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# GOVERNMENT GAZETTE

## BOLETIM OFICIAL

Government Press

Legislative Assembly of Goa, Daman and Diu

### Notice

Legislature Department

The subscribers to the Government Gazette are kindly reminded that their present subscription term ends on the 31st of March 1966, which is the close of the financial year.

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LA/602/1966

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 8th March 1966 is hereby published for general information in pursuance of the provisions of rule 127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu (Extension of the Indian Majority Act) Bill, 1966

(Bill No. 2 of 1966)

## GOVERNMENT OF GOA, DAMAN AND DIU

Secretariat

Planning and Development Department

### ORDER

CS/143/66

In exercise of the powers conferred by Section 3 of the Essential Commodities Act 1955 (10 of 1955) read with the order of the Government of India in the Ministry of Food and Agriculture (Department of Food) no. GSR 429 and 430 dated the 6th March and with the concurrence of the Central Government, the Lieutenant Governor hereby makes the following further amendment to the Goa, Daman and Diu Sugar Dealers Licensing Order 1963.

For the existing clause 5 of the said Order the following shall be substituted:

5(1) Every licence issued under this Order, shall, unless otherwise specified in the licence, be valid for the period ending on the 31st December of the year in which it is issued and may thereafter be renewed for a further period of one year at a time for each subsequent year.

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

K. B. Lall, Deputy Secretary (P).

Panjim, 1st March, 1966.

A Bill to provide for the extension of the Indian Majority Act, 1875 to the Union Territory of Goa, Daman and Diu.

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

1. **Short title, extent and commencement.** — (1) This Act may be called the Goa, Daman and Diu (Extension of the Indian Majority Act) Act, 1966.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Administrator of the said Union territory may, by notification in Official Gazette, appoint.

2. **Extension of Central Act 9 of 1875.** — As from the commencement of this Act, the Indian Majority Act, 1875, shall extend to, and be in force in the Union Territory of Goa, Daman and Diu, subject to the modification that in section 1 thereof, the words «and it shall come into force and have effect only on the expiration of three months from the passing thereof» shall be omitted.

3. **Repeal.** — Any law in force immediately before the commencement of this Act in the Union Territory of Goa, Daman and Diu or any area thereof, corresponding to the Act extended by section 2 shall stand repealed as from such commencement.

### Statement of Objects and Reasons

At the present moment the age of majority in this Union Territory for the purposes of contract with certain exceptions is 21. In the rest of India a person normally attains the age of majority and is fully competent to enter into contracts when he is 18.

In view of this disparity in ages, conclusion of contracts and entering into commercial transactions by persons domiciled in this Union Territory with those in the rest of India becomes difficult. The Bill seeks to make the age of majority in Goa, Daman and Diu the same as that in the rest of India.

Panjim TONY FERNANDES  
24th February, 1966. Minister for Law

ASSEMBLY HALL P. B. VENKATASUBRAMANIAN  
Panjim, Secretary to the Legislative Assembly  
March 8, 1966. of Goa, Daman and Diu.

LA/603/1966

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on the 8th March 1966 is hereby published for general information in pursuance of the provisions of rule 127 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

### The Indian Partnership (Goa, Daman and Diu Amendment) Bill, 1966

(Bill No. 3 of 1966)

A Bill to amend the Indian Partnership Act, 1932 in its application to the Union Territory of Goa, Daman and Diu

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

**1. Short title, extent and commencement.**— (1) This Act may be called the Indian Partnership (Goa, Daman and Diu Amendment) Act, 1966.

(2) It extends to the whole of the Union Territory of Goa, Daman and Diu.

(3) It shall come into force on such date as the Government of Goa, Daman and Diu may, by notification, appoint.

**2. Amendment of section 5 of the Indian Partnership Act, 1932 (Central Act IX of 1932).**— In section 5 of the Indian Partnership Act, 1932, (hereinafter referred to as the principal Act,) for the words «Burmese Buddhist husband and wife carrying on business as such», the words «a husband and wife under the regime of communion of property carrying on business as such» shall be substituted.

**3. Amendment of section 58.**— (1) In section 58 of the principal Act for the existing sub-section (3), the following shall be substituted:—

«(3) No firm shall be registered by a name which in the opinion of the Registrar is undesirable».

(2) In section 58 of the principal Act, after sub-section (3), as so amended the following shall be added:—

«(4) Any person aggrieved by an order of the Registrar under sub-section (3) may within 30 days from the date of communication of such order, appeal to the State Government whose decision shall be final.

(5) A firm's name shall not contain any of the following words, namely, Union, State, President, Republic, Governor or words expressing or implying the sanction, approval or patronage of Government unless the State Government signifies its consent to the use of such words as part of the firm's name by order in writing.

Provided that nothing in this sub-section shall apply to any firm carrying on business under any such name, before the date of the commencement of the Indian Partnership (Goa, Daman and Diu Amendment) Act, 1966.

(6) Any person who contravenes the provisions of sub-section (5) shall be punishable with fine which may extend to Rs. 500/-».

