

**The Goa Labour Welfare Fund
(Amendment) Bill, 2015**

(Bill No.14 of 2015)

A

BILL

*further to amend the Goa, Daman and Diu Labour Welfare Fund Act, 1986
(Act 4 of 1987).*

BE it enacted by the Legislative Assembly of Goa in the Sixty-Sixth Year of the Republic of India, as follows:-

1. **Short title and commencement** - (1) This Act may be called the Goa Labour Welfare Fund (Amendment) Act, 2015.

(2) It shall come into force at once.

2. **Amendment of long title and preamble.** – In the Goa, Daman and Diu Labour Welfare Fund Act, 1986 (Act No.4 of 1987) (hereinafter referred to as the “principal Act”), -

(i) in the long title, the figure and words “, Daman and Diu” shall be omitted;

(ii) in the preamble, for the expression “Union territory of Goa, Daman and Diu”, the expression “State of Goa” shall be substituted.

3. Amendment of section 1.- In section 1 of the principal Act,-

- (i) in sub-section (1), the figure and words “, Daman and Diu” shall be omitted;
- (ii) in sub-section (2), for the expression “Union territory of Goa, Daman and Diu”, the expression “State of Goa” shall be substituted.

4. Amendment of section 2. - In section 2 of the principal Act,-

- (i) in clause (a), the figure and words “, Daman and Diu” shall be omitted;
- (ii) in clause (g), the figure and words “, Daman and Diu” shall be omitted;
- (iii) in clause (i), the figure and words “, Daman and Diu” shall be omitted;
- (iv) in clause (j), the figure and words “, Daman and Diu” shall be omitted.

5. Amendment of section 4.- In sub-section (1) of section 4 of the principal Act, for the expression “Union territory of Goa, Daman and Diu” by the name “the Goa, Daman and Diu Labour Welfare Board”, the expression “State of Goa by the name “the Goa Labour Welfare Board” shall be substituted.

6. Amendment of section 14.- In section 14 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :-

“(1) Every employee shall contribute rupees one hundred and twenty per year to the Fund and every employer and the Government shall, in respect of each such employee, contribute rupees three hundred and sixty and rupees two hundred and forty, respectively, per year to the Fund.”

7. Amendment of section 16.- In section 16 of the principal Act, in sub-section (2), in clause (q), for the word “closure”, the words “layoff or closure” shall be substituted.

8. Amendment of section 24.- In section 24 of the principal Act, the figure and words “, Daman and Diu” shall be omitted.

9. Amendment of section 39.- In section 39 of the principal Act, the figure and words “, Daman and Diu” shall be omitted.

10. Amendment of section 40.- In section 40 of the principal Act, the figure and words “, Daman and Diu” shall be omitted.

Statement of Objects and Reasons

The Goa, Daman and Diu Labour Welfare Fund Act, 1986 (Act 4 of 1987) (hereinafter referred to as the “said Act”) was last amended in the year 2004. There has been a long gap since the last revision of contribution of employer and employee towards the labour welfare Fund. The Bill, therefore, seeks to amend section 14 of the said Act, so as to increase the quantum of contribution from the employee as well as from the employer to the said Fund. The Bill also seeks to increase the Government’s contribution to the said Fund. This will help the Government to further undertake labour welfare measures.

The Bill further seeks to amend section 16 of the said Act so as to authorize the Board to frame Scheme for the workmen affected by lay-off also. Consequently, such workmen shall also stand to benefit.

The Bill also seeks to amend sections 1, 2, 4, 24, 39 and 40 of the said Act so as to omit the figure and words “,Daman and Diu” occurring in the said sections.

This Bill seeks to achieve the above objects.

Financial Memorandum

The proposed amendment shall impose an additional liability to the extent of Rs.1,50,00,000.00 on the Government. Simultaneously, there shall be an added contribution from the employers and employees to the extent of Rs.3,00,00,000.00.

Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

Porvorim-Goa.

AVERTANO FURTADO

Minister for Labour

Date:

Assembly Hall,

(N. B. Subhedar)

Porvorim-Goa.

Secretary to the
Legislative Assembly

of Goa

Date :

Governor's Recommendation Under Article 207 of the Constitution of India

In pursuance of Article 207 of the Constitution of India, I, Smt. Mridula Sinha, the Governor of Goa, hereby recommend the introduction and consideration of the Goa Labour Welfare Fund (Amendment) Bill, 2015, by the Legislative Assembly of Goa.

ANNEXURE

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Extract of sections 1, 2, 4, 14, 24, 39 and 40 of the Goa, Labour Welfare Fund Act,
1986 (Goa Act 4 of 1987)
.....

1. Short title, extent and commencement. - (i) This Act may be called the Goa, Daman and Diu Labour Welfare Fund Act, 1986.
2. It extends to the whole of the Union territory of Goa, Daman and Diu

It shall come into force on such date as the Government may; by notification in the Official Gazette, appoint in this behalf.

2. Definitions. -In this Act, unless the context otherwise requires,-

(a) 'Board' means the Goa, Daman and Diu Labour Welfare Board established under section 4;

(b) 'contractor' means contractor as defined in clause (c) of sub-section (1) of section 2 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970);

(c) 'employee' means any person who is employed for hire or reward do any, work, skilled, unskilled, manual, supervisory, clerical or technical in an establishment for a continuous period of 30 days during the period of 12 months whether the terms of employment be expressed or implied, but does not include any person-(i) who is employed mainly in a managerial capacity; or (ii) who, being employed in a supervisory capacity, draws wages exceeding one thousand and six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by

reasons of the powers vested in him, functions mainly of a managerial nature,

(d) 'employer', means a person who has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent, superintendent or by any other name, such other persons;

(e) 'establishment' means any-(i) factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act 53 of 1948), or any place which is deemed to be a factory under section 85 of that Act, or (ii) motor transport undertaking: as defined in clause (g) of section 2 of the Motor Transport, Workers Act, 1961, (Central Act 27 of 1961), or (iii) establishment, including a society registered under the Societies, Registration Act, 1860 (Central Act 21 of 1860), and a charitable or other trust whether registered under any law applicable to such charitable or other trust or not, which carries on any business or trade or any work in connection therewith or ancillary thereto but does not include an establishment not being a factory which is a unit or department of the Central or any State Government, or (iv) establishment as defined under sub-section (9) of section 2 of the Goa, Daman and Diu Shops and Establishments Act, 1973 (Act 13 of 1974), or (v) establishment of a contractor, or (vi) scheduled employment as defined in clause (g) of section 2 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), or (vii) plantation, or (viii) motor transport service including trucks, engaged in transport of passengers or goods, or (ix) port, dock, wharf or jetty, or (x) inland water transport service including barges, launches, dredgers, engaged in movement, transport or handling of goods or cargo or transport of passengers, or (xi) establishment which the Government may, by notification, declare to be an establishment for the purpose of this Act;

(f) 'Fund' means the Labour Welfare Fund constituted under section 3;

- (g) 'Government' means the Government of Goa Daman and Diu;
- (h) 'Inspector' means an Inspector appointed under section 21;
- (i) 'Legislature' means the Legislative Assembly of Goa, Daman and Diu;
- (j) 'notification' means a notification published in the Official Gazette of the Government of Goa, Daman and Diu and the word "notified" shall be construed accordingly;
- (k) 'Secretary' means the Secretary of the Board appointed under section 20;
- (l) 'unpaid accumulation" means all payment whether called as wages or bonus, gratuity or compensation or by any other name, due to an employee but not paid to him within a period of three years from the date on which payments, become due whether before or after the commencement of this Act but does not include the amount or contribution, if any, paid by an employer to a provident fund established under, the Employees Provident Fund Act, 1952 (Central Act 19 of 1952), and compensation payable under Workmen's Compensation Act; 1923 (Central Act 8 of 1923);
- (m) 'wages' means all remuneration capable of being expressed in terms of money which would, if the terms of employment, express or implied, were fulfilled, be payable to an employee in respect of his employment or of work done in such employment, but does not include- (i) 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 general or special order of the Government, or (ii) any

Contribution, paid by the employer to any pension or provident fund or under any scheme of social insurance, or (iii) any travelling allowance or the value of any travelling concession;

4. *Establishment of Board.* – (1) The Government shall, by notification in the Official Gazette establish a Board for the whole of the Union territory of Goa, Daman and Diu by the name "the Goa, Daman and Diu Labour Welfare Board" for the purpose of administering the Fund and to carry out such other functions as may be assigned to the Board by or under the Act. (2) The Board shall be a body corporate having perpetual succession and a common seal and shall, by the said name sue and be sued.

14. *Contribution to fund by employees and employer.* -(1) Every employee shall contribute six rupees per year to the Fund and every employer shall in respect of each such employee, contribute twelve rupees per year to the Fund. (2) Notwithstanding anything contained in any other law for the time being in force, but subject to the provisions of this Act and any rules made thereunder, the employer shall be entitled to recover from the employee the employee's contribution by deduction from his wages in such manner as may be prescribed and such deduction shall be deemed to be a deduction authorised by or under the Payment of Wages Act, 1936 (Central Act 4 of 1936).

24 . *Mode of recovery of sums payable to Board.*- Any sum payable to the Board or into the Fund under this Act shall, without prejudice to any other mode of recovery, be recoverable on behalf of the Board as arrears of land revenue under the Goa Daman and Diu Land Revenue Code, 1968 (9 of 1969).

39. Amendment of Section 8 of Central Act IV of 1936.- In section 8 of the Payment of Wages Act, 1936 (Central Act 4 of 1936), in sub-section (8), in the last sentence, the following shall be added at the end, namely:-" but in the case of any establishment to which the Goa, Daman and Diu Labour Welfare Fund Act, 1986 applies, all such realisations shall be paid into the Fund constituted under the aforesaid Act."

40. Amendment of section 8 of Central Act 8 of 1923.- To sub-section (4) of section 8 of the Workmen's Compensation Act, 1923 (Central Act 8 of 1923), the following proviso shall be added, namely:-"Provided that in respect of a workman belonging to an establishment to which the Goa, Daman and Diu Labour Welfare Fund Act, 1986 applies, the Commissioner, "shall pay the said balance of the money into the fund constituted under that Act in lieu of repaying to the employer."
