

The Goa, Daman and Diu Shops and Establishments Act, 1973

The Goa, Daman and Diu Shops and Establishments Act, 1973

1. **The Goa, Daman and Diu Shops and Establishments Act, 1973** (Act No. 13 of 1974) [7th October, 1974] published in the Official Gazette, Series I No. 31(Extraordinary) dated 31-10-1974.
2. **The Goa, Daman and Diu Shops and Establishments (Amendment) Act, 1984** (Act No. 2 of 1984) [21st March, 1984] published in the Official Gazette, Series I No. 2 dated 12-4-1984 and came into force at once.
3. **The Goa, Daman and Diu Shops and Establishments (Amendment) Act, 1995** (Act No. 21 of 1995) [15-09-1995] published in the Official Gazette, Series I No. 26 dated 28th September, 1995 and came into force at once.
4. **The Goa, Daman and Diu Shops and Establishments (Amendment) Act, 2001** (Act No. 33 of 2001) [4-5-2001] published in the Official Gazette, Series I No. 5 dated 9-5-2001 and came into force at once.
5. **The Goa, Daman and Diu Shops and Establishments (Amendment) Act, 2002** (Act No. 6 of 2002) [25-01-2002] published in the Official Gazette Series I No. 43 dated 29-01-2002 and came into force at once.

Arrangement of Sections

1	Short title, extent, commencement and application.	21	Ventilation
2	Definitions.	22	Precautions for the safety of employees in establishments
3	Registration of Establishments and renewal of registration certificates	23	Leave
3-A	Registration and renewal of registration certificate in respect of Bank	24	Other holidays
4	Opening and closing hours of work in shops	25	Pay during leave and other holidays
5	Daily and weekly hours of work in shops	26	Power to increase the period of leave
6	Interval for rest	27	Responsibility for payment of wages
7	Spread over of period of work	28	Fixation of wage periods
8	Closing of shops and grant of holidays	29	Wages for overtime work
9	Application of this Chapter to establishments other than shops	30	Time for payment of wages
10	Opening and closing hours	31	Wages to be paid in current coin or currency notes
11	Daily and weekly hours of work	32	Deductions which may be made from wages
12	Interval for rest	33	Fines
13	Spread over of periods of work	34	Deductions for absence from duty
14	Holidays	35	Deductions for damage or loss
15	Children not to work in establishments	36	Deductions for services rendered
16	Young persons to work only between 6 a. m. and 7 p. m.	37	Deductions for recovery of advance
17	Daily and weekly hours of work for young persons	38	Deductions for payment to co-operative Societies and insurance schemes etc.
18	Maternity benefit	39	Conditions for terminating the services of an employee and payment of gratuity
19	Maternity leave	40	Appointment of authority to hear and decide appeals arising out of termination of services
20	Cleanliness	41	Notice and payment of gratuity to employees in case of transfer of establishment.

42	Appointment of the authority to hear and decide claims arising out of deductions from the employees etc.—	54	Procedure in trial of offence.
43	Claims arising out of deductions from wages or delay in payment of wages, etc. and penalty for malicious and vexatious claims.	55	Bar of suits
44	Single application in respect of claims from unpaid group.	56	Contracting out.
45	Appeal.	57	Restriction on double employment, maintenance of registers, records, etc.
46	Conditional attachment of property of employer.	58	Delegation of powers.
47	Power of authority appointed under Section 42.	59	Power to make rules.
48	Power of Government to prescribe costs and court fees for proceedings under this Chapter.	60	Right & privileges under other laws, not affected.
49	Appointment of Inspectors.	61	Exemptions.
50	Powers and duties of Inspectors.	62	Appointment of an authority, to decide certain questions.
51	Inspectors to be Public Servants.	63	Application of the Workmen's Compensation Act, 1923.
52	Penalties.	64	Protection of persons acting under this Act.
53	Penalty for obstructing Inspector, etc.	65	Power of Government to suspend provisions of the Act during fairs and festivals.
		66	Weekly Holidays Act 1942 not to apply to establishments governed by this Act
		67	Repeal and Savings.

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judiciary Department

Notification

LD/Bill/9/74

The following Act passed by the Legislative Assembly of Goa, Daman and Diu which received the assent of the Administrator of Goa, Daman and Diu on 28th September, 1973 is hereby published for general information.

M. S. Borkar, Under Secretary (Law).

Panaji, 24th October, 1974.

The Goa, Daman and Diu Shops and Establishments Act, 1973

(Act No. 13 of 1974) [7th October, 1974]

AN

ACT

to provide for the regulation of conditions of work and employment in shops, commercial establishments, restaurants, theatres and other establishments and for matters connected therewith.

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

CHAPTER I

Preliminary

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; and

(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.

¹ Inserted by the Amendment Act 33 of 2001.

² Substituted in place of word “twelfth” by the Amendment Act 21 of 1995.

³ The words “bank” omitted by the Amendment Act 33 of 2001.

(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 entertainment⁴[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 for the purposes of the Act;

(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;

⁴ Inserted by the Amendment Act 33 of 2001.

⁵ Inserted by the Amendment Act 2 of 1984.

(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 travellers 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 ⁶[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.

⁶ Inserted by the Amendment Act 33 of 2001.

(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 filing the statement and depositing the fees as required under sub-section (1) shall be as specified against it in column (2) —

Establishments	Period
(1)	(2)
(i) Establishments existing on the date on which this Act comes 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.

⁷[(4) The Inspector may, on receipt of an application made by the employer together with the fees prescribed therefor, renew the registration certificate for a period not exceeding five years commencing from the date of 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 a registration certificate received not later than thirty days after its expiry may be entertained by the Inspector on the applicant paying such penalty, not exceeding twenty-five rupees, as may be prescribed.

(6) An applicant 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 difference 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.

⁸[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;

⁷ Substituted by the Amendment Act 33 of 2001.

⁸ Inserted by the Amendment Act 33 of 2001.

(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.]

CHAPTER II

Shops

4. Opening and closing hours of shops.— (1) No shop shall on any day be opened earlier or closed later than such hours as may, after previous notification be fixed by the Government by a general or special order in that behalf:

Provided that any customer who was being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) The Government may, for the purpose of this section, fix different hours for different classes of shops or for different areas or for different times of the year.

5. Daily and weekly hours of work in shops and prohibition of sales in its vicinity. — (1) Subject to other provisions of this Act, no employee in any shop shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week.

(2) Any employee may be required or allowed to work in a shop for any period in excess of the limit fixed under sub-section (1), on payment of over-time wages, subject however that the maximum period of such excess in a week shall be six hours.

(3) For the purpose of stock-taking and preparation of accounts, an employer may, with the previous intimation to the Inspector, require or allow any employee to work in a shop for not more than any fifteen days in a year, in excess of the period fixed in sub-section (1), on payment of over-time wages, so however that the excess period shall not in aggregate, exceed twenty-four hours.

(4) No person shall carry on, in or adjacent to, a street or public place, the sale of any goods before the opening and after the closing hours fixed under section 4 for the shops dealing in any kind of goods in the locality in which such street or public place is situated:

Provided that nothing in this section shall apply to the sale of —

⁹ Substituted in place of letters and figures “Rs. 10,000/-” by the Amendment Act 6 of 2002.

- (i) Newspapers,
- (ii) Flowers,
- (iii) Pan,
- (iv) Vegetables and fruits, and
- (v) such other goods as the Government may, from time to time, by notification, specify.

6. Interval for rest.— No employee in any shop shall be required or allowed to work therein for more than five hours in any day unless he has had an interval for rest of at least one hour:

Provided that an employee who was serving a customer at the commencement of the interval may be required to serve him during the quarter of an hour immediately following such commencement.

7. Spread over of period of work.— The periods of work of an employee in a shop shall be so arranged that, along with his intervals for rest, they shall not spread over more than twelve hours in any day:

Provided that where an employee works on any day for the purpose of stock-taking and preparation of accounts, the spread over shall not exceed fourteen hours in any such day, on payment of over-time wages.

8. Closing of shops and grant of holidays.— (1) Every shop shall remain closed on one day of the week. The employer shall fix such day at the beginning of the year, notify it to the Inspector and specify it on a notice prominently displayed in a conspicuous place in the shop:

Provided that the employer shall not without reasonable cause alter such day more often than once in three months, shall notify the alteration to the Inspector, and shall also make the necessary change in the notice displayed in the shop.

(2) The Government may, by notification, require in respect of any specified class of shops that they shall, in addition to the weekly holiday prescribed under sub-section (1) be closed at such hour in the afternoon of one week day in every week as may be fixed by the Government.

(3) The Government may, for the purpose of sub-section (2), fix different hours for different classes of shops or for different areas or for different times of the year.

(4) The weekly day on which a shop is closed in pursuance of the requirement under sub-section (2) shall be notified to the Inspector and specified by the employer in a notice prominently displayed in a conspicuous place in the shop, and shall not be altered by the employer more often than once in three months.

(5) It shall not be lawful for the employer to call an employee at or for the employee to go to the shop in which he is employed or to any other place for any work in connection

with the business of his shop on the weekly closed day or part of the day on which it has remained closed.

(6) No deduction shall be made from the wages of any employee in a shop on account of the weekly holiday or part of a day on which it has remained closed; and if such employee is employed on the basis that he would not ordinarily receive wages for such day or part of a day, he shall none the less be paid for such day or part of a day the wages he would have drawn had the shop not remained closed or the holiday not been allowed on that day or part of a day.

CHAPTER III

Establishments other than shops

9. Application of this Chapter to establishments other than shops.— The provisions of this Chapter shall apply only to establishments other than shops.

10. Opening and closing hours.— (1) No establishment shall on any day be opened earlier or closed later than such hour as the Government may, after previous publication in the Official Gazette, by general or special order specify in that behalf:

Provided that in the case of a restaurant or eating house, any customer who was being served or was waiting to be served therein at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) The Government may, for the purposes of this section fix different hours for different classes of establishments or for different areas or for different times of the year.

11. Daily and weekly hours of work in establishment.— (1) Subject to other provisions of this Act, no employee in any establishment shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week.

(2) Any employee may be required or allowed to work in an establishment for any period in excess of the limit fixed under sub-section (1), on payment of over-time wages, so however that the maximum period of such excess shall be six hours in any week.

(3) For the purposes of stock-taking and preparation of accounts, an employer may, with the previous intimation to the Inspector, require or allow any employee to work in an establishment for not more than any fifteen days in a year, in excess of the period fixed in sub-section (1), on payment of overtime wages, so however that the excess period shall not, in aggregate, exceed twenty-four hours.

12. Interval for rest.— No employee in any establishment shall be required or allowed to work in such establishment for more than five hours in any day unless he has had an interval for rest of at least one hour.

13. Spread over of periods of work.— The periods of work of an employee in an establishment shall be so arranged that, along with his interval for rest, they shall not spread over more than twelve hours in any day:

Provided that where an employee works on any day for the purpose of stock-taking and preparation of accounts, the spread over shall not exceed fourteen hours in any such day on payment of over-time wages.

14. Holidays.— (1) Every employee in an establishment shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to an employee whose total period of employment in the week including the days spent on authorised leave is less than six days.

(2) The Government may, by notification, require in respect of any specified class of establishments that every employee therein shall be allowed in each week an additional holiday of one half-day commencing at such hour in the afternoon as may be fixed by the Government.

(3) The Government may, for the purpose of sub-section (2), fix different hours for different classes of establishments or for different areas or for different times of the year.

(4) No deduction shall be made from the wages of any employee in an establishment on account of any day or part of a day on which a holiday has been allowed in accordance with this section; and if such employee is employed on the basis that he would not ordinarily receive wages for such day or part of a day, he shall none the less be paid for such day or part of a day the wages he would have drawn, had the holiday not been allowed on that day or part of a day.

(5) It shall not be lawful for the employer to call an employee at or for the employee to go to, his establishment on any day or part of a day on which a holiday has been allowed in accordance with this section.

CHAPTER IV

Employment of children, young persons and women

15. Children not to work in establishment.— No child shall be required or allowed to work in any establishment.

16. Young persons to work only between 6 a. m. and 7 p. m.— No young person shall be required or allowed to work in any establishment before 6 a .m. and after 7 p. m.

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.

19. Maternity leave.— Every woman who has been for a period of not less than six months preceding the date of her delivery, in continuous employment of the same

employer whether in the same or different shops or commercial establishments, shall be entitled to receive from her employer for the period of—

- (a) six weeks leave immediately preceding the day of delivery; and
- (b) six weeks leave following the day of delivery.

CHAPTER V

Health & Safety

20. Cleanliness.— The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed.

21. Ventilation and Lighting.— (1) The premises of every establishment shall be ventilated as provided for in the laws relating to the municipalities, gram panchayats or other local authorities in force in the Union territory.

(2) (a) The premises of every establishment shall be sufficiently lighted during all working hours.

(b) If it appears to an Inspector that the premises of any establishment within his jurisdiction are not sufficiently lighted, he may serve on the employer an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.

22. Precautions for the safety of employees in establishments.— (1) In every establishment, other than such establishment or class of establishments as the Government may, by notification, specify, all precautions against fire shall be taken as may be prescribed.

(2) If power-driven machinery is used, or any process, which, in the opinion of the Government, is likely to expose any employee to a serious risk of bodily injury is carried on, in any establishment other than such establishment or class of establishments as the Government may, by notification, specify such precautions, including the keeping of first aid box, shall be taken by the employer for the safety of the employees therein, as may be prescribed.

CHAPTER VI

Leave and Holidays with wages

23. Leave.— (1) Every employee who has served for a period of two hundred and forty days or more during a continuous period of twelve months in any establishment shall be entitled during the subsequent period of twelve months, to leave with wages for a period of fifteen days:

Provided that such leave with wages may be accumulated upto a maximum period of forty-five days:

Provided further that any continuous period of service in an establishment preceding the date on which this Act applies to that establishment shall also count, subject to a maximum period of twelve months:

Provided also that any leave accumulated by an employee in an establishment under the law applicable to that establishment preceding the date on which this Act applies to it, shall not be affected.

(2) An employee may apply in writing to the employer, not less than seven full working days before the date of availing himself of his leave, to allow all the leave or any portion thereof, to which he is entitled under sub-section (1):

Provided that the number of instalments for taking leave shall not exceed three during a period of twelve months.

(3) An employee who has been allowed leave for not less than five days under sub-section (2) shall, before his leave begins, be paid the wages due for the period of the leave allowed if he makes a request therefor.

(4) Every employee in any establishment shall also be entitled during his first twelve months of continuous service and during every subsequent twelve months of such service—

(a) to leave with wages for a period not exceeding nine days, on the ground of any sickness incurred or accident sustained by him; and

(b) to casual leave with wages for a period not exceeding six days on any reasonable ground.

(5) If an employee entitled to any leave under sub-section (1), is discharged by his employer before he has been allowed such leave, or if the leave applied for by such employee has been refused and if he quits his employment before he has been allowed the leave, the employer shall pay him the amount payable under this Act in respect of the period of leave.

(6) If an employee is lawfully discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge in addition to the amount, if any, payable to him under sub-section (3).

(7) An employee in a hostel attached to a school or college or in an establishment maintained in connection with the boarding and lodging of pupils and resident masters, shall be allowed the privileges referred to in sub-sections (1) to (6), reduced however proportionately to the period for which he was employed continuously in the previous year or to the period for which he will be employed continuously in the current year, as the case be; and all references to the period of leave in sub-sections (1) and (4) shall be construed accordingly, fractions of less than half a day being disregarded.

24. Other holidays.— ¹⁰[(1) Every employee in any establishment shall also be entitled to seven holidays in a year with 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 (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.]

(2) Nothing in sub-section (1) shall apply in respect of any establishment where the number of holidays with wages allowed by the employer is more than the holidays notified by the Government under that sub-section:

Provided that every such employer shall send a list of holidays with wages allowed by him, which shall include the five holidays specified in sub-section (1), to the Inspector and shall also display the list at a prominent place of the establishment.

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 ¹¹[], be paid at a rate equivalent to the daily ¹²[] wages for the days on which actually worked during the preceding month exclusive of any earnings in respect of over-time.

26. Power to increase the period of leave allowable under section 23.— Notwithstanding anything contained in section 23, the Government may, by notification, increase the total number of days of leave that may be allowed under sub-section (1) of that section and the maximum number of days upto which such leave may be accumulated in respect of any establishment or class of establishments.

CHAPTER VII

Wages

27. Responsibility for payment of wages.— Every employer shall be responsible for payment to his employees of all wages and sums required to be paid under this Act.

28. Fixation of wage-period.— (1) Every employer shall fix periods (hereinafter referred to as wage-periods) in respect of which such wages shall be payable.

(2) No wage-period shall exceed one month.

29. Wages for overtime work.— Where any employee in any establishment is required to work overtime he shall be entitled, in respect of such overtime work, to wages at twice the ordinary rate of wages:

¹⁰ Substituted by the Amendment Act 2 of 1984.

¹¹ The words “or the holidays allowed under section 24” omitted by the Amendment Act 2 of 1984.

¹² The words “average of his” omitted by the Amendment Act 2 of 1984.

Provided that where the normal hours of work in an establishment are ordinarily less than eight hours a day and forty-eight hours a week, he shall be entitled in respect of work in excess of such normal hours up to eight hours a day, and forty-eight hours, a week to wages at the ordinary rate of wages and in respect of work in excess of eight hours a day and forty-eight hours a week at twice the ordinary rate of wages, in addition to the wages for the normal hours of work.

Explanation.— For the purpose of this section, the expression “ordinary rate of wages” shall mean such rate of wages as may be calculated in the manner prescribed.

30. Time for payment of wages.— (1) The wages of every employee shall be paid before the expiry of the seventh day after the last day of the wage-period in respect of which the wages are payable.

(2) Where the service of any employee is terminated by or on behalf of the employer, the wages earned by such employee shall be paid before the expiration of the second working day from the day on which his employment is terminated.

(3) All payments of wages shall be made on a working day.

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.

32. Deductions which may be made from wages.— (1) The wages of an employee shall be paid to him without deductions of any kind except those authorised by or under this Act.

Explanation.— Every payment made by an employee to the employer shall, for the purpose of this Act, be deemed to be a deduction from wages.

(2) Deductions from the wages of an employee shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely: —

- (a) fines and other penalties lawfully imposed;
- (b) deductions for absence from duty;
- (c) deductions for damages to, or loss of, goods expressly entrusted to the employee for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;
- (d) deduction for house accommodation provided by the employer;
- (e) deduction for such amenities and services, supplied by the employer as the Government may, by general or special order, authorise;
- (f) deductions for recovery of advances or for adjustment of overpayments of wages;
- (g) deductions of income-tax or profession tax payable by the employee;

(h) deductions required to be made by order of a court or other authority competent to make such order;

(i) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Employees Provident Funds Act, 1952 (Central Act 19 of 1952) applies or any recognised provident fund as defined in section 2(38) of the Income Tax Act, 1961 (Central Act 43 of 1961), or any provident fund approved in this behalf by the Government during the continuance of such approval;

(j) deductions for payments to co-operative societies approved in this behalf by the Government or any officer authorised by them in this behalf or to a scheme of Insurance maintained by the Indian Post Office or the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956);

(k) deductions made with the written authorisation of the employee.

33. Fines.— (1) No fine shall be imposed on any employee save in respect of such acts and omissions on his part as the employer, without the previous approval of the Government or of the prescribed authority, may have specified by notice under subsection (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner in the premises in which the employment is carried on.

(3) No fine shall be imposed on any employee until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage-period on any employee shall not exceed an amount equal to three paise in the rupee of the wages payable to him in respect of that wage-period.

(5) No fine shall be imposed on any employee who has not completed the age of fifteen years.

(6) No fine imposed on any employee shall be recovered from him after the expiration, of sixty days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realisations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed; and all such realisations shall be applied only to such purposes beneficial to the employees in the establishment as are approved by the prescribed authority.

Explanation.— When the employees are only part of a staff employed under the same management, all such realisations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

34. Deductions for absence from duty.— (1) Deductions may be made under clause (b) of sub-section (2) of section 32 only on account of the absence of an employee from the place or places where, by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employee in respect of the wage-period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage-period during which by the terms of his employment, he was required to work:

Provided that, subject to any rules made in this behalf by the Government, if ten or more employees acting in concert absent themselves without due notice that is to say, without giving the notice which is required under the terms of their contract of employment and without reasonable cause such deduction from any such employee may include such amount not exceeding his wages for four days as may by any such terms be due to the employer in lieu of due notice.

Explanation.— For the purpose of this section, an employee shall be deemed to be absent from the place where he is required to work, if, although present in such place he refuses, in pursuance of a stay in strike or for any other cause which is not reasonable in the circumstances, to carry out his work.

35. Deductions for damage or loss.— (1) A deduction under clause (c) of sub-section (2) of section 32 shall not exceed in respect of the damage of goods, one half of the amount of such damage, and in respect of the loss of goods or money, the amount of such loss caused to the employer by negligence or default of the employee and shall not be made until the employee has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deduction.

(2) All such deductions and all realisations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed.

36. Deductions for services rendered.— A deduction under clause (d) or clause (e) of sub-section (2) of section 32 shall not be made from the wages of an employee unless the house accommodation, amenity or service has been accepted by him as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under the said clause (e) it shall be subject to such conditions, as the Government may impose.

37. Deductions for recovery of advances.— Deductions under clause (f) of sub-section (2) of section 32 shall be subject to the following conditions, namely:—

(a) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage-period, but no recovery shall be made of such advances given for travelling expenses;

(b) recovery of advances of wages not already earned shall be subject to any rules made by the Government regulating the extent to which such advances may be given and the instalments by which they may be recovered.

38. Deductions for payment to co-operative societies and insurance schemes, etc.— Deductions under clause (j) and clause (k) of sub-section (2) of section 32 shall be subject to such conditions as the Government may impose.

39. Conditions for terminating the service of an employee and payment of gratuity.— (1) No employer shall without a reasonable cause and except for misconduct, terminate the service of an employee who has been in his employment continuously for a period of not less than six months without giving such employee, at least one month's notice in writing or wages in lieu thereof and a gratuity amounting to fifteen days' average wages for each year of continuous employment.

Explanation.— For the purpose of this sub-section:

(a) the expression “wages” does not include over time wages;

(b) the expression “wages” means the daily average of wages for the days an employee actually worked during the thirty days immediately preceding the date of termination of service;

(c) an employee in an establishment shall be deemed to have been in continuous employment for a period of not less than six months, if he has worked for not less than one hundred and twenty days in that establishment within a period of six months immediately preceding the date of termination of the service of that employee;

(d) where the total continuous employment is for a fraction of a year or extends over a fraction of a year in addition to one or more completed years of continuous employment, such fraction, if it is not less than half a year shall be counted as a year of continuous employment in calculating the total number of years for which the gratuity is to be given.

(2) Where a gratuity is payable under sub-section (1) to an employee, he shall be entitled to receive his wages from the date of termination of his service until the date on which the gratuity so payable is actually paid subject to a maximum of wages for two months.

(3) An employee, who has completed the age of sixty years or who is physically or mentally unfit having been so declared by a medical certificate or who wants to retire on medical grounds or to resign his service, may give up his employment after giving to his employer notice of at least one month and every such employee and the dependent of an employee who dies while in service, shall be entitled to receive a gratuity amounting to fifteen days' average wages for each year of continuous employment calculated in the manner provided in the Explanation to sub-section (1). He shall be entitled to receive the wages from the date of giving up the employment until the date on which the gratuity so payable is actually paid, subject to a maximum of wages for two months.

(4) The services of an employee shall not be terminated for misconduct except, for such acts or omissions and in such manner, as may be prescribed.

Explanation.— For the purpose of this section, the term “employee” shall include part-time employee also.

40. Appointment of authority to hear and decide appeals arising out of termination of service.— (1) (a) The Government may, by notification, appoint an authority to hear and decide appeals arising out of the termination of service of employees under section 39.

(b) Any employee whose service has been terminated may appeal to the authority concerned within such time and in such manner as may be prescribed.

(2) The authority may, after inquiring in the prescribed manner, dismiss the appeal or direct the reinstatement of the employee with or without wages for the period he was kept out of employment or direct payment of compensation without reinstatement or grant such other relief as it deems fit in the circumstances of the case.

(3) Against any decision of the authority under sub-section (2), a second appeal shall lie to the Labour Court constituted under section 7 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) within thirty days from the date of communication of the decision and the decision of the Labour Court on such appeal shall be final and binding on both the employer and the employee and shall be given effect to within such time as may be specified in the order of that Court.

(4) Any amount directed to be paid under this section may be recovered—

(a) if the authority is a Magistrate, by the authority, as if it were a fine imposed by him as Magistrate; and

(b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

41. Notice and payment of gratuity to employees in case of transfer of establishment.— Where the ownership or management of an establishment is transferred, whether by agreement or by operation of law, from the employer in relation to that establishment to a new employer, every employee who has been in continuous employment for not less than six months in that establishment immediately before such transfer, shall be entitled to the notice and the gratuity in accordance with the provisions of sub-section (1) of section 39:

Provided that nothing in this section shall apply to an employee in any case where there has been a change of employers by reason of transfer, if—

(a) the employment of the employee has not been interrupted by such transfer;

(b) the terms and conditions of employment applicable to the employee after such transfer are not in any way less favourable to the employee than those applicable to him immediately before such transfer; and

(c) the new employer is under the terms of such transfer or otherwise, legally liable to pay to the employee in the event of termination of his services, gratuity on the basis that his employment has been continuous and has not been interrupted by the transfer.

CHAPTER VIII

Appointment, power and duties, etc., of the authority to hear and decide claims relating to wages, etc., of employees in establishments

42. Appointment of the authority to hear and decide claims arising out of deductions from the employees, etc.— For any specified area the Government may, in consultation with the Judicial Commissioner, appoint, by notification, any Civil Judge (hereinafter to be referred to as the judicial authority) to hear and decide all claims arising out of deductions from the wages or delay in payment of the wages or gratuity payable under this Act to employees in any establishment in that area.

43. Claims arising out of deductions from wages or delay in payment of wages, etc. and penalty for malicious or vexatious claims.— (1) Where, contrary to the provisions of this Act, any deduction has been made from the wages of an employee in an establishment or any payment of wages or gratuity to him has been delayed, such employee himself, or if he is dead any of his dependents, or any legal practitioner, or any official of a registered trade union authorised in writing to act on behalf of such employee or dependent, or any Inspector under this Act, or any other person acting with the prior permission of the prescribed authority may apply to the judicial authority for a direction under sub-section (2):

Provided that every such application shall be presented within one year from the date on which the deduction from the wages was made or from the date on which the payment of the wages or gratuity was due to be made, as the case may be:

Provided further that any application may be admitted after the said period of one year when the applicant satisfies the judicial authority that he had sufficient cause for not making the application within such period.

(2) When any application under sub-section (1) is entertained, the judicial authority shall, hear the applicant and the employer or give them an opportunity of making representation either in person or through an authorised representative, and after such further inquiry, if any, as may be necessary, may, without prejudice to any other penalty to which such employer is liable under this Act, direct the refund to the employee, of the amount deducted, or the payment of the delayed wages or the gratuity together with the payment of such compensation as that authority may think fit, not exceeding ten times the amount deducted or the amount of delayed wages and not exceeding twenty five rupees in case of gratuity:

Provided that no direction for the payment of compensation shall be made in the case of delayed wages or gratuity if the said authority is satisfied that the delay was due to—

(a) a bonafide error or a bonafide dispute as to the amount payable to the employee,
or

(b) the existence of exceptional circumstances, such that the employer was unable, though exercising reasonable diligence to make prompt payment, or

(c) the failure of the employee to accept payment.

(3) If the said authority hearing any application under this section is satisfied that it was either malicious or vexatious, that authority may direct that a penalty not exceeding five rupees be paid to the employer by the person presenting the application.

(4) Any amount directed to be paid under this section may be recovered —

(a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate; and

(b) if the authority is not a Magistrate, by any Magistrate to whom the authority makes an application in this behalf, as if it were a fine imposed by such Magistrate.

Explanation.— For the purpose of this section, the term “employee” shall include part-time employee also.

44. Single application in respect of claims from unpaid group.— (1) Employees are said to belong to the same unpaid group if they are borne on the same establishment and if their wages or gratuity for the same period or periods have remained unpaid after the day on which those were due.

(2) A single application may be presented under section 43 on behalf, or in respect, of any number of employees belonging to the same unpaid group, and in such case the maximum compensation that may be awarded under sub-section (2) of that section shall be twenty five rupees per head.

(3) The Judicial authority may deal with any number of separate pending applications, presented under section 43, in respect of persons belonging to the same unpaid group, as if it were single application presented under sub-section (2) of this section, and the provisions of that sub-section shall apply accordingly.

45. Appeal.— (1) An appeal against an order dismissing either wholly or in part an application made under sub-section (1) of section 43 or against a direction made under sub-section (2) or sub-section (3) of that section may be preferred before the District Court within thirty days of the date on which the order or direction was served on the applicant or the employer, as the case may be—

(a) by the employer, if the total sum directed to be paid by way of wages, gratuity and compensation exceeds three hundred rupees, or

(b) by the person who had applied under sub-section (1) of section 43 if the total amount of wages or gratuity claimed to have been withheld from the employee or from the unpaid group to which he belonged exceeds fifty rupees, or

(c) by any person directed to pay a penalty under sub-section (2) of section 43.

(2) Save as provided in sub-section (1) any order dismissing either wholly or in part an application made under sub-section (1) of section 43 or a direction made under sub-section (2) or sub-section (3) of that section shall be final.

46. Conditional attachment of property of employer.— (1) Where at any time after an application has been made under sub-section (1) of section 43, the authority, or where at any time after an appeal has been filed under clause (b) of sub-section (1) of section 45, the Court referred to in that section, is satisfied that the employer is likely to evade payment of any amount that may be directed to be paid under section 43 or section 45, the authority or the Court, as the case may be, except in cases where the authority or Court is of opinion that the ends of justice would be defeated by the delay, after giving the employer an opportunity of making representation, may direct the attachment of so much of the property of the employer as is, in the opinion of the authority or Court, sufficient to satisfy the amount which may be payable under the direction.

(2) The provisions of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) relating to attachment before judgement under that Code shall, so far as may be, apply to any direction for attachment under sub-section (1).

47. Powers of authority appointed under section 42.—Every authority appointed under section 42 shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

48. Powers of Government to prescribe costs and court-fees for proceedings under this chapter.— The Government may prescribe the scales of cost which may be allowed and the amount of court-fees which shall be payable, in respect of any proceedings under this Chapter.

CHAPTER IX

Appointment, power and duties of Inspectors

49. Appointment of Inspectors.— The Government may by notification, appoint such number of Inspectors as it may think necessary for the purposes of this Act and fix the local limits of their jurisdiction.

50. Powers and duties of Inspectors.— An Inspector may, within the local limits for which he is appointed,

(a) enter at all reasonable hours with the assistance of such persons in the service of the Government or any local authority as he thinks fit, any place which is or which he has reason to believe, is used as an establishment;

(b) make such inspection of the premises and of any registers or other records and take on the spot or otherwise evidence of such persons, as he may deem necessary, in the manner prescribed;

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act.

51. Inspectors to be public servants.— Every Inspector appointed under section 49 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

CHAPTER X

Penalties for Offences

¹³**[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].

53. Penalty for obstructing Inspector, etc.— Any person who wilfully obstructs an Inspector in the exercise of any power conferred on him under this Act, or any person lawfully assisting such Inspector in the exercise of such power, or who fails to comply with any lawful direction made by such Inspector, shall be punishable with fine which may extend to ¹⁴[one thousand rupees].

54. Procedure in trial of offence.— (1) No Court shall take cognizance of a complaint against an employer under section 43 relating to deductions from wages or delay in payment of wages or gratuity payable under this Act to an employee, unless an application in respect of the facts constituting the offence has been presented under section 43 and has been granted wholly or in part and the authority empowered under the latter section or the appellate Court granting such application has sanctioned the making of the complaint.

(2) Before sanctioning the making of a complaint against the employer for such an offence, the authority empowered under section 42 or the appellate Court, as the case may be, shall give such employer an opportunity of showing cause against the granting of such sanction, and the sanction shall not be granted if such employer satisfies the authority or Court that his default was due to—

(a) a bonafide error or bonafide dispute as to the amount payable to the employee;
or

(b) the existence of exceptional circumstances, such that the employer was unable, though exercising diligence, to make prompt payment; or

¹³ Substituted by the amendment Act 33 of 2001.

¹⁴ Substituted in place of words “two hundred and fifty rupees” by the Amendment Act 33 of 2001.

(c) the failure of the employee to accept payment.

(3) No Court shall take cognizance of a complaint against any person for an offence under section 43 other than the offence referred to in sub-section (1) or for a contravention of any rule made under section 59 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.

(4) In imposing any fine for an offence referred to in sub-section (1), the Court shall take into consideration the amount of any compensation already awarded against the accused in any proceedings taken under section 43.

55. Bar of suits.— No Court shall entertain any suit for the recovery of wages or gratuity or of any deduction therefrom in so far as the sum so claimed—

(a) forms the subject of an application under section 43 which has been presented by the plaintiff and which is pending before the authority appointed under section 42 or of an appeal under section 45; or

(b) has formed the subject or a direction under section 43 in favour of the plaintiff; or

(c) has been adjudged, in any proceeding under section 43 not to be owed to the plaintiff; or

(d) could have been recovered by an application under section 43.

56. Contracting out.— Any contract or agreement, whether made before or after the commencement of this Act, whereby an employee relinquishes any right conferred by this Act shall be null and void in so far as it purports to deprive him of such right.

CHAPTER XI

Miscellaneous

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.

58. Delegation of powers.— (1) The Government may, by notification, authorise any officer or authority subordinate to them, to exercise any one or more of the powers vested in them by or under this Act, except the power mentioned in section 59, subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the Government or by such persons as may be empowered by them in that behalf. The Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

59. Power to make rules.— (1) The Government may make rules for carrying out the purposes of this Act.

(2) In making a rule under sub-section (1), the Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(3) The power to make rules conferred by this section shall be subject to the conditions of the rules being made after previous publication.

(4) Every rule made under this Act shall, immediately after it is made, be laid before the Legislative Assembly of Goa, Daman and Diu if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following, the Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall thereafter have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

60. Right and privilege under other law, etc., not affected.— Nothing in this Act shall affect any rights, privileges which any employee in any establishment is entitled to, on the date on which this Act comes into operation in respect of such establishment, under any other law, contract, custom or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

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;

¹⁵ The entries substituted by the Amendment Act 2 of 1984, the Amendment Act 21 of 1995 and lastly by the Amendment Act 33 of 2001.

(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.

62. Appointment of an authority to decide certain questions.— (1) If any question arises whether all or any of the provisions of this Act apply to an establishment or to an employee therein or whether section 61 applies to any case or not, it shall be decided by such authority as may be prescribed by the rules made under this Act.

¹⁶ Inserted by the Amendment Act 2 of 1984.

(2) The decision of such authority shall be final and shall not be liable to be questioned in any Court of law.

63. Application of the Workmen's Compensation Act, 1923.— The provisions of the Workmen's Compensation Act, 1923 (Central Act 8 of 1923), and the rules made thereunder, shall so far as may be, apply to every employee to whom this Act applies.

64. Protection of persons acting under this Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

65. Power of Government to suspend provisions of the Act during fairs and festivals.— On any special occasion in connection with a fair or festival or a succession of public holidays, the Government may by notification, suspend for a specified period the operation of all or any of the provisions of this Act, subject to such conditions, as may be specified in such notification.

66. Weekly Holidays Act 1942 not to apply to establishments governed by this Act.— On and from the date on which this Act comes into operation in respect of any establishment, the Weekly Holidays Act, 1942 (Central Act 18 of 1942) shall cease to apply to such establishment.

67. Repeal and Savings.— With effect on and from the date on which this Act is brought into force, the Diploma Legislative No. 1441 dated 28th August, 1952 and the Diploma Legislative No. 1503 dated 3rd September, 1953, as in force in the territory shall stand repealed:

Provided that—

(a) every appointment, order, rule, notification or notice made, issued or given under the provisions of any of the Legislative Diplomas so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, order, rule, notification or notice made, issued or given under this Act; and

(b) any proceedings relating to the trial of any offence punishable under the provisions of the Legislative Diplomas so repealed shall be continued and completed as if the said Legislative Diplomas had not been repealed but had continued in operation and any penalty imposed on such proceeding shall be recovered under the Legislative Diplomas so repealed.

Secretariat,
Panaji,
7th October, 1974.

B. M. MASURKAR,
Secretary to the Government
of Goa, Daman and Diu,
Law and Judiciary Department.

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Labour and Information Department

Notification

LC/48/SE/68/75/59

In exercise of the powers conferred by section 59 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (13 of 1974), the Administrator of Goa, Daman and Diu after complying with requirements of pre-publication hereby makes the following Rules, namely:—

1. Short title.—These rules may be called the Goa, Daman and Diu Shops and Establishments Rules, 1975.

2. Definitions.—In these rules, unless the context otherwise requires—

(a) "Act" means the Goa, Daman and Diu Shops and Establishments Act, 1973 (13 of 1974):

(b) "Commissioner" means Labour Commissioner or Commissioner, Labour and Employment, Government of Goa, Daman and Diu;

(c) "form" means a form appended to these rules;

(d) "section" means section of the Act;

(e) "schedule" means a schedule appended to these rules;

(f) words and expressions used but not defined in these rules shall have the meanings assigned to them in the Act.

Registration of Establishments

3. Form of submitting statement, challan and other particulars under section 3.—The employer of every establishment shall, within the period specified in sub-section (1) of section 3, send to the

Inspector of the area a statement in form I together with challan after remitting fee as prescribed in schedule A.

4. Payment of fees.—The fees prescribed under these rules shall be remitted into the Government treasury/State Bank of India under the head of account «087 Labour and Employment-fees realised under the Goa, Daman and Diu Shops and Establishments Act, 1973». The fees once remitted shall under no circumstances be refunded.

5. Manner of registering the establishments and form of registration certificate.—The Inspector of the area concerned shall, on receipt of a statement in form I under sub-section (1) of section 3 together with the fee prescribed in schedule A, verify the correctness of the particulars and register the shop or establishment, as the case may be, in the register of establishments prescribed in form II and issue a certificate of registration in form III.

6. Renewal of registration certificate.—A registration certificate shall be renewed every year by making an application to the Inspector in form IV together with the challan paying registration fees as prescribed in schedule A within thirty days of the expiry of the validity of the registration certificate.

7. Issue of duplicate registration certificate.—If a registration certificate issued under rule 5 is lost, destroyed or defaced, the employer of the establishment shall forthwith report the matter to the Inspector of the area and shall apply in form V with a fee of one rupee for the issue of a duplicate registration certificate. Upon the receipt of such application together with the fees, the Inspector shall furnish to the employer with a duplicate copy of the registration certificate duly stamped "duplicate".

8. Notice of change.—The employer shall give notice to the Inspector of the area in form VI of any change in any of the particulars in the statement in form I within 15 days after the change has taken place together with the registration certificate and

fee specified in schedule B. The Inspector shall amend the registration certificate or issue a fresh one, as the case may be, and send it to the employer.

9. Transfer of registration certificate.—(1) A registration certificate issued under these rules shall not be transferable and if ownership of any shop or establishment is transferred, the employer shall, within thirty days of such transfer, notify the fact of transfer and surrender the certificate of registration to the Inspector of the area and shall submit to the Inspector a statement signed by himself specifying the name and address of the transferee.

(2) The Inspector, on being satisfied about the correctness of the information relating to transfer, shall cancel the certificate of registration and amend the register of establishments accordingly.

(3) The transferee shall apply for new registration certificate within thirty days from the date of transfer.

Proof of Age

10. Ascertainment of age by the Inspector.—An Inspector may require an employer to produce an authentic extract from the records of any school or from the Registrar of Births, Deaths and Marriages, or in the absence of such extract, at least a certificate which shall be in form VII from a Government Medical Health Officer showing the age of an employee.

Health and Safety

11. Cleanliness and health.—The premises of every establishment shall be kept clean and healthy as required under section 20 in the following manner:—

(1)(a) In every establishment all the inside walls of the rooms and all the ceilings of such rooms (whether such walls or ceilings be plastered or not) and all the passages and staircases shall be lime-washed or colour-washed at intervals not more than two years dating from the time when they were last lime-washed or colour-washed and shall be maintained in a clean state.

(b) All beams, rafters, doors, window-frames and other wood-work with the exception of floors shall be either lime-washed or colour-washed at intervals of not more than twelve months dating from the time when they were last lime-washed or colour-washed or shall be painted or varnished at intervals of not more than five years dating from the time when they were last painted or varnished and shall be maintained in a clean state.

(c) The dates on which lime-washing, colour-washing, painting or varnishing is carried out shall be duly entered in form VIII which shall be shown to the Inspector when required.

(d) Nothing in clauses (a) to (c) of this sub-rule shall apply to the following:—

(i) rooms used only for the storage of articles;

(ii) walls or ceilings of rooms which are made of galvanised iron, flat tiles, asbestos sheets, glazed bricks, glass, slate, bamboo thatch, cement plaster or polished chunam;

(iii) ceilings of rooms in which the lowest part is at least 20 feet from the floor;

(iv) any other establishment or part thereof in which lime-washing, colour-washing, painting or varnishing is in the opinion of the Commissioner, unnecessary to satisfy the requirements of section 20 in regard to cleanliness.

(2) Rubbish, filth or debris shall not be allowed to accumulate or to remain on any part of the establishment for more than twenty-four hours and shall be disposed off in the manner approved by the Inspector. All filth and other decomposing matter shall be kept in covered receptacles.

(3) All drains carrying waste or sullage water or sewage shall be constructed of masonry or other impermeable material and shall be regularly flushed at least twice daily and where possible, connected with some recognised drainage line.

(4) The establishment and the compound surrounding it shall be maintained in a strictly sanitary and clean condition. The floors shall be swept or otherwise cleaned at least once daily, and the ceilings shall be dusted at least once a month.

(5) The employer shall enforce the proper use of latrines and urinals and prevent pollution by excreta or urine on the surface of the ground in the vicinity of the latrine or the urinal and in the compound of the establishment. The employer shall make suitable arrangements for the regular cleaning and conserving of the latrines and urinals to the satisfaction of the Inspector.

(6) The employer shall make suitable arrangements to supply cool and wholesome drinking water to employees in the establishment. The area around the place where drinking water is distributed to the employees shall be kept clean and properly drained.

(7)(i) The employer of every 'restaurant' or 'eating house' or 'residential hotel' shall keep his premises clean and comply with the standards of sanitation prescribed by the Health Authorities. The disposal of effluents/garbage/waste shall be done in such a manner that no pollution is caused.

(ii) The kitchen, washing places and other areas shall be kept clean and disinfected by regular scrubbing of floors and cleaning/spraying with approved insecticides.

(iii) The employer of every 'restaurant' or 'eating house' or 'residential hotel' shall provide two sets of uniforms per year to each of their employees. He shall arrange for regular washing of the uniforms once in a week or grant washing allowance as may be settled by an agreement or settlement between the employer and employees.

(iv) Every employee of a 'restaurant' or 'eating house' or 'residential hotel' shall be medically examined once in every six months and certified fit to work in such establishment by a Certifying Surgeon, if any appointed under the Factories Act, 1948 (Central Act 63 of 1948) or any Medical Officer specified in this behalf by the Government. The expenses for such medical examination, if any, shall be borne by the employer and may be recovered as arrears of land revenue from the employer in case of default.

12. Precautions against fire.—(1) The employer of an establishment other than a shop shall provide,

under sub-section (1) of section 22, with adequate means of escape in case of fire and shall also provide buckets of substantial construction full of water or sand and or chemical fire extinguishers in suitable number and at suitable sites according to the nature of work carried on and the size of the premises.

(2) No person shall smoke or use a naked light or cause or permit any such light to be used in the immediate vicinity of any inflammable material in any establishment.

13. Safety. — (1) Every dangerous part of a machinery in an establishment other than a shop shall be securely fenced by safety guards of substantial construction which shall be kept in position while the parts of machinery are in motion or in use.

(2) In every establishment other than a shop where manufacturing process is carried on with the aid of electric power, suitable devices for cutting off power in emergencies from running machinery shall be provided and maintained.

(3) No employee, with loose fitting clothes on, shall be allowed or made to work near the moving machinery or belt and the tight fitting clothes for the purpose to such employee shall be provided by the employer.

14. First aid appliances. — In every establishment other than a shop a first aid box shall be maintained containing the following equipment together with a book of instructions: —

- (i) 3 small sterilized dressings;
- (ii) 2 medium size sterilized dressings;
- (iii) 2 large size sterilized dressings;
- (iv) 2 large size sterilized burn dressings;
- (v) 2 (½ oz.) packets sterilized cotton-wool;
- (vi) 1 pair of dressing scissors;
- (vii) 1 (1 oz.) bottle containing solution for iodine or mercurichrom;
- (viii) 1 (1 oz.) bottle containing solution of sal-volatile having the dose and mode of administration indicated on the label;
- (ix) 1 (1 oz.) bottle containing potassium permanganate crystals;
- (x) any ointment/cream for burns.

Wages

15. Overtime working. — (1) An employer may require an adult employee to work overtime subject to the conditions laid down in section 11(2) for any of the following purposes:—

- (a) Seasonal pressure of work;
- (b) Work in pursuance of any custom or usage observed in the establishment;
- (c) Temporary increase in work due to absence of any other employee or any other emergency;
- (d) Treating of material liable to deterioration, if not treated immediately;
- (e) Work necessitated as a result of any order from Court or any Government authority;
- (f) Stock-taking and preparation of accounts.

(2) Previous intimation in respect of requiring adult employees to work overtime in establishment

under sub-section (3) of section 11 shall contain the following information:—

- (a) the purpose of overtime;
- (b) date or dates and the probable time or period for which overtime is proposed to be worked;
- (c) number of employees required to work overtime.

Explanation. — For the purpose of this sub-rule, previous intimation to be given to the Inspector, shall be by serving a notice at the office of the Inspector so as to reach him at least three days prior to the date of requiring employees to work overtime.

16. Manner of calculating ordinary rate of wages. — For the purpose of the explanation to section 29 ordinary rate of wages per hour shall be calculated by dividing the total wages payable to a person employed for the hours actually worked by him during the wage period by the number of such hours in the wage period:

Provided that hours worked by a person employed in excess of the normal daily hours during the wage period shall be excluded in calculating the number of hours actually worked by him.

17. Fines and deductions for damage or loss. — (1)(a) The Commissioner shall be the authority competent to approve, under sub-section (1) of section 33, the acts and omissions in respect of which fines may be imposed and to approve under sub-section (8) of section 33, the purposes to which the fines realized shall be applied.

(b) Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employees shall send to the Commissioner —

(i) a list, in English and in Marathi or Konkani (in Roman as well as Devnagiri scripts) in duplicate, clearly defining such acts and omissions; and

(ii) a list showing the purpose to which the fines realized shall be applied.

(c) The Commissioner may, on receipt of the list prescribed in sub-clause (i) or sub-clause (ii) of clause (b) after such inquiry as he considers necessary, pass orders either —

- (i) disapproving the list; or
- (ii) approving the list either in its original form or as amended by him in which case such list shall be considered to be an approved list:

Provided that no order disapproving or amending any list shall be passed unless the employer has been given an opportunity of showing cause orally or in writing against such order.

(d) The employer shall display at or near the main entrance of the establishment a copy in English and in Marathi or Konkani (both in Roman and Devnagiri scripts) of the list approved under clause (c).

(e) No fine shall be imposed by any person other than an employer.

(2) Any person desiring to impose fine on an employee or to make a deduction from his wages for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and shall hear his explanation. The

charge in respect of which it is proposed to impose the fine or deduction and explanation of the person concerned shall be reduced to writing, the signature of such person being obtained to the latter:

Provided that the whole proceedings may be reduced in writing if the employer or the employee so desires.

(3) (a) The employer of any establishment in respect of which he has obtained approval under sub-section (1) of section 33 to a list of acts and omissions in respect of which fines may be imposed, shall maintain a register of fines in form IX.

(b) At the beginning of the register of fines, the approved purpose or purposes on which the fines are to be expended shall be entered and serially numbered.

(c) When any disbursements are made from the fines realized a deduct entry of the amount so expended shall be made in the register of fines. The vouchers or receipts in respect of the amounts so expended shall be serially numbered and kept separately, the serial number of each voucher or receipt and the amount to which it relates being noted in the remarks column of the register. If more than one purpose has been approved, the entry of the disbursements shall also indicate the purpose for which it is made.

(4) In every establishment in which deductions for damage or loss are made, the employer shall maintain the register required by sub-section (2) of section 35 in form X.

(5) Where no deduction or fine has been imposed during any wage period, a 'nil' entry shall be made across the body of the register at the end of the wage period indicating also in precise terms the wage period to which the 'nil' relates, in the respective registers maintained in forms IX and X.

18. Deductions for breach of contract. — (1) No deduction for breach of contract shall be made from the wages of an employee who is under the age of eighteen years.

(2) No deduction for breach of contract shall be made from the wages of any employee unless —

(a) there is provision in writing, forming part of the terms of the contract of employment, requiring the employee to give notice of the termination of such employment and the period of notice does not exceed either:

(i) fifteen days or the wage-period, whichever is less;

(ii) the period of notice which the employer is required to give of the termination of that employment;

(b) this rule has been displayed in English and in Marathi or Konkani (in Roman and Devnagiri scripts) at or near the main entrance of the establishment and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made; and

(c) a notice has been displayed at or near the main entrance of the establishment giving the names of the persons from whose wages the deduction is proposed to be made, the number of day's

wages to be deducted and the conditions, if any, on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the employees in any departments or sections of the establishments it shall be sufficient in lieu of giving the names of the persons in such departments or sections, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed, for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no deduction for breach of contract shall be made from the wages of any person who has complied with those conditions.

19. Advances. — Advances under clause (b) of section 37 shall be subject to the following conditions, namely —

(1) An advance of wages not already earned shall not, without the previous permission of the Inspector having jurisdiction, exceed an amount equivalent to the wages earned by the employees during the preceding two calendar months, or if he has not been employed for that period, twice the wages he is likely to earn during the subsequent calendar month;

(2) Any advance may be recovered in instalments by deductions from wages, spread over, not more than twelve months;

(3) No instalment by which an advance is repaid shall exceed one-third, or where the wages for any wage period are not more than twenty rupees, one-fourth of the wages for any wage-period in respect of which the deduction is made;

(4) The amounts of all advances and all payments of such advances, shall be entered in a register of advances in form XI.

20. Conditions for deductions. — (1) The total amount of deductions which may be made under sub-section (2) of section 32 of the Act and the above rules in any wage period from the wages of an employee shall not exceed —

(i) in cases where such deductions wholly or partly made for payments to Co-operative Societies under clause (j) of sub-section (2), seventy five percent of such wages, and (ii) in any other case, fifty percent of such wages:

Provided that where the total deductions authorised under sub-section (2) exceed seventy five percent or as the case may be, fifty percent of the wages, the same may be recovered in such manner as may be approved by the Commissioner.

(2) No deductions shall be made from the wages of an employee even the written authorisation of the employee under clause (k) of sub-section (2) of section 32 of the Act except for purposes approved in this behalf by the Commissioner.

(3) Nothing contained in this rule shall be construed as precluding the employer from recovering from the wages of the employee any amount payable by such person under any law for the time being in force.

Leave

21. Leave. — (1) Earned leave may not be refused ordinarily by the employer except for valid reasons:

Provided further no such refusal will deprive the employee the right to carry over the accumulated earned leave.

(2) *Casual and sick leave.* — (a) (i) Ordinarily, the previous permission of the employer for casual leave shall be obtained by the employee, but when this is not possible, the employer shall be informed in writing as soon as practicable for the grant of such leave. The employer shall record his orders on all such applications and shall retain them till the 31st March of the following year.

(ii) Ordinarily an employer, at his discretion, may not grant casual leave for more than 4 days at a stretch to an employee.

(iii) An employer however, may refuse an application for casual leave from an employee on grounds of exceptional pressure of work requiring his attendance on the day or days in respect of which casual leave has been asked for:

Provided that leave shall not be refused where it has been asked for on account of an accident, causing physical injury to the employee or death in the family or sickness of the employee, his wife or child.

(iv) Where an application for casual leave is refused by the employer under clause (ii) above, the employer shall record his reasons for refusal on the application, and shall grant equivalent leave on demand by the employee in the same calendar year.

(b) (i) No application from an employee for leave of grounds of sickness of himself his wife or child shall be refused but if in any case the employer is not satisfied about the correctness of the assertion set out therein, the employer may either (i) require the employee to submit a medical certificate in respect thereof from a registered medical practitioner or (ii) get the employee or the wife or the child, as the case may be, examined at his (employer's) own expense by a registered medical practitioner (lady doctor in case of females) for the purpose of verifying the facts mentioned in the leave application and may grant or reject the application on the basis of the certificate of such medical practitioner.

(ii) Every such medical certificate shall be retained by the employer till 31st March of the following year.

(3) *Register of leave.* — Every employer shall maintain a register in form XII for the leave granted under section 23 to persons employed in his establishment.

(4) *Leave book.* — The employer or manager shall provide each employee with a book called "Leave Book" in form XIII. The book shall be the property of the employee and the employer or his manager shall not demand it except to make entries therein and shall not keep it for more than a week at a time.

(5) *Maternity leave.* — The record of maternity leave granted shall be shown in leave register in form XII and leave book in form XIII.

Termination of Employment

22. Acts and omissions constituting misconduct. —

(1) For the purposes of sub-section (4) of section

39, the following acts and omissions shall be treated as misconduct on the part of the employees: —

(a) wilful insubordination or disobedience, whether alone or in combination with other, of any lawful and reasonable order of a superior;

(b) resorting to or inciting, abetting or instigating a strike which is illegal according to provisions of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) or any other law in force;

(c) wilful slowing down in performance of work, or abetment, or instigation thereof;

(d) theft, fraud, misappropriation or dishonesty in connection with the employers' business or property;

(e) habitual absence without leave, or unauthorised absence without leave for more than fifteen consecutive days or overstaying the sanctioned leave without sufficient grounds or proper or satisfactory explanation or habitual late attendance;

(f) habitual breach of any law applicable to the establishment or any rules made thereunder;

(g) engaging in trade unauthorised by employer/manager within the premises of the establishment;

(h) commission of any act subversive of discipline or good behaviour on the premises of the establishment such as drunkenness, riotous, disorderly or indecent behaviour or taking or giving bribes or any illegal gratification, other than tips voluntarily given by customers;

(i) habitual neglect of work or gross or habitual negligence of duties;

(j) habitual breach of any rules or instructions for the maintenance and running of any department, or the maintenance of the cleanliness of any portion of the establishment;

(k) frequent repetition of any act or omission for which a fine may be imposed under the Act;

(l) canvassing for union membership or the collection of union dues within the premises of the establishment, without permission of manager or employer, except in accordance with any law, agreement, settlement or award;

(m) wilful damage to work in process or wilful negligence or action causing financial loss or damage to employer's property;

(n) holding meeting within the premises of the establishment without the consent or permission of the employer or manager;

(o) disclosing to any unauthorised person any information in regard to the manufacturing process of the establishment or trade secrets which may come into the possession of the employee in the course of his employment and which may be prejudicial to the interest of the establishment;

(p) gambling within the premises of the establishment.

(2) Every employer shall display or cause to be displayed at or near the main entrance of the establishment, a copy of the list of acts and omissions specified under sub-rule (1) in English and in Ma-

rathi or Konkani (in both Roman and Devnagiri scripts). If the establishment consists of several departments, such lists shall be displayed in each department.

23. Procedure for terminating the services of an employee. — (1) No employer shall terminate the services of an employee under section 39 unless an enquiry is held against the employee concerned in respect of any alleged misconduct in the manner set forth in sub-rule (2).

(2) An employee against whom an enquiry has to be held shall be given a charge-sheet clearly setting forth the nature and details of misconduct alleged against him and requiring explanation. He shall be given an opportunity to answer the charge and permitted to be defended by another workmen of the establishment. He shall also be permitted to produce witnesses in his defence and cross-examine any witness on whose evidence the charge rests. A concise summary of the evidence led on either side and the employee's plea shall be recorded in a register to be maintained for this purpose.

(3) In awarding punishment under this rule, the employer shall take into account the gravity of the misconduct, the previous record, if any, of the employee and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the employer shall be supplied to the workman concerned.

24. Appeals under the section 40. — (1) The Commissioner shall be the appellate authority for the purpose of hearing appeals under sub-section (1) of section 40 and any such appeal shall be preferred by the employee in form XIV within sixty days from the date of service of the order terminating his services with the employer, such service to be deemed effective if carried out either personally or if that be not practicable by prepaid registered post to his last known address when the date of such service shall be deemed to be the date when the letter would arrive in ordinary course of post.

Provided the period of 60 days specified above is not a bar if the appeal is preferred with sufficient reasons to the entire satisfaction of the appellate authority.

(2) The Commissioner shall record briefly the evidence adduced before him and then pass orders giving his reasons therefor. The result of the appeal shall be communicated to the parties as soon as possible. Copies of the orders shall also be furnished to the parties if required by them. The copies shall be on stamped papers to be furnished by the parties. For the purposes of this rule, the fee to be levied shall be as specified in schedule C.

(3) *Powers of authority appointed under section 40.* — The Commissioner while hearing appeals under this rule shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and he shall be deemed to be a Civil Court for the purposes of section 195 and of Chapter XXXV of the Code of Criminal Procedure, 1898 (Central Act 5 of 1898).

Recovery of Claims

25. Application for payment of wages or gratuity etc. — An application under section 43 or sub-section (2) of section 44 by or on behalf of an employee or dependant in case of deceased employee or group of employees, shall be made in duplicate in form XV or form XVI as the case may be, one copy of which shall be affixed with a court fee stamp of the denomination specified in schedule C.

26. Authorisation. — The authorisation to act on behalf of an employee or employees under section 43 or sub-section (2) or section 44, shall be given in form XVII by an instrument which shall be presented to the authority hearing the application and shall form part of the record.

27. Procedure for dealing with application for recovery of wages or gratuity etc. — (1) Any person desiring to act on behalf of any employee shall present to the authority appointed under section 42 of the Act a brief written statement explaining his interest in the matter and praying for permission so to act, and the authority shall record thereon an order specifying, in the case of a refusal to grant the permission prayed for, the reasons for the refusal.

(2) Applications under rule 25 or other documents relevant to such applications shall be presented in person to the authority appointed under section 42 of the Act at any time during hours to be fixed by the authority or shall be sent to the authority by registered post, and the authority shall at once endorse or cause to be endorsed on each such application or other document the date of presentation or receipt thereof, as the case may be.

(3) On receipt of an application the authority shall by issuing a notice in form XVIII call upon the applicant as well as the employer, as the case may be, to appear before him on a specified date together with all relevant documents and witnesses, if any.

(4) If the employer fails to appear on the specified date, the authority may proceed to hear and determine the application ex-parte.

(5) If the applicant fails to appear on the specified date, the authority may dismiss the application:

Provided that an order passed under sub-rule (4) or sub-rule (5) may be set aside on sufficient cause being shown by the defaulting party within 30 days of the date of the said order and the application shall then be reheard after service of notice on the opposite party of the date fixed for rehearing in the manner specified in sub-rule (3).

28. Costs. — (1) The authority appointed under sections 40 or 42 of the Act, for reasons to be recorded in writing, may direct that the costs of any proceeding pending before it shall not follow the event.

(2) The cost which may be awarded shall include: —

(i) expenses incurred on account of court-fees;

(ii) expenses incurred on subsistence money to witnesses;

(iii) pleader's fees to the extent of twenty five rupees provided that the authority, in any proceedings, may reduce the fees to a sum not less than ten rupees or for reasons to be recorded in writing, increase it to a sum not exceeding fifty rupees.

(3) Where there are more than one pleader or more than one applicant or opponents the authority may, subject as aforesaid, award to the successful party or parties such costs as it may deem proper.

(4) The authority may fix the fees on the payment of which any person entitled to do so may obtain copies of any document filed with such authority:

Provided that such authority may in consideration of the poverty of the applicant, grant copies free of cost.

29. Court fees.—The Court fee payable in respect of proceedings shall be as prescribed in schedule C.

Inspectors

30. Appointment of Inspectors.—(1) No person shall be appointed to be an Inspector under the Act, or having been so appointed, shall continue to hold office, if he has or acquires, directly or indirectly by himself or by any partner, any share or interest in any establishment to which the Act applies in the area for which he is to be or has been appointed:

Provided that nothing in this sub-rule shall apply—

(i) to any person who has been permitted by the Authority competent to appoint him as Inspector to hold or acquire directly or indirectly by himself or in the name of any member of his family living with him or dependent on him, any share or interest in any registered Co-operative Bank or Co-operative Society or in any public limited company, or

(ii) to any person who acquires by inheritance any share or interest in any firm or business but who is not a working partner therein.

(2) Every Inspector shall by the end of January, each year furnish a declaration regarding his interest directly or indirectly in any establishment to which the Act applies.

(3) No Inspector shall be posted in any area where any establishment, in which he has any interest, is situated.

(4) The Inspector shall make such inspection under section 50(b) as may appear to him to be necessary for the purpose of satisfying himself that the provisions of the Act and the rules and any orders issued by the Government under the Act are duly observed. In particular, he shall satisfy himself—

(i) that the establishments are duly registered under the Act;

(ii) that the registers, records and notices required to be maintained or displayed under the

Act or these rules are properly maintained or displayed;

(iii) that the intervals of rest and holidays required to be granted or observed under the Act are granted and observed and that the limit of hours of work and spread-over laid down under the Act are not exceeded;

(iv) that the provisions of the Act and any orders issued by the Government regarding the opening and closing hours are duly observed;

(v) every employee in an establishment is furnished with a letter of appointment as required under sub-section (5) of section 57;

(vi) that the provisions of the Act and rules regarding leave, holidays with wages and maternity benefits are properly observed;

(vii) that the provisions of the Act and the rules relating to cleanliness, ventilation, precautions against fire and safety of employees are properly observed;

(viii) that the provisions of the Act and rules relating to the payment for overtime work are duly observed; and

(ix) that no child is allowed to work in any establishment.

(5) For carrying out such inspection, the Inspector may interrogate such persons in the premises, as he may deem necessary:

Provided that no such person shall be required under this rule, to answer any question the answer to which might tend to incriminate him.

(6) *Diary.*—The Inspector shall keep a file of the records of his inspections arranged suitably and shall submit to the Commissioner a diary in form XIX showing work done under the Act and these rules in the preceding month, retaining a copy of the same with him.

Registers and Records

31. Maintenance of registers and records and display of notices.—Every employer shall maintain the following registers and records and display notices under section 57 in the following manner in addition to those prescribed elsewhere under these rules:—

(1) Every employer shall maintain a register of employment in form XX or in form XXI where opening and closing hours are uniform and display notice of hours of work of employees in form XXII.

(2) A register of wages shall be maintained in every establishment and shall be kept in form XXIII which shall include the following particulars:—

(a) Rate of wages payable to an employee;

(b) Overtime wages paid to an employee;

(c) The gross wages earned by each employee for each wage period;

(d) The total of all deductions made from those wages;

(e) The wages actually paid to each employee for each wage period;

(f) Signature or thumb impression of an employee.

(3) (a) *Intimation regarding close day.* — Every employer of a shop (or an establishment intending to close/observe weekly holiday) shall notify to the Inspector regarding the choice of close day or change thereof in form XXIV and display the notice in form XXV after obtaining signature of the Inspector. This notice shall be displayed in a prominent place in every premises of the shop/establishment.

(b) Every employer of an establishment other than a shop shall exhibit in his establishment a notice in form XXVI specifying the day or days of the week on which the employees shall be given a holiday. The notice shall be exhibited before the persons to whom it relates cease work on the Saturday immediately preceding the first week during which it is to have effect.

(4) Every employer shall exhibit in his establishment a notice containing such extracts of the Act and rules in English and in Marathi or Konkani (in both Roman and Devnagiri scripts) as notified in this behalf by Government in the Gazette.

(5) Any notice required to be exhibited under these rules shall be exhibited in such manner that it can be readily seen and read by any person whom it affects and shall be renewed whenever it becomes defaced or otherwise cease to be clearly legible.

(6) Every employer of a residential hotel or restaurant or eating house or theatre or any place of public amusement or entertainment shall maintain a register in form XXVII showing the compensatory holidays allowed to employees deprived of notified holidays as per sub-section (1) of section 24.

(7) Every employer of an establishment allowing more number of holidays than notified by Government under sub-section (1) of section 24, shall send a list of holidays to the Inspector of the area and shall also display such list in form XXVIII.

(8) In any register or record which an employer is required to maintain under these rules, the entries relating to any day, shall be made on the same day and shall be authenticated under the signature of the employer or the manager on the same day. The entries relating to overtime work shall be made before the commencement and immediately after completion of such overtime work.

(9) The registers, records and notices relating to any calendar year shall be preserved for a period of three years after the last entry is made therein.

(10) Save as otherwise provided in sub-rule (4), all registers, records and notices required to be maintained, exhibited, shall be either in English or in Marathi or Konkani (in both Roman and Devnagiri scripts).

(11) Every register required to be maintained under these rules shall be duly bound and its pages duly numbered.

(12) (a) Every employer shall maintain a visit book in which an Inspector visiting the establishment may record his remarks regarding any defects that may come to light at the time of his visit or give directions regarding production of any documents required to be maintained or produced under the provisions of the Act and the rules.

(b) The visit book shall be a bound book more or less of size 21×18 cms. containing at least 100 pages.

(c) The covering page of the visit book shall contain the following particulars:—

(i) Name of the employer.

(ii) Name of the shop or establishment.

(iii) Address.

(iv) Registration number.

(v) Residential addresses of the employer(s) and manager(s).

(d) In case the visit book containing remarks passed by the Inspector is lost, destroyed or defaced the employer of the establishment shall report the fact forthwith in writing to the Inspector of the area and immediately arrange to maintain a new visit book.

(e) The visit book shall be in the custody of the employer or any person duly authorised by him and shall be kept always in the business premises of the establishment and shall be produced on demand by the Inspector. For the purpose of this sub-rule, employer of any establishment includes an owner of an establishment without employees.

(13) Where an office, store-room, godown, warehouse or work-place used in connection with the trade and business of a shop is situated at premises other than the premises of the shop, all registers, records, visit book and notices required to be maintained, exhibited or given under the Act and the rules shall be separately so maintained, exhibited or given in respect of and at such office, store-room, godown, warehouse or work-place.

(14) No employer with intent to deceive shall make or cause or allow to be made, in any register, record or notice prescribed to be maintained under the provisions of the Act or the rules, an entry which is false in any material particular, or wilfully omits or causes or allows to be omitted, from any such registers, record or notice, an entry which is required to be made therein, under the provisions of the Act and rules, or shall maintain or cause or allow to be maintained, more than one set of any register, record or notice.

32. Admissibility of forms other than those prescribed in the rules. — If, on an application made by an employer or manager in writing, the Commissioner is satisfied that any muster roll, register or record maintained by the employer or manager gives in respect of all or any of the employees in his establishments the particulars required to be shown in any register, record or notice prescribed under these rules, the Commissioner may by order in writing direct that such muster roll, register or record shall to the corresponding extent be maintained in place

of such register, record or notice, prescribed under this rule as the case may be.

33. Period for supplying information required by Inspector. — Any information or document required by the Inspector for carrying out the purposes of the Act and the rules shall be furnished to him by the employer of an establishment within one week from the date of receipt of such requisition by the employer.

34. Periodical returns. — Every employer having five or more employees shall send a return in form XXIX for month ending 31st March, 30th June, 30th September and 31st December of every year so as to reach the Inspector within whose jurisdiction the establishment is situated not later than 10th of the following month to which the return relates, endorsing a copy thereof to the Commissioner.

35. Letter of appointment. — Every employer shall furnish to all employees with letters of appointment in form XXX under sub-section (5) of section 57 and obtain acknowledgement in token of having served the said letter.

36. Authority to decide certain questions. — (1) The Commissioner shall be the authority for purposes of deciding matters specified in sub-section (7) of section 3 and section 62 of the Act. Before giving any decision, he shall hear the concerned parties or give them an opportunity of being heard.

(2) For the purposes of section 43(1) the prescribed authority shall be the Commissioner.

37. Penalty. — Any person who contravenes any of the provisions of the rules shall, on conviction, be punishable with fine which may extend to fifty rupees.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. Noronha, Under Secretary, Industries and Labour.

Panaji, 24th January, 1975.

SCHEDULE A

The Statement in Form I shall be sent to the Inspector together with the fees prescribed in this schedule:

Sr. No.	Categories of Establishments	Reg. fee
1.	Shop/Establishment employing no persons	Rs. 5/-
2.	Shop/Establishment employing 5 or less than five persons	Rs. 10/-
3.	Shop/Establishment employing more than 5 but less than 10 persons	Rs. 20/-
4.	Shop/Establishment employing 10 and above but less than 20 persons	Rs. 40/-
5.	Hotels, Restaurants, Residential Hotels, Theatres or other places of Public amusement or entertainment or Shop/Establishment employing 20 or more persons	Rs. 50/-

SCHEDULE B

(See Rule 8)

The notice of change in Form VI shall be sent to the Inspector together with fees prescribed as below: —

Sr. No.	Categories of Establishments	Fee for any change
1.	Shop/Establishment employing 20 or more persons	Rs. 2/-
2.	Other shops/Establishments	Re. 1/-

SCHEDULE C

The amount of fees for the different types of proceedings shall be as set out below:

Sr. No.	Description of proceedings	Amount of fees
1.	Application for (i) preferring an appeal under section 40 and rule 23 (ii) preferring second appeal to Labour Court	Re. 1/- (One rupee) Rs. 2/- (Two rupees)
2.	Application for payment of wages, gratuity, etc. under section 43/44 (i) Individual application (ii) Group application	Re. 1/- (One rupee) Rs. 5/- (Five rupees)
3.	Court fee on instrument showing authorisation	Re. 1/- (One rupee)
4.	Fees for copies of documents	Same fees as levied by Civil Courts from time to time
5.	Application to summon witnesses — (i) For the first witness mentioned in the application (ii) For every subsequent witness	Re. 0-50 (fifty-paise) Re. 0-25 (Twenty five paise)
6.	Application for recovery of amounts due	Re. 1/- (One rupee)

FORM I

(See rule 3)

Statement under Section 3(1)

- Name of Shop/Establishment, if any:
- Door No. and Name of the Street and exact location of the Shop/Establishment and postal Address:
- Exact location of office, store-room, godown, warehouse, or work place, if any, attached to shop but situated in premises different from those of shop/Establishment.
- Full name of the employer, including his father's name.
- Residential address of the employer.
- Full name of Manager, if any, including his father's name, and his residential address.
- Names of the partners, if any, and their residential addresses (if a partnership concern).
- Category of establishment, i.e. whether a shop, commercial establishment, residential hotel, restaurant, eating house, theatre, cinema or other place of public amusement or entertainment etc.

9. Nature of business.

10. Date of commencement of business.

11. Names of members of employer's family engaged in the shop/establishment.

	Relationship	Adults	Young persons
Males			
Females			
Total			

12. Names of other employees:
(i) in a managerial capacity.
(ii) as sweeper, caretaker and travelling staff.
(iii) as persons employed for loading and unloading of goods at godown.

13. Total number of employees:

	Adults	Young persons
Males		
Females		
Total		

14. Details of remittances: (Enclose chalan obtained from treasury/State Bank).

Name of the Treasury	Chalan No. and date	Amount of fee paid

I hereby declare that the above information is true to the best of my knowledge and belief.

Signature of employer.

Date:

Note:

1. This statement shall be sent to the Inspector concerned with such fees as prescribed in Schedule A.

2. Item 3 should be filled only when the office, store room, etc., are not separately registered under the Act. In respect of such store rooms, etc., not separately registered, particulars required under item 11, 12, 13 should be given separately for each office, store room, etc.

3. If any item is not applicable enter «Not Applicable».

FORM II
(See Rule 5)

Register of Establishments

- Part I — Shops
- Part II — Commercial Establishments.
- Part III — Residential Hotels, Restaurants, eating house, lodging houses and cafes.
- Part IV — Theatres, Cinemas and other places of public entertainments or amusements.

Serial Number	Registration Certificate No. and date of registration	Name of Establishment	Name of the employer with residential address	Names of partners and their residential addresses	Name of the Manager, if any with residential address	Postal address and exact location of the Establishment	Exact location of office, store room, godown, warehouse or workplace, if any, attached to Establishment but situated in premises different from those of the Establishment	Nature of Business	Date of commencement of business	Number of members of employer's family who are not «employees» within meaning of Section 2(7)			Number of other persons occupying position of management drawing Rs. 500/- on average per month	No. of other persons employed such as Travelling Staff etc.	Total Number of Employees			Date of Inspection in connection with the registration	Fees paid Chalan No. and Date	Remarks
										Adult Men	Women	Young Persons			Adult men	Women	Young persons			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21

FORM III
(See Rule 5)

Registration Certificate of Establishment

1. Registration Number —
2. Name of the Establishment —
3. Postal address of Establishment —
4. Name of the employer —
5. Nature of Business —

It is hereby certified that ... has been registered as ... this day ... of 197 ...

Signature of Inspector

Seal.

Renewals

Date of renewal	From	To	Signature of Inspector with seal

FORM IV
(See Rule 6)

Renewal of Registration Certificate

Category of Establishment ...
Total No. of Employees ...
Name of Establishment and Postal Address ...
.....

To
The Inspector,
...

Sir,
As the period of Registration Certificate No. ... originally granted/subsequently renewed to us is to expire/has already expired on ..., I (We) have to request for its renewal. The original certificate is enclosed.

Sginature of Employer
Date: ...
Place: ...

FORM V
(See Rule 7)

Notice of Loss of Registration Certificate and Application for Issue of Duplicate Certificate

Name of the Establishment: — ...
Address: — ...
Registration No.: — ...

To,
The Inspector,
Sir,

This is to inform you that the registration certificate of this establishment has been lost/destroyed/defaced due to ... (here specify the reasons/circumstances). Please issue a duplicate certificate.

Challan No. ... Date ... For Rs. ...
is enclosed herewith.

Date: ...
Yours faithfully,
(Signature of Employer)

FORM VI
(See Rule 8)

Notice of Change

Name of the Establishment already registered: ...
.....
Name of the Employer: ...
Registration Certificate Number: ...
Address: ...
Dated the ... day of ... 197 ...

To,
The Inspector ...
(Under Goa, Daman and Diu Shops and Establishments Act, 1973)

Sir,
Notice is hereby given that the following change has taken place in respect of information forwarded to you in Form I which please note. The registration certificate and chalan No. ... dated ... for Rs. ... is enclosed.

Signature of the Employer.

Note:— The Notice of change in this form shall be sent together with such fees as are prescribed in Schedule B.

FORM VII
(See Rule 10)

Certificate of Age

I hereby certify that I have personally examined (name) ... son/daughter of ... residing at ... and that he has completed his/her twelfth/eighteenth year of age.

Identification/Description marks are:—
(1)
(2)

Signature or thumb impression of employee. Medical Practitioner.
Registration Number.

FORM VIII
[See Rule 11(1)(c)]

Record of Limewashing etc.

Part of Establishment e. g. name of room	Parts lime/colour washed, painted or varnished e. g. walls, wood work, ceilings, etc.	Treatment (whether lime/colour washed, painted or varnished)	Date on which lime/colour washing, painting or var- nishing was carried out (according to English Calendar)			Signature of Employer	Remarks
			Day	Month	Year		
1	2	3	4			5	6

FORM IX

[See Rule 17(3)(a)]

Register of Fines

Name of the establishment and address:

Registration number:

[illegible]

FORM X

[See Rule 17(4)]

Register of deductions for damage or loss caused to the employer by the neglect or default of employees

Name of the establishment and address:

Registration number:

[illegible]

FORM XI

[See Rule 19(4)]

Register of advances to the employees

Name of the establishment and address:

Registration number:

[illegible]

FORM XII
[See Rule 21(3)]

Register of Leave

Name and address of the establishment:

Name of employer:

Registration No.

Name of employee.

Father's name.

Date of appointment.

Earned Leave with Wages

1	2		3	4		5	6		7	
Date of Application	Applied		No. of days of leave to which he is entitled	Leave granted		Balance	If refused in part or full		Signature	
	From Date	To Date		From Date	To Date		From Date Reasons	To Date	Employee	Employer

Sick Leave

1	2		3		4	5			6	
Date of Application	Applied		Leave granted		Balance due	If refused in part or full			Signature	
	From Date	To Date	From Date	To Date		From Date	To Date	Reasons	Employee	Employer

Casual Leave

1	2		3		4	5			6	
Date of Application	Applied		Leave granted		Balance Due	If refused in Part or full			Signature	
	From Date	To Date	From Date	To Date		From Date	To Date	Reason	Employee	Employer

Maternity Leave

1	2		3		4	
Date of Application	Applied		Leave granted		Signature	
	From (date)	To (date)	From (date)	To (date)	Employee	Employer

FORM XIII

Prescribed under rule 21(4)

(Shall be the same as register of leave with wages (form XIII) but shall be made out separately for each worker on a thick bound sheet or in the form of bound note book).

