



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 764 Dispur, Friday, 23rd December, 2022, 2nd Pausa, 1944 (S. E.)

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

## NOTIFICATIONS

The 22nd December, 2022

**No. LLE.109/2022/591.-** The following Bills were introduced in the House **on 21<sup>st</sup> 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 CODE OF CRIMINAL PROCEDURE (ASSAM AMENDMENT) BILL, 2022

A

### BILL

further to amend the Code of Criminal Procedure Act, 1973 in its application to the State of Assam.

Preamble                      Whereas it is expedient to amend Code of Criminal Procedure Act, 1973, hereinafter referred to as the principal Act, in the manner hereinafter appearing; Assam  
Act No. 2  
of 1974

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 Code of Criminal Procedure (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 25.                      2. In the principal Act, in section 25, for sub-section (3), the following shall be substituted, namely:-

“(3) Where no Public Prosecutor is available for the purposes of any particular case the State Government may appoint an Advocate, who has been in practice as an Advocate continuously for not less than 5(five) years, as the Assistant Public Prosecutor for conducting prosecutions in the Court of Magistrates or from cadre of Assistant Public Prosecutor in the State of Assam in the manner as may be prescribed.

Amendment of  
Section 25A.                      3. In the principal Act, for section 25A, the following shall be substituted, namely:-

“25A. (1) The State Government shall establish a Directorate of Prosecution by notification published in the Official Gazette, which shall consist of a Director of Prosecution and as many Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution and Assistant Directors of Prosecution and such other posts as may be prescribed.

(2) The mode of recruitment and the conditions of service to the posts of Director of Prosecution, Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution and Assistant Directors of Prosecution and other post shall be in the manner as may be prescribed.

- (3) The Power and functions of the Director of Prosecution, Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution, Assistant Directors of Prosecution and all other posts as the case may be shall be such as may be prescribed.
- (4) The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the State's Home Department.
- (5) Every Additional Director of Prosecution, Joint Director of Prosecution, Deputy Director of Prosecution and Assistant Director of Prosecution and other posts specified in sub-section (2) shall be subordinate to the Director of Prosecution.
- (6) Every Public Prosecutor and Additional Public Prosecutor appointed under sub-section (1) of Section 24 and every Special Public Prosecutor appointed under sub-section (8) of Section 24 to conduct cases in the High Court shall be subordinate to the Advocate General.
- (7) Every Public Prosecutor, Additional Public Prosecutor appointed under sub-section (3) and (6) as the case may be under section 24 and every Special Public Prosecutor appointed under sub-section (8) of section 24 and every Assistant Public Prosecutor appointed under section 25 to conduct cases in District Courts shall be under control of the Directorate of Prosecution.
- (8) The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.

Amendment of Section 64 4. In the principal Act, in section 64, in 3<sup>rd</sup> line, the word "male" appearing in between the words "with some adult" and "member of his family" shall be deleted.

**STATEMENT OF OBJECTS AND REASONS**

The Code of Criminal Procedure, 1973 (No. 2 of 1974) was amended by the Code of Criminal Procedure (Amendment) Act, 2005 (No. 25 of 2005). The said amendment has come into force from 23rd June, 2006. A new Section 25A has been inserted through the said amendment according to which there may be established a Directorate of Prosecution consisting of Director of Prosecution and as many Deputy Directors of Prosecution as the State Government thinks fit. Further, according to sub-section (2) of the said Section a person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.

In the State of Assam, no separate and independent Directorate of Prosecution has yet been established and no regular cadre of prosecuting officers exists. Till date, the task of prosecution is being carried out by the set of Public Prosecutor, Addl. Public Prosecutor and Assistant Public Prosecutors appointed by the Government in terms of provision of section 24 and 25 of the Code of Criminal Procedure, 1973.

Such Prosecutors in various courts are appointed as per Section 24 & 25 of Cr.P.C. for a fixed term and their remuneration is fixed in terms of appearance fee/ retaining fee etc. However, it is experienced that there is no defined mechanism in force to evaluate their performance to keep an effective control on their functioning. It has also been observed that the existing team of prosecutors is not bringing desired level of outcome resulting in low conviction rate and, therefore, it is expedient to upgrade the existing system of prosecution for making Criminal Justice system more effective for the benefit of public at large.

For the efficient and effective prosecution system, the Govt. of Assam has decided to establish a full-fledged Directorate of Prosecution for having an independent and effective team of prosecution, by creating regular cadre of Director of Prosecution, Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution, Assistant Directors of Prosecution, Public Prosecutor, Addl. Public Prosecutor and Assistant Public Prosecutor.

But, in view of the existing provision of section 25 A of the CrPC providing for establishment of a Directorate of Prosecution with the Director and Deputy Director only, it is felt expedient to make necessary amendments in Section 25A of the Code of Criminal Procedure

in its application to the State of Assam so as to enable the Government to appoint the Director of Prosecution, Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution, Assistant Director of Prosecution and other Prosecution officers, it is felt necessary to amend the Section 25A of CrPC for providing the scope of framing the rules by the State Government in respect of the officers of the Directorate of Prosecution and prosecution cadres with the criteria for appointment, promotion etc. in terms of the rules so framed by the State Government with the provision for proper monitoring and functioning of the prosecution with accountability and effective criminal justice system.

It would go a long way to ensure conducting of prosecution properly and efficiently. It would result in achieving a systematic process of recruitment of the officers under the Directorate of Prosecution, and subsequent promotion within the cadre, at different levels, creating opportunities for both senior and junior members of the Bar to join the prosecution service and thereby attracting skilled and good lawyers. This would also generate a sense of security of tenure and accountability of the prosecution team for a better, improved and dedicated team of prosecution on regular basis.

Section 25 (3) of CrPC provides for appointment of a police officer as Assistant Public Prosecutor in case of non-availability of Assistant Public Prosecutor. Hon'ble Supreme Court has time and again issued order for keeping away the police from taking part in prosecution. Recently, Supreme Court in case of Re- to issue certain guideline -Vs- State of Andhra Pradesh vide order dated 20.04.2021 has held that there should be a separate team of lawyers distinct from Public Prosecutor to advise the police during investigation. Hence, it is felt proper to substitute sub section 3 of Section 25 with new Sub-section 3 as provided in the bill.

Another matter which this bill intends to deal with is section 64 of CrPC which recognizes the service of summon to be valid only when it is served by leaving one of the duplicate copy of the summon of the person concerned in his absence with some adult male member of his family residing with him. The said provision does not recognize receiving of summon by an adult female member of the family of the person to be summoned as valid service of summon. Such differentiation between male and female does not reflect the present day situation of the society wherein, the male and female are considered on equal footing. It also amounts to discrimination based on gender and this matter has recently been taken up by the Supreme Court in the Case of Kush Kalra -Vs- Union of India and notice has been issued. As

such the need for amendment of section 64 CrPC to the extent of removing the word “male” is felt necessary. It will not only avoid the delay in the criminal proceeding before the Court but also will be one more step towards women empowerment.

Hence this bill for amendment.

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no additional financial involvement in the proposed Bill.

**MEMORANDUM OF DELEGATED LEGISLATION**

No delegation of legislative power is sought in the proposed “**The Code of Criminal Procedure (Assam Amendment) Bill, 2022**”.

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**EXTRACT OF THE RELEVANT SECTIONS OF THE CODE OF CRIMINAL PROCEDURE, 1973 (PRINCIPAL ACT) AND THE CORRESPONDING AMENDMENTS PROPOSED**

Sections	Principal Act	Proposed Amended
<b>Section 25 (3)</b>	<p>“Where no Assistant Public Prosecutor is available for the purposes of any particular case, the District Magistrate may appoint any other person to be the Assistant Public Prosecutor in charge of that case:</p> <p>Provided that a police officer shall not be so appointed-</p> <p>(a) if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted; or</p> <p>(b) if he is below the rank of Inspector”</p>	<p>“Where no Public Prosecutor is available for the purposes of any particular case the State Government may appoint an Advocate, who has been in practice as an Advocate continuously for not less than 5(five) years, as the Assistant Public Prosecutor for conducting prosecutions in the Court of Magistrates or from cadre of Assistant Public Prosecutor in the State of Assam in the manner as may be prescribed.”</p>
<b>Section 25A (1)</b>	<p>“The State Government may establish a Directorate of Prosecution consisting of a Director of Prosecution and as many Deputy Directors of Prosecution as it thinks fit.”</p>	<p>“The State Government shall establish a Directorate of Prosecution by notification published in the Official Gazette, which shall consist of a Director of Prosecution and as many Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution and Assistant Directors of Prosecution and such other posts as may be prescribed.”</p>
<b>Section 25A (2)</b>	<p>“A person shall be eligible to be appointed as a Director of Prosecution or a Deputy Director of Prosecution, only if he has been in practice as an advocate for not less than ten years and such appointment shall be made with the concurrence of the Chief Justice of the High Court.”</p>	<p>“The mode of recruitment and the conditions of service to the posts of Director of Prosecution, Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution and Assistant Directors of Prosecution and other post shall be in the manner as may be prescribed.”</p>
<b>Section 25A (3)</b>	<p>“The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the Home Department</p>	<p>“The Power and functions of the Director of Prosecution, Additional Directors of Prosecution, Joint Directors of Prosecution, Deputy Directors of Prosecution, Assistant</p>



