



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATIONS

The 20th December, 2022

No. LLE.109/2022/588.- The following Bills were introduced in the House on 20th December, 2022 along with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

THE MINIMUM WAGES (ASSAM AMENDMENT) BILL, 2022

A BILL

further to amend the Minimum Wages Act, 1948.

Preamble

Whereas it is expedient further to amend the Minimum Wages Act, 1948 herein after referred to as the principal Act, in its application to the State of Assam, in the manner hereinafter appearing :

**Central
Act No.11
of 1948**

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title
extent and
commencement

1. (1) This Act may be called the Minimum Wages (Assam Amendment) Act, 2022.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

Amendment of
section 22

2. In the principal Act, in section 22, for the words, "imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both" appearing after the words "punishable with", the words "fine which may extend to rupees fifty thousand and if the contravention is continued under this clause within a period of five years from the date of the commission of the first offence, he shall, on the second and the subsequent commission of the offence, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to rupees one lakh, or with both" shall be substituted.

Insertion of
new section
22A

3. In the principal Act, after section 22, the following new section 22A shall be inserted, namely:-

"Compounding
of offences.

22A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty per cent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five percent provided for such offence

**Central
Act No.2
of 1974**

punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed.

- (2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence.
- (3) 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 penalty equivalent to twenty per cent of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.
- (4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,-
 - (a) which was earlier compounded; or
 - (b) for which such person was earlier convicted.”.

STATEMENT OF OBJECTS AND REASONS

The Minimum Wages (Assam Amendment) Bill, 2022 seeks to amend the Minimum Wages Act, 1948 (Central Act No. XI of 1948).

It is proposed to bring amendment of **Penalties for certain offences** under Section 22 and insertion of a new Section **22A Compounding of offences** with a object to decriminalise the labour law by bringing in civil penalties.

The rationale behind decriminalization is that imprisonment is too severe a consequence for economic offences that do not involve mala fide. Legal process around an offence involving imprisonment greatly increases the anxiety among employers and reduced possibility of such processes leads to improved ease of doing business. Criminal penalties, especially the risk of imprisonment, often unintentional offences, is a major reason for low business investment. The idea is that strong deterrent provisions with heavy fines would force employers to have watertight internal organizational and operational mechanisms to ensure that there are no lapses in compliance. This will relieve employers from fear of imprisonment while protecting the rights of the workers.

Hence the Bill, for amendment of the following Sections of the Act:

Section 22

Section 22A (new insertion)

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

Annexure

The Minimum Wages (Assam amendment) Bill, 2022PROPOSAL:

The proposal on the Minimum Wages (Assam amendment) Bill, 2022 includes amendment of Section 22 (Penalties for certain offences) and insertion of a new section 22A (Compounding of offences) under the Minimum Wages Act, 1948.

Section	Extract of existing provision	Extract of proposed provisions
22 Penalties for certain offences	Punishable with "imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both"	punishable with "fine which may extend to fifty thousand rupees and if the contravention is continued within a period of five years from the date of the commission of the first offence, he shall, on the second and the subsequent commission of the offence, be punishable with imprisonment for a term which may extend to three months or with fine which may extend up to rupees one lakh, or with both"
22A Compound ing of offences		<p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer; as the Government may, by notification, specify, for a sum of fifty per cent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five percent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed.</p> <p>(2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence.</p> <p>(3) 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 penalty equivalent to twenty per cent of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.</p> <p>(4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—</p> <p>(a) which was earlier compounded; or</p> <p>(b) for which such person was earlier convicted.</p>

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

**THE BUILDING AND OTHER CONSTRUCTION WORKERS
(REGULATION OF EMPLOYMENT AND CONDITION OF
SERVICE) (ASSAM AMENDMENT) BILL, 2022**

A

BILL

further to amend the Building and Other Construction Workers (Regulation Of Employment and Condition of Service) Act, 1996.

Preamble

Whereas it is expedient further to amend the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 hereinafter referred to as the principal Act, in its application to the State of Assam, in the manner hereinafter appearing;

Central Act
No. XXVII
of 1996

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Building and Other Construction Workers (Regulation of Employment and Condition of Service) (Assam Amendment) Act, 2022.
- (2) It extends to the whole of the state of Assam.
- (3) It shall come into force at once.

Amendment of
section 47

2. In the principal Act, in section 47, in sub-section (1), for the words "imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention" appearing after the words "punishable with", the words "fine which shall be at least two lakhs rupees which may extend upto three lakh rupees, and if the contravention is continued then, with further penalty which may extend upto two thousand rupees for each day till such contravention continues."

