 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”,—

(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

(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."

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

"(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."

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

(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;

(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:—

"(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:—

“(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.”

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

“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.

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.

(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.”

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.

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,—

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

(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;

(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;

(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.

(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,—

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

(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.

(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,

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

(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.

(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.

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

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

(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:—

“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.