	in the State.”	Directors of Prosecution and all other posts as the case may be shall be such as may be prescribed.”
<b>Section 25A (4)</b>	“Every Deputy Director of Prosecution shall be subordinate to the Director of Prosecution.”	“The Head of the Directorate of Prosecution shall be the Director of Prosecution, who shall function under the administrative control of the Head of the State’s Home Department.”
<b>Section 25A (5)</b>	“Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (1), or as the case may be, sub-section (8) of section 24 to conduct cases in the High Court shall be subordinate to the Director of Prosecution.”	“Every Additional Director of Prosecution, Joint Director of Prosecution, Deputy Director of Prosecution and Assistant Director of Prosecution and other posts specified in sub-section (2) shall be subordinate to the Director of Prosecution.”
<b>Section 25A (6)</b>	“Every Public Prosecutor, Additional Public Prosecutor and Special Public Prosecutor appointed by the State Government under sub-section (3), or as the case may be, sub-section (8), of section 24 to conduct cases in District Courts and every Assistant Public Prosecutor appointed under sub-section (1) of section 25 shall be subordinate to the Deputy Director of Prosecution.”	“Every Public Prosecutor and Additional Public Prosecutor appointed under sub-section (1) of Section 24 and every Special Public Prosecutor appointed under sub-section (8) of Section 24 to conduct cases in the High Court shall be subordinate to the Advocate General.”
<b>Section 25A (7)</b>	“The powers and functions of the Director of Prosecution and the Deputy Directors of Prosecution and the areas for which each of the Deputy Directors of Prosecution have been appointed shall be such as the State Government may, by notification, specify.”	“Every Public Prosecutor, Additional Public Prosecutor appointed under sub-section (3) and (6) as the case may be under section 24 and every Special Public Prosecutor appointed under sub-section (8) of section 24 and every Assistant Public Prosecutor appointed under section 25 to conduct cases in District Courts shall be under control of the Directorate of Prosecution.”

<b>Section 25A (8)</b>	“The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor”.	“The provisions of this section shall not apply to the Advocate General for the State while performing the functions of a Public Prosecutor.”
<b>Section 64</b>	<p>“Service when persons summoned cannot be found. Where the person summoned cannot, by the exercise of due diligence, be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family residing with him, and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate.</p> <p>Explanation.- A servant is not a member of the family within the meaning of this section.”</p>	<p>In section 64 of the Code, the proposed amendment is as follows:-</p> <p>In the principal Act, in section 64, in 3rd line, the word “<i>male</i>” appearing in between the words “with some adult” and “member of his family” shall be deleted.</p>

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

## THE ASSAM MAINTENANCE OF PUBLIC ORDER (AUTONOMOUS DISTRICTS) (AMENDMENT) BILL, 2022

### A

### BILL

further to amend the Assam Maintenance of Public Order  
(Autonomous Districts) Act, 1953.

Preamble	Whereas it is expedient to amend the Assam Maintenance of Public Order (Autonomous District) Act, 1953, hereinafter referred to as the principal Act, in the manner hereinafter appearing ;	Assam Act No XVI of 1953
	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 Assam Maintenance of Public Order (Autonomous Districts) (Amendment) Act, 2022.  (2) It shall have the like extent as principal Act.  (3) It shall come into force at once.	
Amendment of Section 2	2. In the principal Act, in section 2, sub-sections (7) and (8) shall be deleted.	
Amendment of Section 11	3. In the principal Act, in section 11, in sub-section (2), for the words "imprisonment for a term which may extend to two years or with fine or with both." appearing after the words "punishable with", the words " fine at least rupees five thousand which may extend upto rupees twenty thousand" shall be substituted.	
Amendment of Section 12	4. In the principal Act, in section 12, in sub-section (2), for the words "imprisonment for a term which may extend to two years or with fine or with both." appearing after the words "punishable with", the words "fine which may extend upto rupees twenty thousand" shall be substituted.	

Amendment of 5.  
Section 12

In the principal Act, in section 13, for the words “imprisonment for a term which may extend to two years or with fine or with both.” appearing after the words “be punishable with”, the words “fine at least rupees five thousand which may extend upto rupees twenty thousand” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

As per statement submitted by the Industries, Commerce and Public Enterprises Department containing 35 (thirty five) number of Acts for examination and for reduction of compliance burden in the Ease of Doing Business and after examination of the Acts, the Government in Home & Political Department in discussion with the concerned authorities have proposed to amend/ moderate some sections of the following Act having relevant punishable provisions keeping in light the reduction of compliance burden for the Ease of Doing Business and decriminalizing the Sections. The proposed Act for amendment is as follows:

**The Assam Maintenance of Public Order (Autonomous Districts) Act, 1953**

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no additional financial involvement in the proposed Bill.

**MEMORANDUM OF DELEGATED LEGISLATION**

No delegation of legislative power is sought in the proposed “The Assam Maintenance of Public Order (Autonomous Districts) Act (Amendment) Bill, 2022”.

**HIMANTA BISWA SARMA**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**EXTRACT OF THE RELEVANT SECTIONS OF THE ASSAM MAINTENANCE OF PUBLIC ORDER (AUTONOMOUS) DISTRICTS ACT, 1953 (PRINCIPAL ACT) AND THE CORRESPONDING AMENDMENTS PROPOSED**

<b>The Assam Maintenance of Public Order (Autonomous) Districts Act, 1953</b>			
Sl. No.	Section / Clause	Existing Provision	Proposed Amendments
1	2(7)	If any person contravenes any order made under this section, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both, and if such person has enter into a bond in pursuance of the provisions of sub-section (4) his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof, or show cause to the satisfaction of the convicting Court why such penalty should not be paid.	To be deleted
2	2(8)	If any person required to enter upon a bond under sub-section (4) refuses or fails to do so within the time specified in the order, he shall be punishable with imprisonment for a term which may extent to one year: Provided that if during the course of trail or during the period the person is in imprisonment the bond is duly entered upon by him, the trial or the imprisonment, as the case may be, shall abate with effect from the date the bond is entered into.	To be deleted
3	11(2)	If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both	For the words "imprisonment for a term which may extend to two years or with fine or with both" appearing after the words "punishable with", the words "fine at least rupees five thousand which may extend upto rupees twenty thousand" shall be substituted.
4	12(2)	If any person contravenes any order issued under this section, he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.	For the words "imprisonment for a term which may extend to two years or with fine or with both" appearing after the words "punishable with", the words "fine which may extend upto rupees twenty thousand" shall be substituted.

5	13	Any person who carried on his person or knowingly has in his possession or under his control any corrosive substance or liquid, under such circumstances as to give rise to a reasonable suspicion that he does not carry it on his person or have it in his possession or under his control for a lawful object, shall, unless he can show that he was carrying it on his person, or that he had it in his possession or under his control for a lawful object, be punishable with imprisonment for a term which may extend to two years or with fine or with both.	For the words "imprisonment for a term which may extend to two years or with fine or with both" appearing after the words "be punishable with", the words "fine at least rupees five thousand which may extend upto rupees twenty thousand" shall be substituted.
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**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.



**THE ASSAM PREVENTION OF BEGGING  
(AMENDMENT) BILL, 2022**

**A  
BILL**

further to amend the Assam Prevention of Begging Act, 1964.

Preamble                      Whereas it is expedient to amend the Assam Prevention of Begging Act, 1964 hereinafter referred to as the principal Act, in the manner hereinafter appearing; **Assam Act  
No. XVII  
of 1964**

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 Assam Prevention of Begging (Amendment) Act, 2022.  
(2) It shall have the like extent as the principal Act.  
(3) It shall come into force at once.
- Amendment of Section 6                      2. In the principal Act, section 6 shall be deleted.

**STATEMENT OF OBJECTS AND REASONS**

As per statement submitted by the Industries, Commerce and Public Enterprises Department containing 35 (thirty five) number of Acts for examination and for reduction of compliance burden in the Ease of Doing Business and after examination of the Acts, the Government in Home & Political Department in discussion with the concerned authorities have proposed to amend/ moderate some sections of the following Act having relevant punishable provisions keeping in light the reduction of compliance burden for the Ease of Doing Business and decriminalizing the Sections. The proposed Act for amendment is as follows:

**The Assam Prevention of Begging Act, 1964**

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no additional financial involvement in the proposed Bill.

**MEMORANDUM OF DELEGATED LEGISLATION**

No delegation of legislative power is sought in the proposed “The Assam Prevention of Begging Act (Amendment) Bill, 2022”.

