

extend to [two years] or; with both, if the offence relates to any other matter:

Provided that in respect of any offence under clause (f), the amount of fine may be such lower figure as may be prescribed.]

31. *Penalty for certain Acts or omissions by holders of licence.*— Whoever, being the holder of a licence or permit granted under this Act or being in the employ of such holder and acting on his behalf,—

(a) fails to produce such licence or permit on demand by any Excise Officer or any other officer empowered to make such demand; or

(b) wilfully does or omits to do anything in breach of any of the conditions of his licence or permit not otherwise provided for in this Act; or

(c) wilfully contravenes any rule made under section 22 of this Act; or

(d) permits drunkenness, disorderly conduct, riot or gambling in any place in which any liquor is sold or manufactured; or

(e) permits persons of notoriously bad character to meet or remain in any such place, shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to [ten thousand rupees or with imprisonment which may extend to six months] or with both.

34. *Vexatious search seizure, etc., by officers.*— (1) [Any Excise Officer or a Police Officer] or other person exercising powers under this Act, or under the rules made thereunder, who,—

(a) without reasonable ground of suspicion searches or causes to be searched any place;

(b) vexatiously and unnecessarily detains, searches or arrests any person;

(c) vexatiously and unnecessarily seizes the movable property of any person, on pretence of seizing or searching for any article liable to confiscation under this Act;

(d) commits, as such officer, any other act to the injury of any person, without having reason to believe that, such act is required for the execution of his duty;

shall, on conviction before a Magistrate, be punished with fine which may extend to two thousand rupees

(2) Any person wilfully and maliciously giving false information and so causing an arrest or a search

to be made under this Act shall be punishable with fine which may extend to two thousand rupees or with imprisonment for a term which may extend to two years or with both.

LA/LEGN/2022/1390

The following bill which was introduced in the Legislative Assembly of the State of Goa on 21st July, 2022 is hereby published for general information in pursuance of Rule-138 of the Rules of Procedure and Conduct of Business of the Goa Legislative Assembly.

The Goa Labour Welfare Fund
(Amendment) Bill, 2022

(Bill No. 25 of 2022)

A

BILL

further to amend the Goa Labour Welfare Fund Act, 1986 (Act No. 4 of 1987).

BE it enacted by the Legislative Assembly of Goa in the Seventy-third 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, 2022.

(2) It shall come into force at once.

2. *Insertion of new section 29A.*— After section 29 of the Goa Labour Welfare Fund Act, 1986 (Goa Act 4 of 1987), the following section shall be inserted, namely:—

“29A Compounding of Offences.— (1) Any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by such Officer, as the Government may, by notification in the Official Gazette, specify, for a sum equivalent to seventy-five percent of the maximum fine provided for such offence, in such manner as prescribed.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date,—

(a) of commission of a similar offence which was earlier compounded;

(b) of commission of a similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Government.

(4) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing to the notice of the court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty percent of the maximum fine provided for the offence, in addition to such fine.

(8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section”.

Statement of Objects and Reasons

The Bill seeks to insert a new section 29A in the Goa Labour Welfare Fund Act, 1986 (Act No. 4 of 1987) so as to enable compounding of offences punishable under the said Act on payment of certain sum as specified therein.

This Bill seeks to achieve the above object.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Clause 2 of the Bill empowers the Government to frame rules for prescribing the form of application and the manner in which the same to be made.

This delegation is of normal character.

Porvorim, Goa. ATANASIO MONSERRATE
21st July, 2022 Minister for Labour and
Assembly Hall. Employment

Porvorim, Goa. NAMRATA ULMAN
21st July, 2022. Secretary to the Legislative
Assembly of Goa.

ANNEXURE-A

Extract of The Goa Labour Welfare Fund, 1986

Section – 1

26. *Penalty for non-compliance with direction.*— Any person who wilfully fails to produce any document required by the Board or to furnish any information called for by the Board or willfully fails to comply with any directions issued by the Board under section 25, shall, on conviction be punished.-

(a) for the first offence, with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both; and

(b) for a second or subsequent offence, with imprisonment for a term which may extend to six