Amendment of
section 48

3. In the principal Act, in section 48, for the words "punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both," appearing after the words "shall be", the words "liable to penalty which shall not be less than one lakh rupees and may extend to two lakhs rupees," shall be substituted.

Insertion of
new section 49A

4. In the principal Act, the following new section 49A shall be inserted, namely:-

"Compounding of Offences.**49A. (1)**

Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty per cent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five per cent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed;

Central Act
No. II of
1994

- (2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence;
- (3) 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 penalty equivalent to twenty per cent of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.
- (4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—
- (a) which was earlier compounded; or
- (b) for which such person was earlier convicted. ”

STATEMENT OF OBJECTS AND REASONS

The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) (Assam Amendment) Bill, 2022 seeks to amend the Building and Other Construction Workers Regulation of Employment and Conditions of Service) Act, 1996 (Central Act No. XXVII of 1972).

It is proposed to bring amendment of **Penalty for contravention of provisions regarding safety measures** under Section 47 & **Penalty for failure to give notice of the commencement of the building or other construction work** under Section 48 and insertion of a new Section **49A Compounding of offences** with a object to decriminalise the labour law by bringing in civil penalties.

The rationale behind decriminalization is that imprisonment is too severe a consequence for economic offences that do not involve mala fide. Legal process around an offence involving imprisonment greatly increases the anxiety among employers and reduced possibility of such processes leads to improved ease of doing business. Criminal penalties, especially the risk of imprisonment, often unintentional offences, is a major reason for low business investment. The idea is that strong deterrent provisions with heavy fines would force employers to have watertight internal organizational and operational mechanisms to ensure that there are no lapses in compliance. This will relieve employers from fear of imprisonment while protecting the rights of the workers.

Hence the Bill, for amendment of the following Sections of the Act:

Section 47 & 48

Section 49A (new insertion)

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

AnnexureThe Building & Other Construction Workers (RE & CS)(Assam Amendment) Bill, 2022**PROPOSAL:**

The proposal includes amendment of penalty for contravention of provisions regarding safety measures under Section 47(1), penalty for failure to give notice of the commencement of the building or other construction work under Section 48 and insertion of compounding of offences under a new Section 49A . The proposed amendment is drafted in the light of Occupational Safety, Health and Working Conditions Code, 2020 to decriminalise the labour laws.

Section	Extract of existing provision	Extract of proposed provisions
47(1) Penalty for contravention of provisions regarding safety measures	punishable with "imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention."	"fine which shall be atleast two lakhs rupees which may extend up to three lakh rupees, and if the contravention is continued than, with further penalty which may extend to two thousand rupees for each day till such contravention continues."
48 Penalty for failure to give notice of the commencement of the building or other construction work	"punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both."	"liable to penalty which shall not be less than one lakh rupees but which may extend to two lakhs rupees."

<p>49A Compound ing offences</p>		<p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the appropriate Government may, by notification, specify, for a sum of fifty per cent. of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five per cent. provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed;</p> <p>(2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence;</p> <p>(3) 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 penalty equivalent to twenty per cent. of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.</p> <p>(4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—</p> <p>(a) which was earlier compounded; or</p> <p>(b) for which such person was earlier convicted</p>
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

**THE PLANTATIONS LABOUR
(ASSAM AMENDMENT) BILL, 2022**

**A
BILL**

further to amend the Plantations Labour Act, 1951.

Preamble	Whereas it is expedient to amend the Plantations Labour Act, 1951, hereinafter referred to as the principal Act, in the manner hereinafter appearing;	Central Act No. LXIX of 1951
	It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-	
Short title, extent and commencement	1. (1) This Act may be called the Plantation Labour (Assam Amendment) Act, 2022. (2) It shall extend to the whole of the State of Assam. (3) It shall come into force at once.	
Amendment of section 35	2. In the principal Act, in section 35, for the words "punishable with imprisonment for a term which may extend to six months or with the fine which may extend to ten thousand rupees, or with both" appearing after the words "shall be", the words "liable to penalty which shall not be less than rupees fifty thousand but which may extend upto rupees one lakh, and if the contravention is continued, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend upto rupees two lakhs, or with both" shall be substituted.	
Insertion of a new section 35A	3. In the principal Act, the following new section 35A shall be inserted, namely:-	
"Compounding of offences	35A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty percent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five percent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed.	Central Act No. 2 of 1974

- (2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence.
- (3) 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 penalty equivalent to twenty per cent. of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.
- (4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,-
 - (a) which was earlier compounded; or
 - (b) for which such person was earlier convicted.”.