**HIMANTA BISWA SARMA.**

Chief Minister,

&

Minister-in-charge,

Home & Political, Assam.

**EXTRACT OF THE RELEVANT SECTIONS OF THE ASSAM PREVENTION OF BEGGING ACT, 1964 (PRINCIPAL ACT) AND THE CORRESPONDING AMENDMENTS PROPOSED**

<b>The Assam Prevention of Begging Act, 1964</b>			
Sl. No.	Section /Clause	Existing Provision	Proposed Amendments
1	6(1)	<b>Penalty for begging after detention as beggar.</b> Whoever having been previously detained in a certified institution under this Act is found begging shall, on conviction, be punished as hereinafter in this section provided.	To be deleted
2	6(2)	When a person is convicted for the first time under sec-S.(1) the court shall order him to be detained in a certified institution for a period or not less than one year and not more than one and a half years.	To be deleted
3	6(3)	When a person is convicted for the second or subsequent time under sub-S.(1), the court shall order him to be detained for a period of three years in a certified institution, and may convert any period of such detention (not exceeding one year) into a sentence of imprisonment extending to a like period.	To be deleted

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.



or to both” appearing after the words “under this section”, the words “with fine which may extend to five thousand rupees” shall be substituted.

3. in the principal Act, in section 16,

Amendment of  
Section 16

- (i) in sub-section (1), for the words “simple imprisonment for a term which may extend to six months, or with fine or with both” appearing after the words “punished with”, the words “fine which may extend to rupees ten thousand” shall be substituted.
- (ii) in sub-section (2), the words “with simple imprisonment for a term which may extend to six months, or with fine or with both” appearing after the words, “be punished”, the words “with fine of atleast five thousand rupees which may extend upto thirty thousand rupees” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

As per statement submitted by the Industries, Commerce and Public Enterprises Department containing 35 (thirty five) number of Acts for examination and for reduction of compliance burden in the Ease of Doing Business and after examination of the Acts, the Government in Home & Political Department in discussion with the concerned authorities have proposed to amend/ moderate some sections of the following Act having relevant punishable provisions keeping in light the reduction of compliance burden for the Ease of Doing Business and decriminalizing the Sections. The proposed Acts for amendment are as follows:

**The Assam Lokayukta and Upa-Lokayukta Act, 1985.**

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no additional financial involvement in the proposed Bill.

**MEMORANDUM OF DELEGATED LEGISLATION**

No delegation of legislative power is sought in the proposed “The Assam Lokayukta and Upa-Lokayukta (Amendment) Bill, 2022”.

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.



**EXTRACT OF THE RELEVANT SECTIONS OF THE ASSAM LOKAYUKTA AND UPA-  
LOKAYUKTA ACT, 1985 (PRINCIPAL ACT) AND THE CORRESPONDING AMENDMENTS  
PROPOSED**

<b>The Assam Lokayukta and Upa-Lokayukta Act, 1985</b>			
Sl. No.	Section /Clause	Existing Provision	Proposed Amendments
1	13 (1)	Action in case of false complaint. – (1) Notwithstanding anything contained in any other provision of this Act every person who wilfully or maliciously makes any false complaint under this Act shall on conviction, be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.	for the words “on conviction be punished with imprisonment for a term which may extend to three years and shall also be liable to fine” appearing after the words “Act shall” the words be punished with “fine at least ten thousand which may extend upto rupees fifty thousand” shall be substituted.
2	13(5)	If at any stage of a proceeding under this Act before the Lokayukta or an Upa-Lokayukta it appears to him that any person appearing in such proceeding or any person who filed an affidavit in support of a complaint made under this Act had knowingly or wilfully given false evidence or had fabricated false evidence with the intention that such evidence should be used in such proceedings, the Lokayukta or Upa-Lokayukta, as the case may be, may, if satisfied that it is necessary and expedient in the interest of justice that the person should be tried summarily for giving or fabricating, as the case may be false evidence, take cognizance of the offence and may, after giving the offender a reasonable opportunity of showing cause why he should not be punished for such offence, try such offender summarily, so far as may be, in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973 and sentence him to imprisonment for a term which may extend to six months or to fine which may extend to five thousand rupees or both.	for the words “sentence him to imprisonment for a term which may extend to six months or to fine which may extend to five thousand rupees or both”, appearing after the words Code of Criminal Procedure, 1973 and the words “shall punish him with a fine at least ten thousand rupees which may extend to thirty thousand rupees” shall be substituted.
2	13 (6)	When any such offence as if described in Section 175, Section 178, Section 179 or Section 180 of the Indian penal Code is committed in the view or presence of the Lokayukata or Upa-Lokayukta, he may cause the offender to be detained in custody and may at any time on the same day, take cognizance of the offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, sentence the offender to simple imprisonment for a term which may extend to one month, or to fine which may extend to five hundred rupees, or to both.	for the words “sentence the offender to simple imprisonment for a term which may extend to one month, or to fine which may extend to five hundred rupees or to both”, appearing after the words “under this section”, the words “with fine which may extend to five thousand rupees” shall be substituted.
3	16(1)	<b>Intentional insult or interruption so, or bringing into disrepute, Lokayukta or Upa-Lokayukta – (1)</b> Whoever intentionally offers any insult, or causes any interruption to the Lokayukta or an Upa-Lokayukta while the Lokayukta or the Upa-Lokayukta is conducting any investigation under this Act shall on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine or with both.	for the words “simple imprisonment for a term which may extend to six months, or with fine or with both” appearing after the words “punished with”, the words “fine which may extend to rupees ten thousand” shall be substituted.

4	16(2)	Whoever, by words spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Lokayukta or an Upa-Lokayukta into disrepute shall on conviction, be punished with simple imprisonment for a term which may extend to six months, or with fine or with both.	the words "with simple imprisonment for a term which may extend to six months, or with fine or with both" appearing after the words "be punished", the words "with fine of at least five thousand rupees which may extend to thirty thousand rupees" shall be substituted.
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**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

## THE ASSAM LAND AND REVENUE REGULATION (SECOND AMENDMENT) BILL, 2022

### A

### BILL

further to amend the Assam land and revenue regulation. 1886

Preamble	<p>Whereas it is expedient further to amend the Assam Land and Revenue Regulation, 1886, hereinafter referred to as the principal Regulation, in the manner hereinafter appearing;</p> <p style="text-align: center;">It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-</p>	<p><b>Assam Act No. I of 1886</b></p>
Short title, extent and commencement	<p>1. (1) This Regulation may be called the Assam Land and Revenue Regulation, (second Amendment) Act, 2022.</p> <p>(2) It shall have the like extent as the principal Act.</p> <p>(3) It shall come into force at once.</p>	
Amendment of Section 25	<p>2. In the principal Regulation, in section 25, in sixth line, for the words “two hundred rupees” appearing in between the words “may extend to” and “for each”, the word “fifty thousand rupees” shall be substituted.</p>	
Amendment of Section 156	<p>3. In the principal Regulation, in section 156, for the words “be punishable with fine which may extend to two hundred rupees, or when such breach is a continuing breach, to fifty rupees for each day during which such breach continues, or, on conviction before a Magistrate, with imprisonment which may extend to six months or with fine upto one thousand rupees or with both” appearing after the words “such breach” the following shall be substituted, namely:- “be punishable with fine which may extend to fifty thousand, or when such breach is continuing breach, to twelve thousand for each day during which such breach continues, or on conviction before a magistrate, with fine which may extend upto rupees two lakhs fifty thousand”.</p>	

**Statement of Objects and Reasons**

The object of the Bill is to amend the penalty provisions under Section – 25 and Section -126 of the Assam Land and Revenue Regulation, 1886.

In view to facilitate business friendly environment in the state through reforms under Ease of Doing Business (EoDB), the Department is carrying out systematic exercises to simplify, streamline, de-criminalize and remove redundant laws/ regulations. Special emphasis has been placed on de-criminalization of such omissions / commissions which can be otherwise disposed of through civil proceedings, fines etc.

The Revenue and D.M. Department, therefore, came up with a proposal seeking approval of the Cabinet for placing the Assam Land and Revenue Regulation (Second Amendment) Bill, 2022 in the winter session of Assam Legislative Assembly to amend the Regulation.

