

GOVERNMENT OF GOA, DAMAN AND DIU
Labour and Information Department

Notification

No. 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.**- In 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 ¹[not later than thirty days before the date of its expiry.]

²[Provided that an application for the renewal of registration certificate received after the expiry of said thirty days may be entertained by the Inspector on the applicant paying a penalty equivalent to 25 percent of the registration fees ³[omitted]

The said penalty shall be remitted into the Government Treasury / State Bank of India under Head of Account 0230 – Labour and Employment ; 101- Receipt under Labour Laws; 02 – Fees under the Goa, Daman and Diu Shops and Establishments Act, 1973 .]

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 ⁴[fifty 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.

Healthy 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 time-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 recognized 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 employee 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 the "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 Factories Act, 1948 (Central act 68 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 which the parts of machinery 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 (oz.) bottle containing solution of salvolatile 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 approved 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 (1) 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 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 any 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 installments by deductions from wages, spread over, not more than twelve months;

(3) No installment 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 -

(1) in cases where such deductions wholly or partly made for payments to Co-operative Societies under clause (q) 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 XII 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) Willful 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) willful 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 unauthorized absence without leave for more than fifteen consecutive days or over staying 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 there under;

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

(h) commission of any act subversive of discipline or good behavior on the premises of the establishment such as drunkenness, riotous, disorderly or indecent behavior 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) willful damage to work in process or willful 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 unauthorized 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 Marathi 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 workman 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 both 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 thereof. 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 appeal 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) pleaders 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 these 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 interval 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;
- (0) 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 disestablishment 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 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.

(ib) The visit book shall be a bound book more or less of size 21X18 cms. containing at least 100pages.

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

(1) 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 deduced 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 employee or any person duly authorised by him and shall be kept always in the business's 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, ware house 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 willfully 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, records 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, maybe.

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 (if 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 (if '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.

Panjim, 24th January, 1975.

GOVERNMENT OF GOA

Department of labour

Notification

15/9L88-LAB

Whereas three months' notice of the intention of the Government to extend the provisions of the Payment of Wages Act, 1936 (Central Act 4 of 1936) (hereinafter called the 'said Act'), to the payment of wages to all classes of persons employed in certain establishments was given vide Notification of even number dated' 20-11-1991, published in the Official Gazette, Series I, No. 36 dated 5-12-1991.

And Whereas the said Gazette was made available to the public on the 5th December, 1991; And Whereas no objections and suggestions have been received from the public on the said Notification by the Government.

Now, therefore, in exercise of the powers conferred by sub section (5) of section 1 of the said Act, the Government of Goa hereby extends with immediate effect, the provisions of the said Act to the payment of wages to all classes of persons employed in,

- (i) establishments run by any local authority Municipal Councils; and
- (ii) Shops and establishments as defined under the Goa Shops and Establishments Act, 1973 (Act 13 of 1974)' throughout the State of Goa.

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Labour) .

Panaji, 27th-May, 1992.

¹Substituted in place of words "within thirty days of the expiry of the validity of the registration certificate" vide amendment Rules 2003 .

²Inserted by the Amendment Rules 1990

³The words "subject to a maximum of twenty five rupees" omitted by the amendment Rules 1994.

⁴Substituted by the Amendment Rules 1994 in place of words " One Rupee" There after vide amendment rules 2000 it has been made "Fifty rupee"