STATEMENT OF OBJECTS AND REASONS

The Plantation Labour (Assam Amendment) Bill, 2022 (Assam Amendment) Bill, 2022 seeks to amend the Plantation Labour Act, 1951.

It is proposed to bring an amendment to section 35 of the Plantation Labour Act, 1951, after section 35, new section 35A shall be inserted.

The proposed amendments aims to decriminalize all Labour Laws by bringing in all civil penalties.

Hence, the Bill for the above amendments of Section 35 and section 35A.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

Annexure

"THE PLANTATION LABOUR (ASSAM AMENDMENT) BILL, 2022"

Section in Plantation Labour Act, 1951	Extract of the Existing Provision	Extract of the Proposed Provision
Section 35	punishable with imprisonment for a term which may extend to six months or with the fine which may extend to ten thousand rupees, or with both."	"shall be liable to penalty which shall not be less than fifty thousand rupees but which may extend to one lakh rupees".
New Insertion Section 35A "Compoundin g of offences	NIL	<p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty percent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five percent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed."</p> <p>(2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence;</p> <p>(3) 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 penalty equivalent to twenty per cent. of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.</p> <p>(4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—</p> <p>(a) which was earlier compounded; or</p> <p>(b) for which such person was earlier convicted</p>

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

- (i) in sub-section (1), for the words "imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both" appearing after the words "punishable with", the words "fine which may extend to rupees one lakh" shall be substituted.
- (ii) in sub-section (2), for the words "one hundred rupees" appearing after the words "extend to", the words "rupees one lakh" shall be substituted.

Insertion of section 31A 7. In the principal Act, after section 31, the following new section 31A shall be inserted, namely:-

- "Compounding of offences 31A. (1) "Notwithstanding anything contained in the Code of Criminal Procedures, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only but 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 a Gazetted Officer, as the Government may, by notification, specify for a sum of rupees fifty percent, of the maximum fine provided for such offence punishable with fine only and for a sum of seventy five percent provided for such first offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be 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,-
- (i) of commission of a similar offence which was earlier compounded;
 - (ii) of commission of 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 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.

Central Act
No.2 of 1974

- (7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with 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 amend the Industrial Disputes Act,1947(Central Act. No. XIV of 1947).

It is proposed to bring an amendment to the sections 25Q,25R,25U,30A,31 of “the Industrial Disputes Act,1947”. In the principal Act, after section 31, new section 31A shall be inserted.

The proposed amendment for decriminalization of above mentioned sections of the Industrial Disputes Act,1947 will relieve employers from fear of imprisonment while protecting the rights of the workers. Further, imprisonment provisions under multiple sections of existing provision have been replaced with compounding provisions.

Hence the Bill for the following amendment of sections of the Act:-

Section 25Q, Section 25R,25U,30A,31.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

THE INDUSTRIAL DISPUTES(ASSAM AMENDMENT) BILL.,2022

Section in Industrial Disputes Act,1947	Extract of the Existing Provision	Extract of the Proposed Provision
Section 25(Q)	<u>Penalty for lay-off and retrenchment without previous permission:-</u> "imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both."	"fine which shall be atleast rupees one lakh but which may extend upto rupees ten lakhs"
Section 25(R)	<u>Penalty for closure:-</u> "imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both."	"fine which shall be atleast rupees one lakh but may extend upto rupees ten lakhs."
Section 25(U)	<u>Penalty for committing unfair labour practices:-</u> "imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both."	"punishable with fine which shall be atleast rupees ten thousand but may extend upto rupees two lakhs."
Section 30(A)	<u>Penalty for closure without notice:-</u> "imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both"	"fine which may extend to rupees one lakh."
Section 31	<u>Penalty for other offences:-</u> 1) "imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both." 2) "One hundred rupees"	1) "fine which may extend to rupees one lakh." 2) "rupees one lakh"
Insertion of Section 31(A) "Compounding of offences"	Nil	(1) "Notwithstanding anything contained in this Code of Criminal Procedures,1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, but 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 a Gazetted Officer, as the Government may, by notification, specify for a sum of rupees fifty percent, of the maximum fine provided for such offence punishable with fine only and for a sum of seventy five percent provided for such first offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed. (2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second

		<p>time or thereafter within a period of five years from the date—</p> <p>(i) of commission of a similar offence which was earlier compounded;</p> <p>(ii) of commission of similar offence for which such person was earlier convicted.</p> <p>(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.</p> <p>(4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.</p> <p>(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.</p> <p>(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.</p> <p>(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with a sum equivalent to twenty per cent. of the maximum fine provided for the offence, in addition to such fine.</p> <p>(8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section."</p>
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed.