The Cabinet in the meeting held on 15/12/2022 approved the proposal with a direction to place in the winter session of the Assam Legislative Assembly in form of a Bill as proposed by the Department.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**Financial Memorandum**

The Bill will not require any expenditure from the Consolidated Fund of the State once it comes into force.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**Memorandum of Delegated Legislation**

There is no delegation of legislative powers proposed in the Bill.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

Existing provision of the Assam Land and Revenue Regulation, 1886 and the proposed provision of the Assam Land and Revenue Regulation (Second Amendment) Bill, 2022

Existing provision	Proposed provision
<p>Section-25 (Penalty for removing boundary marks);</p> <p>Any person willfully destroying, removing or damaging any boundary-mark (not being a landmark fixed by the authority of a public servant within the meaning of section 434 of the Indian Penal Code) which has been lawfully erected shall be punished with fine which may extend to two hundred rupees for each mark so destroyed, removed or damaged, in addition to such sum as may be necessary to defray the expense of restoring the boundary-mark so destroyed, removed or damaged."</p>	<p>In the principal Regulation, under Part-B (Survey and Demarcation of Land) in Chapter-III (Settlement and Resumption), in the Subject of the Section-25, for the words "two hundred rupees", the words "fifty thousand rupees" shall be substituted.</p>
<p>Section-156 (Penalty for breach of rules)</p> <p>"The State Government may, in making any rule under this Regulation, provide that a breach of the rule, in addition to any other consequence which may ensue from such breach, be punishable with fine which may extend to two hundred rupees, or when such breach is a continuing breach, to fifty rupees for each day during which such breach continues, or, on conviction before a Magistrate, with imprisonment which may extend to six months or with fine upto one thousand rupees or with both."</p>	<p>In the subject of the section-156, for the words "be punishable with fine which may extend to two hundred rupees, or when such breach is a continuing breach, to <i>fifty rupees</i> for each day during which such breach continues, or, on conviction before a Magistrate, with imprisonment which may extend to six months or with fine upto one thousand rupees or with both" substitute the words "be punishable with fine which may extend to fifty thousand rupees, or when such breach is a continuing breach, to twelve thousand fifty rupees for each day during which such breach continues, or, on conviction before a Magistrate, with fine which may extend to two lakh fifty thousand rupees.</p>

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

# THE ASSAM FIXATION OF CEILING ON LAND HOLDINGS (AMENDMENT) BILL, 2022

A

## BILL

further to amend the Assam Fixation of Ceiling on Land Holdings Act, 1956.

Preamble

Whereas it is expedient to amend the Assam Fixation of Ceiling on Land Holdings Act, 1956, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act  
No 1 of  
1957

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 Assam Fixation of Ceiling on Land Holdings (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of  
Section 34

2. In the principal Act, in section 34,-
  - (i) in sub-section (1) for the words "be punished with imprisonment which may extend to one year or with fine which may extend to two thousand rupees or with both" appearing after the words "to be false, shall", the words "punished with a fine of at least rupees twenty five thousand which may extend upto rupees one lakh" shall be substituted;
  - (ii) In sub-section (2) for the words "be punished with imprisonment which may extend to one year but which shall not be less than three months and shall also be liable to fine which may extend to one thousand rupees" appearing after the words "on conviction", the words "punished with a fine of at least rupees twenty five thousand which may extend to rupees one lakh" shall be substituted.

**Statement of Objects and Reasons**

The object of the Bill is to amend the penalty provisions under Section – 34 of the Assam Fixation of Ceiling on Land Holdings Act, 1956.

In view to facilitate business friendly environment in the state through reforms under Ease of Doing Business (EoDB), the Department is carrying out systematic exercises to simplify, streamline, de-criminalize and remove redundant laws/ regulations. Special emphasis has been placed on de-criminalization of such omissions / commissions which can be otherwise disposed of through civil proceedings, fines etc.

The Revenue and D.M. Department, therefore, came up with a proposal seeking approval of the Cabinet for placing the Assam Fixation of Ceiling on Land Holdings (**Amendment**) Bill, 2022 in the winter session of Assam Legislative Assembly to amend the Act.

The Cabinet in the meeting held on 15/12/2022 approved the proposal with a direction to place in the winter session of the Assam Legislative Assembly in form of a Bill as proposed by the Department.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.



**Financial Memorandum**

The Bill will not require any expenditure from the Consolidated Fund of the State once it comes into force.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**Memorandum of Delegated Legislation**

There is no delegation of legislative powers proposed in the Bill.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

Existing provision of the Assam Fixation of Ceiling on Land Holdings Act, 1956 and the proposed provision of the Assam Fixation of Ceiling on Land Holdings (**Amendment**) Bill, 2022:

Existing provision	Proposed provision
<p>Section-34 (Penalties)</p> <p>“(1) Whoever contravenes any lawful order passed under this Act or obstructs any person from lawfully taking possession of any land under this Act or makes a declaration or statement or furnishes any information which is false and which he has reason to believe to be false, shall be punishable with imprisonment which may extend to one year or with fine which may extend to two thousand rupees or with both.</p> <p>(2) Any person who fails to submit any return required to be submitted under Sections 5 and 22 shall, on conviction, be punished with imprisonment which may extend to one year but which shall not be less than three months and shall also be liable to fine which may extend to one thousand rupees.”</p>	<p>In the principal Act, in Section-34, (Penalties):</p> <p>(i) In sub-section (1) for the words “be punishable with imprisonment which may extend to one year or with fine which may extend to two thousand rupees or with both”, appearing after the words “to be false”, the words “punishable with a fine at least twenty five thousands which may extend to one lakh rupees” shall be substituted.</p> <p>(ii) In sub-section (2) for the words, “be punished with imprisonment which may extend to one year but which shall not be less than three months and shall also be liable to fine which may extend to one thousand rupees”, appearing after the words “on conviction”, the words “punished with a fine of at least rupees twenty five thousand which may extend to rupees one lakh” shall be substituted.</p>

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM LAND (REQUISITION AND ACQUISITION)  
(AMENDMENT) BILL, 2022**

**A**

**BILL**

further to amend the Assam Land (Requisition and Acquisition) Act, 1964.

Preamble

Whereas, it is expedient further to amend the Assam Land (Requisition and Acquisition) Act, 1964, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

**Assam Act  
No. XV of  
1964**

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 Assam Land (Requisition and Acquisition) (Amendment) Act, 2022.
- (2) It shall have the like extent and the principal Act.
- (3) It shall come into force at once.

Amendment of  
Section 16

2. In the principal Act, in section 16, for the words "be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both" appearing after the words "he shall", the words "be punishable with a fine of at least rupees twenty five thousands which may extend to rupees one lakh" shall be substituted.

**Statement of Objects and Reasons**

The object of the Bill is to amend the penalty provisions under Section -- 16 of the **Assam Land (Requisition and Acquisition) Act, 1964**.

In view to facilitate business friendly environment in the state through reforms under Ease of Doing Business (EoDB), the Department is carrying out systematic exercises to simplify, streamline, de-criminalize and remove redundant laws/ regulations. Special emphasis has been placed on de-criminalization of such omissions / commissions which can be otherwise disposed of through civil proceedings, fines etc.

The Revenue and D.M. Department, therefore, came up with a proposal seeking approval of the Cabinet for placing the Assam Land (Requisition and Acquisition) (**Amendment**) Bill, 2022 in the winter session of Assam Legislative Assembly to amend the Act.

The Cabinet in the meeting held on 15/12/2022 approved the proposal with a direction to place in the winter session of the Assam Legislative Assembly in form of a Bill as proposed by the Department.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**Financial Memorandum**

The Bill will not require any expenditure from the Consolidated Fund of the State once it comes into force.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**Memorandum of Delegated Legislation**

There is no delegation of legislative powers proposed in the Bill.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

Existing provision of the Assam Land (Requisition and Acquisition) Act, 1964 and the proposed provision of the Assam Land (Requisition and Acquisition) (Amendment) Bill, 2022:

<b>Existing provision</b>	<b>Proposed provision</b>
<p>Section-16 (Penalty)</p> <p>“If any person contravenes any order made under this Act he shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both.”</p>	<p>In the principal Act, in section-16, for the words “be punishable with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both” appearing after the words “he shall”, the words “be punishable with a fine at least rupees twenty five thousands which may extend to rupees one lakh” shall be substituted.</p>

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM (TEMPORARILY SETTLED AREAS) TENANCY  
(AMENDMENT) BILL, 2022**

**A**

**BILL**

further to amend the Assam (Temporarily Settled Areas) Tenancy Act, 1971.

Preamble	Whereas it is expedient further to amend the Assam (Temporarily Settled Areas) Tenancy Act, 1971 hereinafter referred to as the principal Act, in the manner hereinafter appearing;	Assam Act No. XIII of 1971
	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 Assam (Temporarily Settled Areas) Tenancy (Amendment) Act, 2022. (2) It shall have the like extent as the principal Act. (3) It shall come into force at once.	
Amendment of Section 71	2. In the principal Act, in section 71, in clause (v), in fourth and fifth line, for the words and figure "be punishable with imprisonment which may extend to one thousand rupees or with both" appearing after the words "against him", the words "be punishable with a fine which may extend upto rupees fifty thousand" shall be substituted.	

**Statement of Objects and Reasons**

The object of the Bill is to amend the penalty provisions under Section – 71 of the **Assam (Temporarily Settled Areas) Tenancy Act, 1971**.

In view to facilitate business friendly environment in the state through reforms under Ease of Doing Business (EoDB), the Department is carrying out systematic exercises to simplify, streamline, de-criminalize and remove redundant laws/ regulations. Special emphasis has been placed on de-criminalization of such omissions / commissions which can be otherwise disposed of through civil proceedings, fines etc.

