

Goa, Daman And Diu Toddy Tappers Welfare Fund Act, 1984

17 of 1985

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SCHEDULE 1 :- SCHEDULE

Goa, Daman And Diu Toddy Tappers Welfare Fund Act, 1984

17 of 1985

AN ACT

to provide for payment of compensation and assistance to the toddy tappers for injury by accident and for other matters connected therewith.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-fifth 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 Toddy Tappers Welfare Fund Act, 1984.

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

(3) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- (a) "accident" means accident caused during toddy tapping operation;
- (b) "Board" means the Toddy Tappers Welfare Fund Board constituted under section 6;
- (c) "Fund" means the Toddy Tappers Welfare Fund established under the Scheme;
- (d) "member" means a member of the Fund;
- (e) "prescribed" means prescribed in the Scheme made under this Act;
- (f) "Schedule" means the Schedule appended to this Act;
- (g) "Scheme" means a scheme framed under this Act;
- (h) "toddy tapper" means a person who is engaged in toddy-tapping operation and is registered as per Schedule;
- (i) "toddy tapping operation" means operation of collection of palm or coconut juice (toddy) by climbing up a palm or coconut tree, and includes distillation of such juice.

3. Payment of compensation :-

A toddy tapper shall be entitled to compensation in case of an

accident in accordance with the Scheme:

Provided that no such compensation shall be payable in respect of any injury which results in the disablement of the toddy tapper for a period of less than ¹["fourteen days"].

1 Substituted in place of words "two weeks" by the Amendment Act 12 of 1993.

4. Toddy Tapper Welfare Fund :-

(1) The Government may, by notification in the Official Gazette and after consultation with such recognised toddy tappers associations as it may deem fit frame a Scheme to be called "the Toddy Tappers Welfare Fund Scheme" and also establish a Fund in accordance with the provisions of this Act and the Scheme.

(2) The Fund shall vest in, and be administered by the Board constituted under section 6.

(3) Subject to the provisions of this Act, the Scheme framed under sub-section (1) may provide for all or any of the matters specified in the Schedule.

5. Contribution to the Fund :-

The contributions which shall be made by toddy tappers to the Fund shall be 15 paise ²["or such amount not less than 15 paise as may be fixed by the Government by notification in the Official Gazette."] per tree per month and equal contribution shall be made by the Government:

³[].

2 Inserted by the Amendment Act 12 of 1993.

3 Proviso omitted by the Amendment Act No. 11 of 1986.

6. Constitution of Board :-

(1) The Government may, by notification in the Official Gazette,

constitute with effect from such date as may be specified therein, a Board to be called the Toddy Tappers Welfare Fund Board for the administration of the Fund.

(2) The Board shall consist of such number of members as may be appointed by the Government from time to time in such manner as may be provided for in the Scheme.

(3) One of the members of the Board shall be appointed by the Government as Chairman and another member as Member-Secretary.

(4) The Board shall be a body corporate having perpetual succession and a common seal and may sue or be sued in its corporate name and shall be competent to acquire, hold or dispose of property and to execute contracts and to do all things necessary for the purposes of this Act.

(5) The Board shall administer the Fund vested in it in such manner as may be specified in the Scheme.

⁴(6) There shall be paid to the non-official members of the Board such amount of TA/DA and sitting fees for attending the meetings of the Board, as may be fixed by the Board from time to time. The amount shall be drawn from the funds of the Board and shall be paid to the members on producing attendance certificate issued by the Chairman/Member-Secretary of the Board.

4 Inserted by the Amendment Act 11 of 1996.

7. Appointment of staff :-

(1) The Board may, with the previous approval of the Government, appoint such staff as it may consider necessary.

(2) The method of recruitment, salary and allowances and other conditions of service of the staff of the Board shall be such as may be specified by the Board with the previous approval of the Government.

8. Determination of amounts due from toddy tappers :-

⁵[due from]

The Board may, by order, determine the amount due from any toddy tapper under the provisions of this Act or of the Scheme and for this purpose, may, direct the Member-Secretary to conduct such inquiry as it may deem necessary:

Provided that no order determining the amount due from the toddy tapper shall be made unless the toddy tapper has been given a reasonable opportunity of being heard.

5 Substituted by the Amendment Act 12 of 1993.

9. Appeals :-

(1) Any person aggrieved by any decision or order passed under this Act or the Scheme, may, within sixty days from the date of such decision or order, appeal against such decision or order to the Government or any other authority as may be specified by the Government in this behalf.

(2) In disposing of the appeal, the Government or the authority as specified by the Government, as the case may be, after giving reasonable opportunity of being heard,-

(a) confirm the decision or order appealed against; or

(b) reduce or enhance or annul any amount involved in the decision or order appealed against; or

(c) pass such other orders as he may deem fit and the decision of the Government or of such authority on such appeal shall be final.

10. Mode of recovery of money due from toddy tappers :-

Any amount due from a toddy tapper in pursuance of the provisions of this Act or the Scheme may be recovered in the same manner as an arrear of land revenue.

11. Protection for acts done in good faith :-

No suit or other legal proceedings shall lie against the Board or any of its member or any other person in respect of anything which is in good faith done or intended to be done under this Act or under the Scheme.

12. Members of Board etc. to be public servant :-

Every member of the Board and every person appointed under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

SCHEDULE 1

SCHEDULE

(See section 4)

Matters for which provision may be made in the Scheme

1. The time and manner in which contributions shall be made to the Fund by the toddy tappers and by, or on behalf of the Government. The contribution which a toddy tapper may make under section 5 and the manner in which such contributions may be recovered.
2. The constitution of any committee for assisting the Toddy Tappers Welfare Fund Board.
3. The manner in which accounts shall be kept, the investment of money belonging to the Fund in accordance with any directions issued or conditions specified by the Government, the preparation of the budget, the audit of accounts and the submission of reports to the Government.
4. The conditions under which withdrawals from the Fund may be permitted and any deduction or forfeiture which can be made and the maximum amount of such deductions or forfeitures.
5. The form in which a toddy tapper shall furnish particulars about himself and his family whenever required.
6. The manner in which a toddy tapper association may be recognised by the Government.
7. Amount of compensation in the case of death or disability of a toddy tapper.
8. The nomination of a person to receive the amount standing to the credit of a toddy tapper after his death and the cancellation or variation of such nomination.
9. The registers and records to be maintained with respect to the toddy tappers.
10. The form or design of any identity card or token for the purpose of identifying toddy tapper and for issue, custody and replacement thereof.
11. The fees to be levied for any of the purposes specified in this Schedule.

12. The manner in which the member of the Board shall be chosen and appointed.
13. The condition of service, duties and remuneration of Officers appointed under this Act.
14. The safety measures which a toddy tapper may be required to adopt during toddy tapping operations.
15. Any other matter which is to be provided for under the Scheme or which may be necessary or proper for the purpose of implementing the Scheme.