- (2) Where a penalty or an offence has been compounded under sub-section (1) above, the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence.
- (3) Any person who fails to comply with an order made by the officer referred to in sub-section (1) above, shall be liable to pay a penalty equivalent to twenty percent of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.
- (4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,-
 - (a) which was earlier compounded; or
 - (b) for which such person was earlier convicted.”.

STATEMENT OF OBJECTS AND REASONS

The Beedi and Cigar Workers (Conditions of Employment) (Assam Amendment) Bill, 2022 seeks to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

It is proposed to bring an amendment to section 33 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 and in the principal Act, after section 33, new section 33A shall be inserted.

The proposed amendments aims to decriminalize all Labour Laws by bringing in all civil penalties.

Hence, the Bill for the above amendments of Section 33 and section 33A.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

Annexure**“THE BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) (ASSAM AMENDMENT) BILL, 2022”**

Section No. of the Act	Existing Provision of the Act	Provisions of the proposed amendment in the Act.
33	“which may extend to two hundred and fifty rupees and for a second or any subsequent offence with imprisonment for a term which shall not be less than one month or more than six months or with fine which shall not be less than one hundred rupees or more than five hundred rupees, or with both,”	“an amount of atleast rupees fifty thousand but which may extend to rupees one lakh and for a subsequent offences the person shall be punishable with imprisonment for a term which may extend upto three months, or with fine which may extend upto rupees two lakhs, or with both” shall be substituted.
Insertion of new Section 33 A “Compounding of Offences		<p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty percent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five percent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed.</p> <p>(2) Where a penalty or an offence has been compounded under sub-section (1) above, the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence.</p> <p>(3) Any person who fails to comply with an order made by the officer referred to in sub-section (1) above, shall be liable to pay a penalty equivalent to twenty percent of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.</p> <p>(4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—</p> <p>(a) which was earlier compounded; or</p> <p>(b) for which such person was earlier convicted.”.</p>

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

THE CONTRACT LABOUR (REGULATION AND ABOLITION) (ASSAM AMENDMENT) BILL, 2022

A BILL

further to amend the Contract Labour (Regulation and Abolition) Act, 1970.

Preamble

Whereas it is expedient to amend the Contract Labour (Regulation and Abolition) Act, 1970, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central
Act No.
XXXVII of
1970.

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

Short title, extent and commencement.

1. (1) This Act may be called the Contract Labour (Regulation and Abolition) Act, 2022.
- (2) It shall extend to the whole of Assam.
- (3) It shall come into force at once.

Amendment of section 23.

2. In the principal Act, in section 23, for the words "imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention", appearing after the words "punishable with" the words "fine which shall be at least two lakh rupees and which may extend upto three lakhs rupees, and if the contravention is continued after the conviction, then with further penalty which may extend to two thousand rupees for each day till such contravention continues."

Amendment of section 24.

3. In the principal Act, in section 24, in sub-section (2), for the words "imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both" appearing after the words "punishable with" the words "fine which shall be at least two lakh rupees which may extend upto three lakhs rupees, and if the contravention is continued then with further penalty which may extend to two thousand rupees for each day till such contravention continues."

Insertion of new section 24A. 4. In the principal Act, after section 24, the following new section 24A shall be inserted, namely:-

“Compounding of Offences.

- 24A (1) Notwithstanding anything contained in this Act of Criminal Procedures, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify for a sum of rupees fifty percent, of the maximum fine provided for such first offence punishable with fine only and for a sum of seventy five percent provided for such first offence punishable with imprisonment a term which is not more than one year or with fine, in the manner as may be 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—
- (i) of commission of a similar offence which was earlier compounded;
- (ii) of commission of 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 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.

Central Act 2 of 1974.

- (7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with a sum equivalent to twenty per cent. 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 amend the Contract Labour (Regulation and Abolition) Act,1970 (Central Act. No. XXXVII of 1970)

It is proposed to bring an amendment to the sections 23, 24 of “the Contract Labour (Regulation and Abolition) Act,1970”. In the principal Act, after section 24, new section 24A shall be inserted.

The proposed amendment for decriminalization of above mentioned sections of Contract Labour (Regulation and Abolition) Act,1970 will relieve employers from fear of imprisonment while protecting the rights of the workers. Further, imprisonment provisions under multiple sections of existing provision have been replaced with compounding provisions.

Hence the Bill for the following amendment of sections of the Act:-

Section 23, Section 24.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

Annexure

THE CONTRACT LABOUR (REGULATION AND ABOLITION) (ASSAM AMENDMENT) BILL, 2022

Section in the Contract Labour (Regulation & Abolition) Act, 1970	Extract of the Existing Provision	Extract of the Proposed Provision
Section 23	Contravention of provisions regarding employment of contract labour: "imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention."	"fine which shall be at least two lakh rupees and which may extend upto three lakhs rupees, and if the contravention is continued after the conviction, then with further penalty which may extend to two thousand rupees for each day till such contravention continues."
Section 24	<i>Other offences:</i> "imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both."	" fine which shall be at least two lakh rupees which may extend upto three lakhs rupees, and if the contravention is continued then with further penalty which may extend to two thousand rupees for each day till such contravention continues."
New insertion 24(A) " Compounding of Offences"	Nil	<p>(1)Notwithstanding anything contained in this Act of Criminal Procedures, 1973, 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 persecution, be compounded by a Gazetted Officer, as the Government may, by notification, specify for a sum of rupees fifty percent, of the maximum fine provided for such first offence punishable with fine only and for a sum of seventy five percent provided for such first offence punishable with imprisonment a term which is not more than one year or with fine, in the manner as may be prescribed.</p> <p>(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—</p> <p>(i) of commission of a similar offence which was earlier compounded;</p> <p>(ii) of commission of similar offence for which such person was earlier convicted.</p>

		<p>(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.</p> <p>(4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.</p> <p>(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.</p> <p>(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.</p> <p>(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with a sum equivalent to twenty per cent. of the maximum fine provided for the offence, in addition to such fine.</p> <p>(8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section."</p>
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

**THE INTER-STATE MIGRANT WORKMEN (REGULATION
OF EMPLOYMENT AND CONDITIONS OF SERVICES)
(ASSAM AMENDMENT) BILL, 2022**

**A
BILL**

further to amend the Inter-State Migrant Workmen (Regulation of
Employment and Conditions of Services) Act, 1979.

Preamble

Whereas it is expedient to amend the Inter-State Migrant
Workmen (Regulation of Employment and Conditions of
Services) Act, 1979, hereinafter referred to as the principal Act,
in the manner hereinafter appearing;

Central Act
No. 30 of
1979

It is hereby enacted in the Seventy-third Year of the
Republic of India as follows :-

Short title,
extent and
commencement

1. (1) This Act may be called the Inter-State Migrant
Workmen (Regulation of Employment and
Conditions of Services) (Assam Amendment) Act,
2022.

(2) It shall extend to the whole of the State of Assam.

(3) It shall come into force at once.

Amendment of
section 24

2. In the principal Act, in section 24, in sub-section (2), for the
words "punishable with imprisonment for a term which
may extend to two years, or with fine which may extend to
two thousand rupees, or with both", appearing after the
words "shall be" the words "liable to penalty which shall be
at least one lakh rupees and may extend upto two lakh
rupees" shall be substituted.

Amendment of
section 25.

3. In the principal Act, in section 25, for the words
"punishable with imprisonment for a term which may
extend to one year, or with fine which may extend to one
thousand rupees, or with both, and in the case of continuing
contravention, with an additional fine which may extend to
one hundred rupees for every day during which such
contravention continues after conviction for the first such
contravention", appearing after the words, "shall be", the
words "liable to penalty which shall be at least fifty
thousand rupees but which may extend upto one lakh
rupees" shall be substituted.

Insertion of new section 25A.

4. In the principal Act, after section 25, the following new section 25A shall be inserted, namely :-

“25A.Compounding of offences.

- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty per cent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five per cent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed;
- (2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence.
- (3) 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 penalty equivalent to twenty per cent. of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.
- (4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—
- (a) which was earlier compounded; or
 - (b) for which such person was earlier convicted.”

Central Act
No. 2 of
1974

STATEMENT OF OBJECTS AND REASONS

The Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) (Assam Amendment) Bill, 2022 seeks to amend the Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979.

It is proposed to bring an amendment to section 24, 25 of the Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979 and in the principal Act, after section 25, a new section 25A shall be inserted.

The proposed amendments aims to decriminalize all Labour Laws by bringing in all civil penalties.

Hence, the Bill for the above amendments of Section 24, 25.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

ANNEXURE

THE INTER-STATE MIGRANT WORKMEN (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICES) (ASSAM AMENDMENT) BILL, 2022

Section No. of the Act	Existing Provision of the Act	Provisions of the proposed amendment in the Act.
Amendment of section 24(1)	In the principal Act, in section 24, in sub-section (2), for the words "punishable with imprisonment for a term which may extend to two years, or with fine which may extend to two thousand rupees, or with both".	appearing after the words "shall be" the words "liable to penalty which shall be at least one lakh rupees and may extend upto two lakh rupees" shall be substituted.
Amendment of section 25	In the principal Act, in section 25, for the words "punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both, and in the case of continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention",	appearing after the words, "shall be", the words "liable to penalty which shall be at least fifty thousand rupees but which may extend upto one lakh rupees" shall be substituted.
Insertion of new section 25A "25A Compoundin g of offences.	In the principal Act, after section 25, the following new section 25A shall be inserted, namely :-	<p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty percent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five percent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed;</p> <p>(2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence.</p>

		<p>(3) 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 penalty equivalent to twenty per cent. of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.</p> <p>(4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—</p> <p>(a) which was earlier compounded; or</p> <p>(b) for which such person was earlier convicted.”</p>
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

**THE EQUAL REMUNERATION
(ASSAM AMENDMENT) BILL, 2022**

**A
BILL**

further to amend the Equal Remuneration Act, 1976

Preamble

Whereas it is expedient to amend the Equal Remuneration Act, 1976, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central
Act No.25
of 1976

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title,
extent and
commencement.

1. (1) This Bill may be called the Equal Remuneration (Assam Amendment) Bill, 2022.
- (2) It extent & to the whole of the state of Assam.
- (3) It shall come into force at once.

Amendment of
section 10.

2. In the principal Act, in section 10,-
 - (i) in sub-section (1), for the words "with simple imprisonment for a term which may extend to one month appearing in between the words "punishable with" and with fine shall be substituted.
 - (ii) in sub-section (2), for the words "fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months but which may extend to one year or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences," appearing after the words "punishable with" the words, fine which may extend to fifty thousand rupees for the first offence which may extend to one lakh rupees for the second and subsequent offences", shall be substituted.

Insertion of
new section
10A.

3. In the principal Act, after section 10, the following new section 10A shall be inserted, namely:-

**"Compounding
offence :**

- 10A (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty per cent. of the maximum fine provided for such offence, in the manner as may be 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—

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

(ii) of commission of 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 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 punishable with a sum equivalent to twenty per cent 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 Equal Remuneration (Assam Amendment) Bill, 2022 seeks to amend the Equal Remuneration Act, 1976.

It is proposed to bring an amendment to section 10 of the Equal Remuneration Act, 1976 and in the principal Act, after section 10, a new section 10A shall be inserted.

The proposed amendments aims to decriminalize all Labour Laws by bringing in all civil penalties.

Hence, the Bill for the above amendments of Section 10.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

ANNEXURE**THE EQUAL REMUNERATION (ASSAM AMENDMENT) BILL, 2022**

Section of the Act.	Existing provision of the Act.	Provisions of the proposed amendment in the Act.
10	<p>sub-section (1):</p> <p>(a) omits or fails to maintain any register or other document in relation to workers employed by him, or</p> <p>(b) omits or fails to produce any register, muster-roll or other document relating to the employment of workers, or</p> <p>(c) omits or refuses to give any evidence or prevents his agent, servant, or any other person in charge of the establishment, or any worker, from giving evidence, or</p> <p>(d) omits or refuses to give any information, he shall be punishable 3 [with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both].</p>	<p>“punishable with” and with fine shall be substituted</p>
	<p>Sub-section(2):</p> <p>(a) makes any recruitment in contravention of the provisions of his Act, or</p> <p>(b) makes any payment or remuneration at unequal rates to men and women worker, for the same work or work of a similar nature, or</p> <p>(c) makes any discrimination between men and women workers in contravention of the provisions of this Act, or</p> <p>(d) omits or fails to carry out any direction made by the appropriate Government under sub-section (5) of Section 6.</p> <p>he shall be punishable 4 [with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months but which may extend to one year or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences]</p>	<p>“punishable with” the words, fine which may extend to fifty thousand rupees for the first offence which may extend to fifty thousand rupees for the first offence which may extend to one lakh rupees for the second and subsequent offence”, shall be substituted</p>

<p>Insertion of new section 10A “Compounding offence :</p>		<p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the appropriate Government may, by notification, specify, for a sum of fifty per cent of the maximum fine provided for such offence, in the manner as may be prescribed.</p> <p>(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 — (i) of commission of a similar offence which was earlier compounded; (ii) of commission of similar offence for which such person was earlier convicted.</p> <p>(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.</p> <p>(4) Every application for the compounding of an offence shall be made in such</p>
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		<p>manner as may be prescribed.</p> <p>(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.</p> <p>(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.</p> <p>(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with a sum equivalent to twenty per cent. of the maximum fine provided for the offence, in addition to such fine.</p> <p>(8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section”.</p>

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

**THE BUILDING AND OTHER CONSTRUCTION WORKERS
(REGULATION OF EMPLOYMENT AND CONDITION OF
SERVICE) (ASSAM AMENDMENT) BILL, 2022**

**A
BILL**

further to amend the Building and Other Construction Workers (Regulation Of Employment and Condition of Service) Act, 1996.

Preamble

Whereas it is expedient further to amend the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996 hereinafter referred to as the principal Act, in its application to the State of Assam, in the manner hereinafter appearing;

Central Act
No. XXVII
of 1996

It is hereby enacted in the Seventy-third Year of the Republic of India as follows :-

Short title,
extent and
commencement.

1. (1) This Act may be called the Building and Other Construction Workers (Regulation of Employment and Condition of Service) (Assam Amendment) Act, 2022.
- (2) It extends to the whole of the state of Assam.
- (3) It shall come into force at once.

Amendment of
section 47.

2. In the principal Act, in section 47, in sub-section (1), for the words "imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention" appearing after the words "punishable with", the words "fine which shall be at least two lakhs rupees which may extend upto three lakh rupees, and if the contravention is continued then, with further penalty which may extend upto two thousand rupees for each day till such contravention continues."

Amendment of
section 48.

3. In the principal Act, in section 48, for the words "punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both," appearing after the words "shall be", the words "liable to penalty which shall not be less than one lakh rupees and may extend to two lakhs rupees," shall be substituted.

Insertion of
new section
49A.

4. In the principal Act, the following new section 49A shall be inserted, namely:-

**“Compounding
of Offences.**

- 49A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty per cent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five per cent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed;
- (2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence;
- (3) 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 penalty equivalent to twenty per cent of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.
- (4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—
- (a) which was earlier compounded; or
(b) for which such person was earlier convicted. ”

Central Act
No. II of
1994

STATEMENT OF OBJECTS AND REASONS

The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) (Assam Amendment) Bill, 2022 seeks to amend the Building and Other Construction Workers Regulation of Employment and Conditions of Service) Act, 1996 (Central Act No. XXVII of 1972).

It is proposed to bring amendment of **Penalty for contravention of provisions regarding safety measures** under Section 47 & **Penalty for failure to give notice of the commencement of the building or other construction work** under Section 48 and insertion of a new Section **49A Compounding of offences** with a object to decriminalise the labour law by bringing in civil penalties.

The rationale behind decriminalization is that imprisonment is too severe a consequence for economic offences that do not involve mala fide. Legal process around an offence involving imprisonment greatly increases the anxiety among employers and reduced possibility of such processes leads to improved ease of doing business. Criminal penalties, especially the risk of imprisonment, often unintentional offences, is a major reason for low business investment. The idea is that strong deterrent provisions with heavy fines would force employers to have watertight internal organizational and operational mechanisms to ensure that there are no lapses in compliance. This will relieve employers from fear of imprisonment while protecting the rights of the workers.

Hence the Bill, for amendment of the following Sections of the Act:

Section 47 & 48

Section 49A (new insertion)

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

AnnexureThe Building & Other Construction Workers (RE & CS)(Assam Amendment) Bill, 2022PROPOSAL:

The proposal includes amendment of penalty for contravention of provisions regarding safety measures under Section 47(1), penalty for failure to give notice of the commencement of the building or other construction work under Section 48 and insertion of compounding of offences under a new Section 49A . The proposed amendment is drafted in the light of Occupational Safety, Health and Working Conditions Code, 2020 to decriminalise the labour laws.

Section	Extract of existing provision	Extract of proposed provisions
47(1) Penalty for contravention of provisions regarding safety measures.	punishable with "imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both, and in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention."	"fine which shall be atleast two lakhs rupees which may extend up to three lakh rupees, and if the contravention is continued than, with further penalty which may extend to two thousand rupees for each day till such contravention continues."
48 Penalty for failure to give notice of the commencement of the building or other construction work.	"punishable with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both."	"liable to penalty which shall not be less than one lakh rupees but which may extend to two lakhs rupees."

<p>49A Compound ing offences</p>		<p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the appropriate Government may, by notification, specify, for a sum of fifty per cent. of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five per cent. provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed;</p> <p>(2) Where a penalty or an offence has been compounded under sub-section (1), the person liable for penalty or the offender, as the case may be, shall be discharged of the penalty or offence and there shall be no further proceedings against him in respect of such penalty or offence;</p> <p>(3) 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 penalty equivalent to twenty per cent. of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.</p> <p>(4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—</p> <p>(a) which was earlier compounded; or</p> <p>(b) for which such person was earlier convicted</p>
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

**THE PAYMENT OF GRATUITY
(ASSAM AMENDMENT) BILL, 2022**

**A
BILL**

further to amend the Payment of Gratuity Act, 1972.

Preamble

Whereas it is expedient further to amend the Payment of Gratuity Act, 1972, hereinafter referred to as the principal Act, in its application to the State of Assam, in the manner hereinafter appearing ;

Central
Act No.
XXXIX of
1972

It is hereby enacted in the Seventy- third Year of the Republic of India as follows :-

**Short title extent
and commencement**

1. (1) This Act may be called the Payment of Gratuity (Assam Amendment) Act, 2022.
- (2) It extends to the whole of the State of Assam
- (3) It shall come into force at once.

**Amendment of
section 9**

2. In the principal Act, in section 9,-
 - (i) in sub-section (1), for the words "imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both," appearing after the words "punishable with", the words "fine which may extend to two lakhs rupees," shall be substituted.
 - (ii) in sub-section (2), for the words "imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees, or with both," appearing after the words "punishable with" the words "fine which may extend to three lakhs rupees," shall be substituted.

**Insertion of new
section 9A.**

3. In the principal Act, after section 9, the following new section 9A shall be inserted, namely:-

"Compounding of Offences. 9A

- (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty percent of the maximum fine provided for such offence, in the manner as may be 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—
- (i) of commission of a similar offence which was earlier compounded;
 - (ii) of commission of 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 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.

Central
Act No. II
of 1974

- (7) Any person who fails to comply with an order made by the officer referred to in subsection (1), shall be punishable with 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 Payment of Gratuity (Assam Amendment) Bill, 2022 seeks to amend the Payment of Gratuity Act, 1972 (Central Act No. XXXIX of 1972).

It is proposed to bring amendment of **Penalties for certain offences** under Section 9 (1) & (2) and insertion of a new Section **9A Compounding of offences** with a object to decriminalise the labour law by bringing in civil penalties.

The rationale behind decriminalization is that imprisonment is too severe a consequence for economic offences that do not involve mala fide. Legal process around an offence involving imprisonment greatly increases the anxiety among employers and reduced possibility of such processes leads to improved ease of doing business. Criminal penalties, especially the risk of imprisonment, often unintentional offences, is a major reason for low business investment. The idea is that strong deterrent provisions with heavy fines would force employers to have watertight internal organizational and operational mechanisms to ensure that there are no lapses in compliance. This will relieve employers from fear of imprisonment while protecting the rights of the workers.

Hence the Bill, for amendment of the following Sections of the Act:

Section 9

Section 9A (new insertion)

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive in the proposed bill.

SANJAY KISHAN,
Minister,
Labour Welfare, Assam.

AnnexureThe Payment of Gratuity (Assam Amendment) Bill, 2022PROPOSAL:

The proposal includes amendment of penalties for certain offences under Section 9 (1) & (2) and insertion of new section 9A Compounding of offences.

Section	Extract of existing provision	Extract of proposed provisions
9 Penalties for certain offences.	Sub-section (1): punishable with "imprisonment for a term which may extend to six months, or with fine which may extend to ten thousand rupees or with both,"	punishable with "fine which may extend to two lakhs rupees."
	Sub-section (2): imprisonment for a term which shall not be less than three months but which may extend to one year, or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees, or with both."	punishable with "fine which may extend to three lakhs rupees"
9A Compounding of offences.		<p>(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 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 a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty percent. of the maximum fine provided for such offence, in the manner as may be prescribed.</p> <p>(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— (i) of commission of a similar offence which was earlier compounded; (ii) of commission of similar offence for which such person was earlier convicted.</p> <p>(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.</p> <p>(4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.</p>

		<p>(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.</p> <p>(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.</p> <p>(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with a sum equivalent to twenty percent of the maximum fine provided for the offence, in addition to such fine.</p> <p>(8) No offence punishable under the provisions of this Code shall be compounded except under and in accordance with the provisions of this section.</p>
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HEMEN DAS,
Principal Secretary,
Assam Legislative Assembly.