The Revenue and D.M. Department, therefore, came up with a proposal seeking approval of the Cabinet for placing the Assam (Temporarily Settled Areas) Tenancy (**Amendment**) Bill, 2022 in the winter session of Assam Legislative Assembly to amend the Act.

The Cabinet in the meeting held on 15/12/2022 approved the proposal with a direction to place in the winter session of the Assam Legislative Assembly in form of a Bill as proposed by the Department.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.



**Financial Memorandum**

The Bill will not require any expenditure from the Consolidated Fund of the State once it comes into force.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**Memorandum of Delegated Legislation**

There is no delegation of legislative powers proposed in the Bill.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

Existing provision of the Assam (Temporarily Settled Areas) Tenancy Act, 1971 and the proposed provision of the Assam (Temporarily Settled Areas) Tenancy (Amendment) Bill, 2022:

Existing provision	Proposed provision
<p>Section-71 (Penalties)</p> <p>Whoever-</p> <ul style="list-style-type: none"> <li>(i) willfully fails or neglects to comply with any requirements made of him under this Act, or</li> <li>(ii) contravenes any lawful order passed under this Act, or</li> <li>(iii) obstructs the Deputy Commissioner or the Revenue Officer or any Officer authorised by him in taking any lawful possession under this Act, or</li> <li>(iv) willfully contravenes any provisions made in this Act or Rules made there under, or</li> <li>(v) furnishes information which he knows or believes to be false or does not believe to be true, shall, on conviction before a Magistrate, and in addition to any other action that may be taken against him, be punishable with imprisonment which may extend to 6 months or with fine which may extend to one thousand rupees or with both.”</li> </ul>	<p>In the principal Act, in section-71, Act, in clause (v), in forth and fifth line, for the words and figure “be punishable with imprisonment which may extend to one thousand rupees or with both” appearing after the words “against him”, the words “be punishable with a fine which may extend upto rupees fifty thousand” shall be substituted.</p>

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM EMBANKMENT AND DRAINAGE  
(AMENDMENT) BILL, 2022**

**A  
BILL**

*to further amend the Assam Embankment and Drainage Act, 1953*

<b>Preamble</b>	Whereas, it is expedient to further amend the Assam Embankment and Drainage Act, 1953, herein-after called the principal Act, in the manner herein-after appearing;	<b>Assam Act I of 1954</b>
<b>Short title, extent and commencement</b>	<p style="text-align: center;">It is hereby enacted in the Seventy Third Year of the Republic of India as follows :-</p> <p>1. (1) This Act may be called the Assam Embankment and Drainage (Amendment) Act, 2022.</p> <p>(2) It shall have the like extent as the principal Act.</p> <p>(3) It shall come into force from the date of publication in the Assam Gazette.</p>	
<b>Amendment of section 15 of the Assam Act I of 1954</b>	<p>2. In section 15 of the principal Act, -</p> <p>(1) for sub-section (I), clause (a) and clause (c) shall be removed.</p> <p>(2) after clause (e) of sub-section (I), for the words "shall be punished with punishment of either description for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both", the words "shall be punishable with fine which may extend to twenty thousand rupees" shall be substituted.</p>	

(3) in sub-section (II) the words “No person shall, without due authority, cut through any embankment or drain or destroy or attempt to destroy, any such embankment or drain or open or shut or obstruct any sluice in any embankment or drain or any public water source and every person who commits any breach of the provision of this sub-section shall be liable to imprisonment of either description which may extend to a term of three years and to a fine which may extend to one thousand rupees”, the words “No person shall, without due authority, cut through any embankment or drain or destroy or attempt to destroy, any such embankment or drain or open or shut or obstruct any sluice in any embankment or drain or any public water source and any person who commits any breach of the provision of this sub-section shall be liable to a fine which may extend to one lakh rupees” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The objective to introduce the Bill namely the Assam Embankment and Drainage (Amendment) Bill, 2022 is to amend the provisions pertaining to certain punishable offences as provided in section 15 of the Assam Embankment and Drainage Act, 1953 with an aim to bring about administrative reforms through decriminalization of such omissions/commissions as envisaged under Ease of Doing Business (EODB).

The Water Resources Department proposes to remove relevant clauses/sections pertaining to provision of imprisonment in the Assam Embankment and Drainage Act, 1953 and compensating it with hundred-fold increase in the quantum of fine for such offences.

Hence, this Bill.

**PIJUSH HAZARIKA,**  
Minister,  
Water Resources.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

**MEMORANDUM OF DELEGATED LEGISLATION**

This Bill proposes to delegate legislative power to the Executive.

**PIJUSH HAZARIKA,**  
Minister,  
Water Resources.

**Comparative Statement of the Assam Embankment and Drainage Act, 1953 and  
its proposed Bill for Amendment**

Sl. No.	Section	Existing Provision	Proposed Amendment
1.	Sub-section (I), clause (a)	Grazes any cattle or allows any cattle belonging to him or in his charge to trespass on any public embankment or drain.	Omitted
2.	Sub-section (I), clause (c)	Takes any vehicle over or across any public embankment or drain.	Omitted
3.	Sub-section (I),	Shall be punished with punishment of either description for a term which may extend to six months, or with fine which may extend to two hundred rupees, or with both.	Shall be punishable with fine which may extend to twenty thousand rupees.
4.	Sub-section (II)	No person shall, without due authority, cut through any embankment or drain or destroy or attempt to destroy, any such embankment or drain or open or shut or obstruct any sluice in any embankment or drain or any public water source and every person who commits any breach of the provision of this sub-section shall be liable to imprisonment of either description which may extend to a term of three years and to a fine which may extend to one thousand rupees.	No person shall, without due authority, cut through any embankment or drain or destroy or attempt to destroy, any such embankment or drain or open or shut or obstruct any sluice in any embankment or drain or any public water source and any person who commits any breach of the provision of this sub-section shall be liable to a fine which may extend to one lakh rupees.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

## THE ASSAM SLUM AREAS (IMPROVEMENT AND CLEARANCE) (AMENDMENT) BILL, 2022

### A

### BILL

further to amend the Assam Slum Areas (Improvement and Clearance) Act, 1959.

**Preamble**

Whereas it is expedient further to amend the Assam Slum Areas (Improvement and Clearance) Act, 1959, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act  
No. XII of  
1961

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

**Short title,  
extent and  
commencement**

1. (1) This Act may be called the Assam Slum Areas (Improvement and Clearance) (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of  
Section 34**

2. In the principal Act, in section 34, in sub-section (3), in clause (i), for the words and figures, "Rs. 500 with or without simple imprisonment not exceeding a period of two months," appearing after the words "extend to" the words, "rupees five thousand" shall be substituted.

**Amendment of  
Section 39**

3. In the principal Act, in section 39, in clause (b), for the words and figures, "Rs. 500 or with or without simple imprisonment for a term which may extend to two months", appearing after the words "extend to", the words "upto rupees five thousand" shall be substituted.

**Amendment of  
Section 44**

4. In the principal Act, in section 44, for the words and figures "imprisonment which may extend to two months or with fine which may extend to Rs. 500 or with both" appearing after the words "punishable with", the words. " fine which may extend to rupees five thousand" shall be substituted.



## **STATEMENT OF OBJECTS AND REASONS**

The Assam Slum Areas (Improvement and Clearance) (Amendment) Bill, 2022 seeks to amend the Assam Slum Areas (Improvement and Clearance) Act, 1959 (Assam Act no XII of 1961).

It is proposed that department seek amendment to the three (3) sections of the “Assam Slum Areas (Improvement and Clearance) Act, 1959” in order to decriminalize the provisions of the referred sections of the Act.

The amendment will reduce the burden of compliance on the citizens and the law enforcing agencies by replacing imprisonment with fines.

**Section 34:** Sub- Section 3(i) is amended as follow:

for the words and figures, “Rs. 500 with or without simple imprisonment not exceeding a period of two months” appearing after the words “extend to” the words, “rupees five thousand” shall be substituted.

**Section 39:** Sub- Section (b) is amended as follow:

for the words and figures, “Rs. 500 or with or without simple imprisonment for a term which may extend to two months”, appearing after the words “extend to” the words, “uptorupees five thousand” shall be substituted.

**Section 44** is amended as follow:

for the words and figures, “imprisonment which may extend to two months or with fine which may extend to Rs. 500 or with both” appearing after the words “punishable with”, the words “fine which may extend to rupees five thousand” shall be substituted.

**This proposal is moved as per the approval of the Hon’ble Cabinet in its meeting held on 15<sup>th</sup> December, 2022.**

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

**Preamble:**

**Section 34(3)(i), Section 39(b) and Section 44.**

**ASHOK SINGHAL,**

Minister,

Department of Housing and Urban Affairs,  
Assam, Dispur.

**HEMEN DAS,**

Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

**ASHOK SINGHAL,**  
Minister,  
Department of Housing and Urban Affairs,  
Assam, Dispur.

**MEMORANDUM OF DELEGATED LEGISLATION**

The present amendment will not create any delegated legislation.

**ASHOK SINGHAL,**  
Minister,  
Department of Housing and Urban Affairs,  
Assam, Dispur.

**THE ASSAM SLUM AREAS (IMPROVEMENT AND CLEARANCE) ACT, 1959  
(ASSAM ACT NO. XII OF 1961)**

**Existing provisions and proposed amendments**

Sections	Sections of the Existing Act	Proposed Amendments of the New Bill
Section 34	<p>3) If after such time any such person under sub-section continues to neglect or breach, such person shall on conviction, he punishable by any or all of the following :-</p> <p>i. with fine which may extend to Rs.500 with or without simple imprisonment not exceeding a period of two months ;</p>	<p>Sub- Section 3(i) to be amended to read as:</p> <p>3(i) "with fine which may extend to rupees five thousand"</p>
Section 39	<p>If any person</p> <p>b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorised under this Act, shall be punishable with fine which may extend to Rs. 500 or with or without simple imprisonment for a term which may extend to two months</p>	<p>Sub- Section (b) to be amended to read as:</p> <p>(b) "removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized under this Act, shall be punishable with fine which may extend to upto rupees five thousand"</p>
Section 44	<p>The Authority or any officer or servant of the Authority or of the Government who wilfully or negligently abuses any power conferred on him by or under this Act, shall be punishable with imprisonment which may extend to two months or with fine which may extend to Rs. 500 or with both:</p> <p>Provided that no prosecution shall be instituted under this Section---</p> <p>(a) unless the previous sanction of the State Government has been obtained ; and</p> <p>(b) until the expiry of two months notice in writing has been given to the person concerned clearly stating the cause of action and the nature of relief sought, etc.</p>	<p>Section 44 to be amended to read as:</p> <p>44 "The Authority or any officer or servant of the Authority or of the Government who willfully or negligently abuses any power conferred on him by or under this Act, shall be punishable with fine which may extend to rupees five thousand".</p>

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

## THE FACTORIES (ASSAM AMENDMENT) BILL, 2022

### A

### BILL

further to amend the Factories Act, 1948.

Preamble

Whereas it is expedient to amend the Factories Act, 1948, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central  
Act No.63  
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 Factories (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 92**

2. In the principal Act, in section 92, in the third line, in between the words 'Act' and 'or', the words "except those provisions contained in the Fourth Schedule appended to this Act" shall be inserted.

Insertion of new  
**Section 92 A**

3. In the principal Act, after section 92, the following new section 92A, shall be inserted, namely:-

"92A For the contravention of the provisions contained in Fourth Schedule or any rule made thereunder or any Order in writing given thereunder, the occupier and manager of the factory shall each be guilty of an offence and punishable with fine in accordance to the Table as given below which may extend to an amount of rupees two lakhs.

**TABLE**

<b>Sl.No.</b>	<b>Section</b>	<b>Compounding Amount</b>	
<b>1</b>	<b>2</b>	<b>3</b>	
1.	All section listed in the Fourth Schedule except section 97 and section 111	No of workers employed in the industry	Amount not less than Rs.
		1 to 50	10,000/-
		51 to 100	20,000/-
		101 to 500	30,000/-
		More than 500	50,000/-
2.	For section 97 and 111	Minimum Rs.200/- but shall not exceed Rs.2000/-	

Insertion of  
Fourth Schedule

4. In the principal Act, after the Third Schedule, the following new Fourth Schedule shall be inserted, namely:-

**“THE FOURTH SCHEDULE**  
(See section 92A)

List of Compoundable Offences

<b>Sl.No.</b>	<b>Section and provision</b>	<b>Nature of offence</b>
<b>1</b>	<b>2</b>	<b>3</b>
1.	Section 11- Cleanliness	Not maintaining cleanliness as per the provisions.
2.	Section 18 – Drinking Water	Not providing and maintaining arrangements for drinking water as per the provisions.
3.	Section 19-Latrines and urinals	Not providing latrine and urinal accommodation as per the provisions.
4.	Section 20 -Spittoons	(a)Not providing the spittoons as per the provisions. (b) Spitting in contravention of sub-section (3) of section 20.
5.	Section 42-Washing facilities	Not providing and maintaining washing facilities as per the provisions.

6.	Section 43-Facilities for storing and drying of wet clothing	Not providing facilities as per the provisions.
7.	Section 44-Facilities for sitting	Not providing facilities as per the provisions.
8.	Sub-sections (1), (2) and (3) of section 45-First-aid appliances.	Not providing and maintaining first-aid appliances as per the provisions.
9.	Section 46-Canteens	Not providing and maintaining canteen as per the provisions.
10.	Section 47-Shelters, rest rooms and lunch rooms.	Not providing and maintaining shelters, rest rooms and lunch rooms as per the provisions.
11.	Section 48-Creches	Not providing and maintaining crèches as per the provisions.
12.	Section 50-Power to make rules to supplement Chapter V.	Not complying with the rules framed under section 50.
13.	Sub-section(2) of section 53-Compensatory Holidays	Not displaying the notice and not maintaining the register for compensatory holiday.
14.	Sub-section (5) of section 59-Extra wages for overtime	Not maintaining the prescribed registers.
15.	Section 60-Restriction on double employment.	Allowing a worker a double employment on any day.
16.	Section 61-Notice of periods of work for adults.	Not complying with the provisions.
17.	Section 62- Registers of adult workers.	Not maintaining register as per the provisions.
18.	Section 63-Hours of work to correspond with notice under section 61.	Not complying with the provisions.
19.	Section 64-Power to make exempting rules.	Not complying with the rules framed under section 64.
20.	Section 65-Power to make exempting orders.	Not complying with the orders issued under section 65,
21.	Section 79-Annual leave with wages.	Not complying with the provisions.
22.	Section 80- Wages during leave period.	Not complying with the provisions.
23.	Section 81-Payment in advance in certain cases.	Not complying with the provisions.

24.	Section 82- Mode of recovery of unpaid wages.	Not complying with the provisions.
25.	Section 83- Power to make rules.	Not maintaining registers as per rules and not complying with the provisions.
26.	Section 84 – Power to exempt factories.	Not complying with the conditions specified in the exempting order.
27.	Section 93- Liability of owner of premises in certain circumstances.	Not complying with the provisions contained in sub-section (1) and clauses (i) and (vi) of sub-section (3).
28.	Section 97- Offences by workers.	Not complying with the provisions.
29.	Section 108- Display of notices.	Not complying with the provisions.
30.	Section 110-Returns	Not complying with the provisions.
31.	Section 111-Obligation of workers	Not complying with the provisions.
32.	Section 111A-Right of workers, etc.	Denial of rights of workers.
33.	Section 114-No charge for facilities and conveniences.	Demanding charge from worker for providing any facility under the Act.

**STATEMENT OF OBJECTS AND REASONS**

The Factories (Assam Amendment) Bill, 2022 seeks to amend the Factories Act, 1948.

It is proposed to bring an amendment to section 92 of the Factories Act, 1948 and in the principal Act, after section 92, new section 92A 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 92 and section 92A.

**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.

**Section 92 in The Factories Act, 1948**

92. General penalty for offences.—Save as is otherwise expressly provided in this Act and subject to the provisions of section 93, if in, or in respect of, any factory there is any contravention of any of the provisions of this Act or of any rules made thereunder or of any order in writing given thereunder, the occupier and manager of the factory shall each be guilty of an offence and punishable with imprisonment for a term which may extend to 1[two years] or with fine which may extend to 2[one lakh rupees] or with both, and if the contravention is continued after conviction, with a further fine which may extend to 3[one thousand rupees] for each day on which the contravention is so continued: 4[Provided that where contravention of any of the provisions of Chapter IV or any rule made thereunder or under section 87 has resulted in an accident causing death or serious bodily injury, the fine shall not be less than 5[twenty-five thousand rupees] in the case of an accident causing death, and 6[five thousand rupees] in the case of an accident causing serious bodily injury. Explanation.—In this section and in section 94 “serious bodily injury” means an injury which involves, or in all probability will involve, the permanent loss of the use of, or permanent injury to, any limb or the permanent loss of, or injury to, sight or hearing, or the fracture of any bone, but shall not include, the fracture of bone or joint (not being fracture of more than one bone or joint) of any phalanges of the hand or foot.]

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM INDUSTRIAL INFRASTRUCTURE DEVELOPMENT CORPORATION (SOCEOND AMENDMENT) BILL, 2022****A****BILL**

further to amend the Assam Infrastructure Development Corporation Act, 1990.

