



**LEGISLATIVE ASSEMBLY
OF
GOA, DAMAN AND DIU**

**The Goa, Daman and Diu
Shops and Establishments
(Amendment) Bill, 1984**

(Bill No. 3 of 1984)

**(To be introduced in the Legislative Assembly
of Goa, Daman and Diu)**

**GOA, DAMAN AND DIU LEGISLATURE DEPARTMENT
ASSEMBLY HALL, PANAJI
JANUARY, 1984**

The Goa, Daman and Diu Shops and Establishments
(Amendment) Bill, 1984

(Bill No. 3 of 1984)

A
BILL

to amend the Goa, Daman and Diu Shops and Establishments Act, 1973.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-fourth Year of the Republic of India as follows: —

1. **Short title and commencement.** — (1) This Act may be called the Goa, Daman and Diu Shops and Establishments (Amendment) Act, 1984.

(2) It shall come into force at once.

2. **Amendment of section 2.** — After clause (10) of section 2 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (~~18 of 1974~~) (hereinafter referred to as “the principal Act”) the following new clause shall be inserted, namely: —

“(10 A) ‘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. 1,000/-.

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

3. **Amendment of section 24.** — In section 24 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely: —

“(1) Every employee in any establishment shall also be entitled to seven holidays in a year with

1(13 of 1974)

wages which shall include the 26th January (Republic Day), the 1st May (May Day), the 15th August (Independence Day), the 2nd October (Gandhi Jayanti) and the 19th December (Goa Liberation Day), in addition to two holidays to be availed of after prior fixation and declaration made in the prescribed manner by each establishment in the first month of the year:

Provided that the employer may require any employee to work in the establishment on all or any of these days subject to the condition that for such work the employee shall be paid double the amount of the daily wages and also be granted leave on any other day in lieu of the holiday."

4. Amendment of section 25. — In section 25 of the principal Act, —

(i) the words and figures "or the holidays allowed under section 24" shall be omitted;

(ii) the words "average of his" shall be omitted.

5. Amendment of section 61. — In sub-section (1) of section 61 of the principal Act, —

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

(ii) after clause (d), the following new clauses shall be inserted, namely: —

"(e) establishments belonging to any nationalised or scheduled bank;

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

Statements of Objects and Reasons

During the course of implementation of the Goa, Daman and Diu Shops and Establishments Act, 1973, it is found that on account of closure of shops and establishments on certain national holidays, as required under section 24 of the Act, people are put to severe hardship and inconvenience. It is, therefore, proposed to enable the employers to keep their establishments open on such public holidays subject to compliance of certain conditions.

2. The Act applies to all shops and establishments irrespective of their size. It has been represented to the Government that small shops like 'gadas' find it difficult to comply with various provisions of the Act. In view of the fact that these establishments are conducted by weaker sections of the community by way of self employment, it is felt that they should be exempted from the provisions of the Act. The present Bill seeks to achieve this object also.

3. Presently, the Act applies to workmen receiving wages not exceeding Rs. 500/-. It is, however, found that the wages of the employees have since been increased in many shops and establishments since 1973. The wage ceiling, therefore, requires revision. Consequent upon the upward revision of wages under the Payment of Wages Act, it is proposed to amend the provisions of our Act, so as to cover workmen receiving wages upto Rs. 1,600/-.

4. The Central Government has also suggested that the Act may be amended so as to exclude the employees of Commercial Banks from the purview of the Act, since they are enjoying various benefits under the awards applicable to banking establishments. The present Bill seeks to achieve this object also.

Financial Memorandum

No financial implications are involved in the Bill since the existing machinery will carry out the enforcement of the proposed amendments.

Panaji,
12th January, 1984.

A. N. NAIK
Minister for Industries
and Labour.

Assembly Hall,
Panaji,
12th January, 1984.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman
and Diu.

(Annexure to Bill no. 3 of 1984)

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(Act No. 13 of 1974)

24. **Other holidays.** — (1) Every employee in any establishment shall also be entitled to seven holidays in a year with wages on the days to be specified by notification from time to time by the Government which shall include the 26th January (Republic Day), 15th August (Independence Day), 2nd October (Gandhi Jayanti) and 19th December (Liberation Day) and 1st May; and on every such holiday, the establishment should remain closed:

Provided that any such employee in any residential hotel, restaurant, eating house, theatre, or any place of public amusement or entertainment may be required to work in such establishment or any such holiday subject to the condition that in lieu thereof, a compensatory holiday with wages shall be allowed to such person within thirty days from the date of such holiday:

Provided further that such compensatory holidays shall not exceed seven in a year and where any such employee in any such establishment is required to work on any such compensatory holiday, he shall be paid additional wages at the ordinary rate of wages in lieu of such holidays.

25. **Pay during leave and holidays.** — Every employee shall, for the period of the leave allowed under sub-sections (1) and (4) of section 23 or the holidays allowed under section 24, be paid at a rate equivalent to the daily average of his wages for the days on which actually worked during the preceding month exclusive of any earnings in respect of overtime.

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

(a) employees in any establishments whose average monthly wages exceed 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.

Assembly Hall,
Panaji,
12th January, 1984.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu.