



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Shops and
Establishments (Amendment)
Bill, 2012**

(Bill No. 11 of 2012)

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

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
18th JULY, 2012

The Goa Shops and Establishments (Amendment) Bill, 2012

(Bill No.11 of 2012)

A

BILL

*further to amend the Goa, Daman and Diu Shops
and Establishments Act, 1973.(Act 13 of 1974)*

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

10 1. *Short title and commencement.*— (1) This Act
may be called the Goa Shops and Establishments
(Amendment) Act, 2012.

(2) It shall come into force at once.

15 2. *Amendment of section 2.*— In section 2 of the
Goa, Daman and Diu Shops and Establishments
Act, 1973 (Act 13 of 1974) (hereinafter referred to
as the "principal Act"),-

(i) in clause (4), sub-clause (c) thereof shall
be omitted;

(ii) in clause (9), for the words "and a bank",
the expression ",bank and a financial institution"
shall be substituted;

(iii) clause (10A) shall be renumbered as
clause (10B) and before clause (10B) as so
renumbered the following clause shall be
inserted, namely:—

“(10-A) ‘*financial institution*’ means any non-banking institution which carries on as its business or part of its business any of the following activities, namely:-

(i) the financing, whether by way of making loans or advances or otherwise, of any activity other than its own;

(ii) the acquisition of shares, stock, bonds, debentures or securities issued by a Government or local authority or other marketable securities of a like nature;

(iii) letting or delivering of any goods to a hirer under a hire-purchase agreement as defined in clause (c) of section 2 of the Hire-Purchase Act, 1972 (Central Act 26 of 1972);

(iv) the carrying on of any class of insurance business;

(v) managing, conducting or supervising, as foreman, agent or in any other capacity, of chits or kuries as defined in any law which is for the time being in force in the State of Goa, or any business, which is similar thereto;

(vi) collecting, for any purpose or under any scheme or arrangement by whatever name called, monies in lump sum or otherwise, by way of subscriptions or by sale of units, or other instruments or in any other manner and awarding prizes or gifts, whether in cash or kind, or disbursing monies in any other way, to persons from whom monies are collected or to any other person,

but does not include any institution, which carries on as its principal business,-

(a) agricultural operations; or

(b) industrial activity; or

Explanation.— For the purposes of this clause, “industrial activity” means any activity specified in sub-clauses (i) to (xviii) of clause (c) of section 2 of the Industrial Development Bank of India Act, 1964 (Central Act 18 of 1964);

(c) the purchase, or sale of any goods (other than securities) or the providing of any services; or

(d) the purchase, construction or sale of immovable property, so, however, that no portion of the income of the institution is derived from the financing of purchases, constructions or sales of immovable property by other persons;”

3. *Amendment of section 3.*— In section 3 of the principal Act, in sub-section (1), for the expression “except a bank”, the expression “except a bank and financial institution” shall be substituted.

4. *Amendment of section 3-A.*— In section 3-A of the principal Act, for the word “bank”, wherever it occurs, the words “bank or financial institution” shall be substituted.

Statement of Objects and Reasons

It is proposed to bring all financial institutions within the ambit of the Goa, Daman and Diu shops and Establishments Act, 1973 (Act 13 of 1974) (hereinafter referred to as the "said Act").

In view of aforesaid, the Bill seeks to amend section 3A of the said Act so as to provide for registration of financial institutions under the said Act as also to provide for the renewal of their Certificate of Registration.

Amendment proposed to sections 2 and 3 of the said Act in the Bill are consequential in nature.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa.
Date: 18th July, 2012

Avertano Furtado
Minister for Labour
Assembly Hall,

Assembly Hall,
Porvorim-Goa
Date: 18th July, 2012

(N. B. Subhedar)
Porvorim-Goa.
Secretary to the Legislature
Assembly of Goa.

ANNEXURE

Extract of the Goa, Daman and Diu Shops and
Establishments Act, 1973

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

(2) "child" means a person who has not completed his [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, [] broker's office or exchange; and

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

[(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 the purpose he may take into consideration the valuation made if any, by any local authority.]

3. *Registration of Establishments and renewal of registration certificates.*— (1) Within the period specified in sub-section (3), the employer of every establishment [except a bank] shall send to the Inspector concerned, a statement in the prescribed form together with such fees as may be prescribed, containing—

(a) the name of the employer and the manager, if any;

(b) the postal address of the establishment;

(c) the name, if any, of the establishment;

(d) category of the establishment; and

(e) such other particulars as may be prescribed.

[3-A Registration and renewal of registration certificate in respect of Bank.— (1) Within the period specified in sub-section (3) of section 3, every bank shall send to the Inspector concerned, a statement in the prescribed form together with registration fees amounting to Rs.25,000/-, containing.

(a) the name of the bank and its General Manager or Branch Manager or Regional Manager or Manager, as the case may be;

(b) the postal address of the bank;

(c) such other particulars as may be prescribed.

(2) On receipt of the statement and the registration fees, the Inspector shall, on being satisfied about the correctness of the statement, register the bank in the register of establishments in such manner as may be prescribed and shall issue in the prescribed form a Registration Certificate to the bank which 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 [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.]

Assembly Hall,
Porvorim-Goa.
Date: 18th July, 2012

(N. B. Subhedar)
Secretary to the Legislature
Assembly of Goa.