Preamble

Whereas it is expedient further to amend the Assam Infrastructure Development Corporation Act, 1990 hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Assam Act  
No. I  
of 1991

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 Assam Infrastructure Development Corporation (Second Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of  
Section 52

2. In the principal Act, in section 52, 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 ten thousand rupees" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The Bill namely "*The Assam Industrial Infrastructure Development Corporation (Second Amendment) Bill, 2022*" seeks to amend the Section-52, i.e. the penal provision of the Assam Industrial Infrastructure Development Corporation Act, 1990 [the principal act] as a part of Reduction of Compliance Burden on Citizens and Businesses to improve 'Ease of Living' and 'Ease of Doing Business'.

Hence, the Bill.

**BIMAL BORAH,**  
Minister in-charge,  
Industries, Commerce and PE Department, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no financial involvement in the proposed Bill.

**BIMAL BORAH,**  
Minister-in-charge,  
Industries, Commerce and PE Department, Assam.

**MEMORANDUM OF DELEGATED LEGISLATION**

There is no delegation of legislative powers to the executive in the proposed  
Bill.

**BIMAL BORAH,**  
Minister-in-charge,  
Industries, Commerce and PE Department, Assam.

## THE ASSAM PROFESSIONS, TRADES, CALLINGS AND EMPLOYMENTS TAXATION (AMENDMENT) BILL, 2022

### A

### BILL

further to amend the Assam Professions, Trades, Callings and Employments Taxation Act, 1947.

Preamble Whereas it is expedient to amend the Assam Professions, Trades, Callings and Employments Taxation Act, 1947, hereinafter referred to as the principal Act, in the manner hereinafter appearing; Assam Act  
No. VI of  
1947

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 Assam Professions, Trades, Callings and Employments Taxation (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of  
Section 15

2. In the principal Act, in section 15, after clause (3), for the words "shall, on conviction before a Magistrate and in addition to any tax or penalty or both that may be due from him, be punishable with imprisonment which may extend to six months or with fine not exceeding five hundred rupees or with both", the words "the assessing authority may, after giving him a reasonable opportunity of being heard, impose upon him a penalty of an amount not exceeding twice the amount of tax involved or tax evaded or sought to be evaded where it is practicable to quantify such amount or an amount not exceeding rupees five thousand in any other case, subject to a minimum of rupees two thousand and five hundred" shall be substituted.

Omission of  
Sections 15A  
and 15B

3. In the principal Act, sections 15A and 15B shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to amend the Assam Professions, Trades, Callings and Employments Taxation Act, 1947 to decriminalise some offences.

2. The amendments proposed are broadly explained as under:
  - i) Clause 2 of the Bill seeks to amend section 15 of the Act by substituting the provision of imprisonment with financial penalty.
  - ii) Clause 3 of the Bill seeks to delete section 15A of the Act which contains similar punitive provisions for company and its directors. It is further proposed to delete section 15B, relating to compounding of offence, which has become superfluous in view of proposed amendment and deletion of section 15 and 15A.
3. The Bill seeks to achieve above objects.

**AJANTA NEOG,**  
Minister, Finance

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

The Bill proposes to amend the Assam Professions, Trades, Callings and Employments Taxation Act, 1947.

There is no provision in the Bill which would involve the recurring or non-recurring expenditure from the Consolidated Fund of the State on its enactment as an Act of the State Legislature.

**AJANTA NEOG,**  
Minister, Finance

MEMORANDUM OF DELEGATED LEGISLATION

The Bill involves no proposals for delegation of legislative power to anyone.

**AJANTA NEOG,**  
Minister, Finance



**The Assam Professions, Trades, Callings and Employments Taxation (Amendment) Bill, 2022**

<b><u>Existing provision of the APTCE Act</u></b>	<b><u>Proposed Provision of the APTCE Act</u></b>
<p><b>15. Failure to make returns, etc.-</b> Whoever --</p> <p>(1) fails, without reasonable cause, to submit in due time any return as required by or under the provisions of this Act or submits false return; or</p> <p>(2) fails or neglects, without reasonable cause, to comply with any requirement made of, or any obligation laid on, him under the provisions of this Act; or</p> <p>(3) fraudulently evades payment of any tax due under this Act or conceals his liability to such tax,</p> <p>shall, on conviction before a Magistrate and in addition to any tax or penalty or both that may be due from him, be punishable with imprisonment which may extend to six months or with fine not exceeding five hundred rupees or with both.</p>	<p><b>15. Failure to make returns, etc.-</b> Whoever --</p> <p>(1) fails, without reasonable cause, to submit in due time any return as required by or under the provisions of this Act or submits false return; or</p> <p>(2) fails or neglects, without reasonable cause, to comply with any requirement made of, or any obligation laid on, him under the provisions of this Act; or</p> <p>(3) fraudulently evades payment of any tax due under this Act or conceals his liability to such tax,</p> <p>the assessing authority may, after giving him a reasonable opportunity of being heard, impose upon him a penalty of an amount not exceeding twice the amount of tax involved or tax evaded or sought to be evaded where it is practicable to quantify such amount or an amount not exceeding five thousand rupees in any other case, subject to a minimum of two thousand and five hundred rupees.</p>
<p><b>15A. Offence by companies.-</b> (1) Where an offence under this Act has been committed by a company, every person who at the time when the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly : Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in this sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p><b>Amendments:</b> Section 15A has been inserted w.e.f. 1-4-1992 by Assam Act No. XI of 1992, published in the Assam Gazette of 6th June, 1992.</p>	<p><b>15A. Omitted.</b></p>
<p><b>15B. Composition of offence. -</b> (1) Subject to such conditions, as may be prescribed, the assessing authority may either before or after institution of a criminal proceeding under this Act, accept from the person who has committed or is reasonably suspected of having committed an offence under this Act or the rules made thereunder, by way of composition of such offence.</p> <p>(a) where the offence consists of the failure to</p>	<p><b>15B. Omitted.</b></p>

pay or evasion of any tax recoverable under this Act in addition to the tax, so recoverable, a sum of money not exceeding one thousand rupees or double the amount of tax recoverable, if any, whichever is greater; and

(b) in any other case a sum of money not exceeding one thousand rupees in addition to the tax recoverable. (2) On payment of such sum, no further proceeding shall be taken against the person concerned in respect of the same offence.

**Amendment:** Section 15B has been inserted w.e.f. 1-4-1992 by Assam Act No. XI of 1992, published in the Assam Gazette of 6th June, 1992.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM STATE YOUTH COMMISSION  
(AMENDMENT) BILL, 2022**

**A**

**BILL**

further to amend the Assam State Youth Commission Act, 2022.

**Preamble** Whereas it is expedient to amend the Assam State Youth Commission Act, 2022, hereinafter referred as the principal Act, in the manner hereinafter appearing;

**Assam Act  
No. XVIII of  
2022**

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 Assam State Youth Commission (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

**Amendment of  
Section 4**

2. In the principal Act, in section 4, for sub-section (5), the following shall be substituted, namely:-

“(5) A casual vacancy caused by reason of death, removal or resignation or otherwise in the office of the Chairman or Vice-Chairman or Member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for the remaining period of the term of the person in whose place he has been appointed.”.

**Amendment of  
Section 12**

3. In the principal Act, in section 12, in sub section (3), in second line, for the word “audits” appearing in between the words “with the” and “of the accounts” the word “audit” shall be substituted.

**Amendment of  
Section 16**

4. In the principal Act, in section 16, in sub-section (2), for clause (a), the following shall be substituted, namely:-

“(a) remuneration and allowances payable to and the other terms and conditions of service of the Chairman, the Vice-Chairmen and Members under sub-section (6) of section 4 and officers and other employees under sub-section (2) of section 5 of the Act;”.

**STATEMENT OF OBJECTS AND REASONS**

The Assam State Youth Commission will implement programmes for educating and empowering the youths and function as protector of the rights of youths and improve the status of youth in the society, investigate into and take or suggest suitable remedial measures against practices derogatory to youth, effectively monitor and implement programmes for educating and empowering the youths, implement law(s) affecting youth and advise the Government on all matters related to the improvement and upliftment of status of youth in the society.

2. The Assam State Youth Commission Act, 2022 was enacted by the Assam State Legislative Assembly to achieve the above objects.

3. However, an amendment bill is required to rectify some discrepancies which appeared in the Act.

4. The bill seeks to achieve above objects.

**HIMANTA BISWA SARMA,**  
Hon'ble Chief Minister

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

## **FINANCIAL MEMORANDUM**

There is no additional financial implication involved in the enactment of the Assam State Youth Commission (Amendment) Bill, 2022 as an Act of the State Legislature.

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

There is no further delegation of powers to the State Government proposed in the Assam State Youth Commission (Amendment) Bill, 2022.