FORM XIV

[See Rule 24(1)]

Form of Appeal under section 40(1)(b) arising out of termination of services

Before the Commissioner ...

Appeal No. ... 197

Shri ...

Appellant
(Employee)

V/s

S/Shri ...

Respondent
(Employer)

The Appellant states as follows:—

1. I, ..., son/wife of ... was employed as ... in the service of S/Shri ..., Employer in his establishment known as ... from (date)
2. The address of appellant for service of all notices is as follows:
3. The address of Respondent (Employer) for service of all notices is as follows: ...
4. The respondent (Employer) has without a reasonable cause and for no misconduct or fault of the appellant has terminated the services of the appellant with effect from ... or served a notice dated ... to terminate the services with effect from
5. The respondent has terminated services of the appellant/ transferred establishment to new Employer, S/Shri ... without giving (i) one month's notice in writing or wages in lieu thereof and (ii) gratuity amounting to Rs. ... (Rupees ...) as the appellant has put in a service of ... years and ... months (From date ... to date ...). Hence, appellant is entitled to receive in addition wages for 2 months amounting to Rs. ... (Rupees ...) in terms of sub-section (2) of section 39.
6. The services of appellant have been terminated wrongfully as he has not committed any acts or omissions prescribed in rule 22/ as the Employer has not followed the procedure laid down in rule 23/ as the punishment imposed is disproportionate to the misconduct, if any, committed, etc., etc., (attach detailed grounds with copies of documents, if any).
7. The appellant has retired/resigned for reasons stated below on date: But gratuity is amounting to Rs. ... (Rupees ...) based on service of ... years ... months (from date ... to date ...). Hence, appellant is entitled to receive in addition wages for 2 months amounting to Rs. ... (Rupees ...) in terms of sub-section (3) of section 39.
8. The wages of appellant is estimated to be Rs. ... (Rupees ...) per month.
9. Hence, the appellant prays that a direction may be issued to the Respondent (Employer) under sub-section (2) of section 40 for:
 - (a) reinstatement of appellant in services of Employer.
 - (b) payment of full wages from the date of termination till the date of reinstatement.
 - (c) payment wages in lieu of notices amounting to Rs.
 - (d) payment of gratuity amounting to Rs.
 - (e) payment of additional wages amounting to Rs.

- (f) payment of compensation amounting to Rs.
- (g) payment of costs as follows:—
 - (i) Court fees amounting to Rs.
 - (ii) witness expenditure Rs.
 - (iii) Pleader's fees Rs.
- (h) Any other relief as the authority deems fit.

The total relief claimed above amounts to Rs. ... (Rs. ...).

The appellant hereby certifies that the statement of facts contained in this plaint is true to the best of his knowledge and belief.

The appellant craves leave to add to or amend this plaint.

Date: ...

Signature or thumb impression
of Appellant (Employee)

FORM XV

(See Rule 25)

Application for payment of wages etc.

In the Court of the Authority appointed under section 42 of the Goa, Daman and Diu Shops and Establishments Act, 1973.

Application No. ... of ... 19

Between A. B. C. Applicant
(through Shri ... a legal practitioner and official of ... which is a registered trade Union).

And

X. Y. Z.

Opposite Party

The applicant(s) state(s) as follows:

1. A. B. C. is a (are) persons employed in ... establishment entitled ... and reside(s) at ...

The address of the applicant(s) for the services of all notices and processes is:

2. X. Y. Z. ... the opposite party is the person responsible for the payment of his (their) wages under the Act, and his (their) address for the service of all notices and process is:

3. (a) The applicant's wages have not been paid for the following wage period(s) (give date) ... or a sum of Rs. ... has been unlawfully deducted from his wages of ... (amount) for the wage period(s) which ended on (Give date/dates) ...

(b) (here give any further claim or explanation).

4. The applicant(s) estimate(s) the value of the relief sought by him (them) at the sum of rupees ...

5. The applicant(s) pray(s) that a direction may be issued under said Act for:

(a) payment of his (their) delayed wages or gratuity as estimated or such greater or lesser amount as authority may find to be due or refund of the amount illegally deducted.

(b) Compensation amounting to ...

(c) Costs amounting to:—

The applicant(s) certify(ies) that the statement of facts contained in his application is true to the best of his knowledge and belief.

Signature or thumb impression of the employee(s) or legal Practitioner or Official of a registered trade union duly authorised.

Date:

Note:— When the application is by a group of employees the thumb impressions or signatures of two of the applicants need be put to the application and a full list of applicants should be attached.

FORM XVI
(See Rule 25)

Form of application by an inspector or person permitted by the authority or authorised to act

In the Court of the Authority appointed under Section 42 of the Goa, Daman and Diu Shops and Establishments Act, 1973.

Application No. ... of 197

Between

A. B. C. (Designation) ... An Inspector under the (Shops and Establishment Act, 1973 or a person permitted by the Authority/authorised to act under section 43) — Applicant.

And

X. Y. Z.

The Opposite Party

The applicant states as follows:

1. X. Y. Z. the opposite party, is the person responsible under the Act for the payment of ... of wages to the following person(s).

- (1)
- (2)
- (3)
- (4)
- (5)

2. His address for the service of all notices and processes is:

3. The wages of the said person(s) due in respect of the following wages period(s) have not been paid/have been subjected to the following illegal deductions:

4. The applicant estimates the value of the relief sought for the employee(s) at the sum of Rs. ...

5. The applicant prays that a direction may be issued under the said Act for:

6. Payment of the delayed wages as estimated or such greater or lesser amount as the Authority may find to be due.

- (a) refund of the amount illegally deducted
- (b) Compensation amounting to:
- (c) Cost amounting to:

The applicant certifies that the statement of facts contained in this application is true to the best of his knowledge and belief.

Date:

Signature

FORM XVII
(See Rule 26)

Letter of authorisation

In the Court of the Authority appointed under Section 42 of the Goa, Daman and Diu Shops and Establishments Act, 1973.

Application No. ... of 197

- 1.
- 2.
- 3.

Versus

- 1.
- 2.
- 3.

I/We hereby authorise Shri ... a legal practitioner, an official of the registered Trade Union of ... to appear and act on my/our behalf in the above described proceedings and to do all things incidental to such appearing and acting.

Signature or thumb impression of employees

Witnesses: (1)
(2)

I accept the authorisation

Signature:

Address:

FORM XVIII

[See sub-rule (3) of rule 27]

Notice for the disposal of application

To

Whereas under Goa, Daman and Diu Shops and Establishments Act, 1973, a claim has been presented to me/by/against you by an application (copy enclosed) you are hereby called upon to appear before me either personally or through a duly authorised person in this behalf, for the purpose of answering all material questions relating to the application on the ... day of ... 19 ... at ... O'clock in the fore/after-noon in support of/to answer the claim and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on what day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your claim/defence.

Take notice that in default of your appearance on the ... day before mentioned, the application will be dismissed/heard and determined in your absence/ex-parte.

Given under hand and seal, this ... day of ... 19...

Signature of Authority

Seal

FORM XIX

[See Rule 30(6)]

Monthly Diary of Inspector for the month ending ... 197...

Date	Place	Establishments Inspected	Purpose of Inspection	Remarks of defects found and directions and orders issued
1	2	3	4	5

Signature of Inspector

Submitted to Commissioner,
Labour and Employment, Panaji.

FORM XX

[See Rule 31(1)]

Register of Employment

- 1. Year and Month.
- 2. Name and Address of the Establishment:
- 3. Name and Address of the Employer:
- 4. Registration Number of the Establishment:
- 5. Name of Employee:

6. Father's or Husband's name:
7. Age:
8. Nature of work:
9. Date of Appointment:

Date	Time at which employment commences	Time at which employment ceases	Spread Over	Rest Interval			Total Working hours	Over Time			Total overtime worked for the			Remarks
				From	To	Total		From	To	Total	Week	Month	Quarter	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1st														
2nd														
3rd														
4th														
5th														
etc.														
upto														
31st														

Note: Mark 'H' shall be made to any day on which holiday is given in accordance with the notice referred to in sub-rule (3) of Rule 31.

FORM XXI
[See Rule 31(1)]
Register of Employment

Name of Establishment and address: Registration Number: ...
Name of Employer and address: Working Hours From ... to ...
Rest Interval From ... to ...

Sr. No.	Name of employee	Father's/ Husband's name	Age	Nature of work or designation	Date of Appointment	Hours worked during wage period ending	Total hours worked		Remarks
							Normal	Overtime	
1	2	3	4	5	6	7	8	9	10
						1 2 3 4 5 6 7 8 9 31			

Note: Mark 'H' shall be made on any day on which holiday is given.

FORM XXII
[See Rule 31(1)]

Notice of hours of work commencing ... 19...

Name of Employer and Establishment:		Description of Department		
Name of persons employed		Whether young persons or not	Day	
			Employment to commence	Employment to cease
			Intervals for meals & rest	
1	2	3	4	5
1.				
2.				
3.				

Note: — (1) The hours above shall be exclusive of overtime.
(2) Actual times to be noted in col. 4.

Signature of employer
Dated:

FORM XXVIII

[See sub-rule (7) of rule 31]

FORM XXX

(See Rule 35)

List of holidays with wages for the year ending ...

Letter of Appointment

Name of the Establishment: Registration No. ...
Address:

Name and address of the establishment ...

Name and address of the employer ...

Registration Number ...

Sr. No.	Name of the holiday	Date	Remarks
1	2	3	4

Signature of the employer

To
The Inspector
Goa, Daman and Diu,
Shops and Establishments
Act, 1973.

1. Shri/Shrimati/Kumari ... son/wife/daughter of ... aged (date of birth) ... is appointed as * in this establishment, with effect from ... in the scale of pay Rs. ...

2. He/She will draw a total of Rs. ... per day /week/month composed of the following, namely: —

- i. Basic pay of
- ii. Dearness Allowance
- iii. Other allowances

3. The other terms and conditions of service will be as under: —

- i) ...
- ii) ...
- iii) ...

FORM XXIX

(See Rule 34)

Return for the month of March/June/September/December

- 1. Name and address of the Establishment.
- 2. Name and address of the Employer.
- 3. Category of the establishment ***
- 4. Number of days worked during the month.
- 5. Normal working hours.
- 6. Rest intervals: Hours.
- 7. No. of employees and their earnings.

Men, women and young persons	No. in employment at the end of the month	No. of man days worked during the month	Emoluments paid in cash before deductions	Money value of concession in kind	Ex-gratia cash payment, adhoc payments, bonus, etc.	Contributions by employer to social security funds	No. of unpaid helpers
1	2	3	4	5	6	7	8

*** Whether the establishments is a (i) Shop, (ii) Commercial Establishment.
(iii) Restaurant, Eating House or Hotel, (iv) Theatre or a place of public entertainment or (v) other type should be mentioned here.
C. C. to Commissioner.

Signature of employer

To

Shri/Smt./Kumari §

Note: Strike out the words which are not applicable.
* Describe nature of appointment, designation, etc.
§ Enter full address of the employee.