**4. Amendment of section 74.**— Section 74 of the principal Act shall be renumbered as sub-section (1) thereof and after sub-section (1) so renumbered the following shall be inserted:—

«(2) Notwithstanding anything contained in sub-section (1) and in any other law in force in the Union Territory of Goa, Daman and Diu prior to the 19th December, 1961 the provisions of sub-sections (1) and (2) of section 69 shall apply to all suits instituted in the Union Territory of Goa, Daman and Diu after the 1st January, 1965, even if the cause of action with respect to the said suits had arisen before that date.»

**5. Amendment of Schedule I.**— For Schedule I of the principal Act, the following Schedule shall be substituted:—

#### «SCHEDULE I

#### Maximum Fees

[See sub-section (1) of section 71]

Document of act in respect of which the fee is payable	Maximum fee
Statement under section 58	Three rupees.
Statement under section 60	One rupee.
Intimation under section 61	One rupee.
Intimation under section 62	One rupee.
Notice under section 63	One rupee.
Application under section 64	One rupee.
Inspection of the Register of Firms under sub-section (1) of section 66	Fifty paise for the inspecting one volume of the Register.
Inspection of documents relating to a firm under sub-section (2) of section 66	Fifty paise for the inspection of all documents relating to one firm.
Copies from the Register of Firms	Fifty paise for each hundred words or part thereof».

#### Financial Memorandum

No extra expenditure is likely to be occasioned as a result of these amendments.

#### Statement of Objects and Reasons

When the Indian Partnership Act was made applicable to this Union Territory it became necessary for a firm to register itself before it could institute a civil suit. When the identical provision was first introduced in India there was a conflict of decisions

between the High Courts as to whether the requirement of registration applied even to suits where the cause of action arose before the law required registration. In order to prevent litigants from being put to difficulty by reason of this conflict of decisions, it is proposed to amend the Act in accordance with the recommendations of the Central Law Commission to make it clear that such registration is necessary even when the cause of action arose before the law required registration.

Advantage has been taken of this amendment to change the category of names whose use is prohibited as the names at present contained in the Act were formulated during the British period. Authority has been given to the Registrar to refuse to register a firm with an undesirable name. A right of appeal has been provided to Government.

Similarly, references to Burmese Buddhist husband and wife have been deleted and substituted by a reference to the local regime of communion of property.

In view of the rise in prices the maximum copying fee which may be charged by Government is also sought to be raised.

The Bill seeks to give effect to this act and other incidental objects.

The Administrator has recommended the introduction and consideration of the Bill under section 23 of the Government of Union Territories Act, 1963.

Panjim  
24th February, 1966.

TONY FERNANDES  
Minister for Law,  
Labour, Industries and  
Agriculture

ASSEMBLY HALL P. B. VENKATASUBRAMANIAN  
Panjim, Secretary to the Legislative Assembly  
March 8, 1966. of Goa, Daman and Diu.

### Industries and Labour Department

#### Notification

I&L/1545/65/602

In exercise of powers conferred by section 68 of the Inland Steam Vessels Act, 1917, and in partial modification of this Department's Notification No. I&L/1545/65/3631 dated 26th July, 1965, the Lieutenant Governor of Goa, Daman and Diu, appoints the fifteenth day of March 1966 as the date on which the provisions relating to the examination for certificate of competency shall come into force in the Union Territory of Goa, Daman and Diu.

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

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 28th February, 1966.

LC/2/65/B

In exercise of the power conferred by Section 32 of the Workmen's Compensation Act (VIII of 1923) the Government of Goa, Daman and Diu is pleased

to make the following rules, the same having been pre-published as required vide provisions of Section 34 of the said Act:—

1. **Short title and commencement.**—(1) These rules may be called the Workmen's Compensation (Occupational Diseases) Rules, 1965.

(2) They shall come into force with effect on and from .....

2. **Application.**—These rules shall apply to all workmen employed in any employment mentioned in Part C of Schedule III of the Act.

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

(a) «Act» means the Workmen's Compensation Act, 1923 (8 of 1923);

(b) «asbestosis» shall mean—

(i) a pulmonary fibrosis which manifests itself radiologically as a ground glass appearance of the pulmonary field, of striations or reticular formations more or less marked, particularly diffuse at the bases or diffuse stippling or reticulation over extensive areas of both lung fields, whether or not accompanied by signs of pulmonary tuberculosis, and

(ii) clinically, by the presence of asbestos bodies in the sputum, accompanied by tracheo-bronchitis and emphysema;

(c) «Bagassosis» means a disease which—

(i) manifests itself as an acute allergic response due to sensitisation of the individual to bagasse dust, and

(ii) radiologically, consists of increase in the vascular shadows and increase in haziness and reticulation all over the lungs and increase in the hilar densities and some mottling. In acute phases patchy shadows resembling bronchopneumonia may be seen;

(d) «Medical Board» Means the Pneumoconiosis Medical Board constituted by the State Government under rule 4 or any Medical Board recognised by the State Government for the purpose of these rules.

(e) «pneumoconiosis» means silicosis or coalminers pneumoconiosis or asbestosis or bagassosis or any of those diseases accompanied by pulmonary tuberculosis;

4. **Constitution of Pneumoconiosis Medical Board.**—(1) The State Government shall constitute a Pneumoconiosis Medical Board for the conduct of medical examinations, submission of medical reports and the grant of medical certificates in pursuance of these rules:

Provided that with respect to workmen employed in mines, the State Government may recognise any Medical Board for the purpose of these rules.

(2) The Board constituted or recognised under sub-rule (1) shall consist of three qualified medical practitioners of whom one shall be a radiologist.

5. **Medical conditions under which pneumoconiosis may be considered to be an occupational disease.**—

(1) The diagnosis of pneumoconiosis shall be carried out with all the necessary technical guarantees. Proof

of the degree of development of the pathological or anatomical changes in the respiratory and cardiac systems shall be furnished by the radiographic record and other laboratory records, which shall be accompanied by the report of a full clinical examination, including a report of the industrial history of the person concerned, the record of all occupations in which he has been employed, the nature of the harmful dusts to which he was exposed and the duration of such exposure.

(2) For entitlement to compensation, silicosis and coal miners' pneumoconiosis shall fulfil the following radiological and clinical conditions:

(a) The radiological examination of the workmen must reveal —

- (i) the appearance of generalised micronodular or nodular fibrosis covering a considerable part of both lung fields whether accompanied or not by signs of pulmonary tuberculosis; or
- (ii) in addition to a marked accentuation of the pattern of both lungs, the appearance of one or several pseudotumoral fibrotic formations, whether accompanied or not by signs of pulmonary tuberculosis; or
- (iii) the appearance of both of these types of fibrotic lesions at once, whether accompanied or not by signs of pulmonary tuberculosis;

(b) Serial radiological pictures taken over a period during periodical medical examinations shall, as far as possible, be considered in making definite diagnosis in cases where doubt exists;

(c) Radiological interpretation shall be based on the standard International classification laid down by the International Labour Organisation (Geneva classification).

(d) The clinical examination of the workman concerned must reveal a decreased or deterioration of the respiratory function or cardiac function, or a deterioration of the state of general health, caused by the pathological processes specified above.

**6. Evaluation of disablement.** — (1) The evaluation of disablement shall be made by reference to the physical (anatomical, physiological, and functional) and mental capacity for the exercise of the necessary functions of a normally occupied life which would be expected in a healthy person of the same age and sex. For such assessment, recognised cardio-respiratory function tests shall be used to assess the degree of cardio-respiratory function impairment.

(2) It shall be determined whether the disablement is temporary or permanent and also the percentage loss of function as it pertains to the loss of working capacity for receiving compensation.

(3) Assessment of disablement shall be proportionate to the loss of earning capacity, total disablement being taken to be 100% loss of earning capacity.

*Explanation:* For the purpose of this rule, «permanent disablement» shall mean such disablement as is certified to be permanent by the Medical Board.

**7. Certification of cases.** — (1) The claim for compensation in respect of a workman contracting any disease specified in Part C of Schedule III to the Act shall be supported by a certificate issued by a qualified medical practitioner in the Form 'A' appended to these Rules:

Provided that where the contracting of such a disease has resulted in death or permanent disablement of the workman the claim shall also be supported by an endorsement on the certificate, in the form 'B' appended to these Rules, by the Medical Board, and in case of difference of opinion between the qualified medical practitioner and the Medical Board, the opinion of the Medical Board shall prevail.

#### FORM A

##### Certificate of disability/death

(See Rule 7)

This is to certify that Shri ... son of ... age ... years, is who died on ... suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis, and the contracting of the disease is reasonably attributable to his employment in ... was

(1) *Temporary disablement.*

(a) The disability is in my opinion of a temporary nature likely to last for ... years ... months. He is unfit for work in fit for ...

his present employment.

(State employment for which he is considered fit).

(2) *Permanent disablement.*

The disability is of a permanent nature and is assessed at ... per cent.

(3) *Death.*

Death is attributable to the contracting of the disease. (Cancel out portions not applicable).

Place ...

Date ...

Signature of the qualified medical practitioner.

#### FORM B

Endorsement to be made by Medical Board in cases of permanent disability or death

This is to certify that Shri ... is suffering from pneumoconiosis/pneumoconiosis with pulmonary tuberculosis, and the contracting of the disease is reasonably attributable to his employment in ... was

(1) *Permanent disability.*

It is certified that the disability is of a permanent nature and is assessed at ... per cent.

(2) *Death.*

It is certified that the death of Shri ... is attributable to the contracting of the disease.

Place ...

Date ...

Signature of Members of Medical Board.

*Note.* — The Medical Board may call for any further information that may be considered necessary by it from the Medical Practitioner concerned before countersigning Certificate in case of death.

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

B. K. Chougule, Secretary, Industries and Labour Department.

Panjim, 1st March, 1966.