**HIMANTA BISWA SARMA,**  
Hon'ble Chief Minister

## Comparison Statement

Sl. No.	Section of the Act	The Assam State Youth Commission Act, 2022	The Assam State Youth Commission (Amendment) Bill, 2022
		Original provision	Amendment Sought
1	<b>Sub-Section (5) of Section 4</b>	A casual vacancy caused by reason of death, removal or resignation or otherwise in the office of the Chairperson or Vice-Chairman or Member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for the remaining period of the term of the person in whose place he is appointed.	A casual vacancy caused by reason of death, removal or resignation or otherwise in the office of the <b>Chairman</b> or Vice-Chairman or Member or otherwise shall be filled by fresh appointment and the person so appointed shall hold office for the remaining period of the term of the person in whose place he <b>has been appointed</b> .
2	<b>Sub-Section (3) of Section 12</b>	The Accountant General or any person appointed by him in connection with the <b>audits</b> of the accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Commission.	The Accountant General or any person appointed by him in connection with the <b>audit</b> of the accounts of the Commission under this Act shall have the same rights and privileges and the Authority in connection with such audit as the Accountant General generally has in connection with the audit of Government accounts and in particular, shall have the right to demand the production of books, accounts connected vouchers and other documents and papers and to inspect any of the offices of the Commission.
3	<b>Clause (a) of Sub-section (2) of Section 16</b>	remuneration and allowances payable to and the other terms and conditions of service of the Chairman, the Vice Chairman and Members under <b>sub-section (5)</b> of section 4 and officers and other employees under sub-section (2) of section 5 of the Act;	remuneration and allowances payable to and the other terms and conditions of service of the Chairman, the <b>Vice-Chairmer</b> and Members under <b>sub-section (6)</b> of section 4 and officers and other employees under sub section (2) of section 5 of the Act;

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM IRRIGATION (AMENDMENT) BILL, 2022****A****BILL**

further to amend the Assam Irrigation Act, 1983.

Preamble

Whereas it is expedient to amend the Assam Irrigation Act, 1989, hereinafter referred as the principal Act, in the manner hereinafter appearing;

Assam Act  
No. VIII  
of 1989

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 Assam Irrigation (Amendment) Act, 2022.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

Amendment of  
Section 69

2. In the principal Act, in section 69,-
  - (i) sub-section (1), (3), (5), (6), (7) and (9) shall be deleted and thereafter sub-section (2), (4), (8), (10) and (11) shall be renumbered as sub-section (1), (2), (3), (4) and (5) respectively;
  - (ii) for the existing sub-section (11), the following shall be substituted, namely:-
    - “(5) grows or allows to grow any crop in contravention of a notification under section 36;
    - (6) or contravenes any of the provisions of the Act or of any rules made thereunder;

shall be liable for punishment with fine of at least rupees 3000/- (three thousand) which may extend upto rupees 20,000/- (twenty thousand):

Provided that for second or subsequent offence under sub-section (1) to (6), fine shall be not less than rupees 5,000/- (five thousand):

Provided further that in case of a continuing offence a daily fine not exceeding rupees 2,000 (two thousand) during the period of continuance of the offence shall also be imposed.”.

**STATEMENT OF OBJECTS AND REASONS**

Objects : The objective is to introduce the Bill, namely, the Assam Irrigation (Amendment) Bill, 2022 to further amend the Assam Irrigation Act, 1983.

Reasons : Certain penal provisions at Sub-section (1), (3), (5),(6),(7) and (9) are repeated in other Act namely, The Irrigation Water Users' Act, 2004. Hence, proposed for deletion of said sub-sections. As a measure of Ease of Doing Business, decriminalisation and reducing compliance burden, it is proposed to convert the penal provision of imprisonment into fines, if found guilty of offences for damage to Irrigation works etc. as mentioned under Section 69 of the Act.

The Cabinet has approved the proposal in its meeting held on 15<sup>th</sup> December, 2022 at 4:30 PM at Jorhat.

Hence the Bill.

**ASHOK SINGHAL,**  
Minister, Irrigation.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.



**FINANCIAL MEMORANDUM**

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

**ASHOK SINGHAL,**  
Minister, Irrigation.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Bill does not propose to delegate legislative power to the Executive.

**ASHOK SINGHAL,**  
Minister, Irrigation.

## Proposal for amendment of The Assam Irrigation Act, 1983

Annexure-I				
Act	Criminal punishment Chapter and section number	Criminal punishment description	Original Penal Provision	Proposed Amendment
The Assam Irrigation Act, 1983	Chapter XI <u>OFFENCES AND PENALTIES</u> Section 69	Whoever voluntarily or without any lawful authority from any officer authorised in this behalf: (1) causes any damage, alteration, enlargement or obstruction to any irrigation work or supply work, (2) causes any vessel to enter or navigate in any irrigation or supply work, otherwise than in accordance with the rules framed, (3) interferes with increases or decreases the level and supply of water in, or the flow of water from, through over or under any irrigation work or supply work, (4) neglects while navigating on any irrigation work or supply work to take proper precautions for the safety of the irrigation work or supply work or of any vessel therein, (5) destroys or removes or moves any level-marks or water-gauge fixed by the authority of a public servant in any part of any irrigation work or supply work, (6) renders unfit or diminishes the usefulness of the water of any irrigation work or supply work for the purpose of which it is generally used (7) neglects while using a field channel, to take proper precautions for the prevention of waste of the water thereof or interferes with the authorised distribution of water therefrom, (8) neglects without reasonable cause to carry out or to continue to carry out duties in connection with the execution of any repair or work when lawfully bound to do under Section 52, (9) opens, shuts or obstructs or attempts to open shut or obstructs any sluice or outlet or any other similar contrivance in any irrigation work or supply work, (10) allows cattle to graze or to be gathered or any animal or vehicle to pass through any irrigation work or supply work, (11) grows or allows to grow any crop in contravention of a notification under Section 36, (12) contravenes any of the provisions of the Act or of rules made thereunder,	shall be liable on conviction for offences mentioned in Clause (1) to (8) to a fine which may extend to rupees one thousand or to imprisonment which may extend to one year or with both and for offences mentioned in Clauses (9) to (12) to a fine which may extend to rupees five hundred or to imprisonment which may extend to two months or with both	In the Principal Act, in section 69, (i) sub-section (1), (3), (5), (6), (7) and (9) shall be deleted and thereafter sub-section (2), (4), (8), (10) and (11) shall be renumbered as sub-section (1), (2), (3), (4) and (5) respectively, (ii) for the existing sub-section (11), the following shall be substituted, namely: "(5) grows or allows to grow any crop in contravention of a notification under section 36, (6) or contravenes any of the provisions of the Act or of any rules made thereunder, shall be liable for punishment with fine of at least rupees 3000/- (three thousand) which may extend upto rupees 20,000/- (twenty thousand). Provided that for second or subsequent offence under sub-section (1) to (6), fine shall be not less than rupees 5000/- (five thousand) Provided further that in case of a continuing offence a daily fine not exceeding rupees 2,000 (two thousand) during the period of continuance of the offence shall also be imposed"

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.



**STATEMENT OF OBJECTS AND REASONS**

**Objects :** The objective is to introduce the Bill, namely, the Assam Irrigation Water Users (Amendment) Bill, 2022 to further amend the Assam Irrigation Water Users Act, 2004.

**Reasons :** As a measure of Ease of Doing Business, decriminalisation and reducing compliance burden, it is proposed to convert the penal provision of imprisonment into fines, if found guilty of offences for damage to Irrigation works etc. as mentioned under Section 23 of the Act.

The Cabinet has approved the proposal in its meeting held on 15<sup>th</sup> December, 2022 at 4:30 PM at Jorhat.

Hence the Bill.

**ASHOK SINGHAL,**  
Minister, Irrigation.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

**ASHOK SINGHAL,**  
Minister, Irrigation.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Bill does not propose to delegate legislative power to the Executive.

**ASHOK SINGHAL,**  
Minister, Irrigation.

Proposal for Amendment of The Assam Irrigation Water Users Act, 2004

## Annexure I

Act	Criminal punishment Chapter and section number	Criminal punishment description	Original Penal Provision	Proposed Amendment
The Assam Irrigation Water Users Act, 2004	Chapter V <u>OFFENCES AND PENALTIES</u> Section 23 (f)	Opens, shuts or obstructs or attempts to open, shut or obstruct any sluice or outlet or any other similar structures in any irrigation system, shall on a complaint made by a farmers' organization, if convicted be punished with imprisonment which may extend to one year or with fines which may extend to five thousand rupees or both.	If convicted shall be punished with imprisonment which may extend to one year or with fines which may extend to five thousand rupees or both.	shall be liable for punishment if found guilty with a fine which may extend to twenty thousand rupees.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM REGULATED AND LICENSED WAREHOUSES  
(AMENDMENT) BILL, 2022****A  
BILL**

further to amend the Assam Regulated and Licensed Warehouses Act, 1959.

**Preamble**                      Whereas it is expedient to amend the Assam Regulated and Licensed Warehouses Act, 1959, hereinafter referred as the principal Act, in the manner hereinafter appearing; **Assam Act No. XV of 1960**

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 Assam Regulated and Licensed Warehouses (Amendment) Act, 2022.  
(2) It shall have the like extent as the principal Act.  
(3) It shall come into force at once.

**Amendment of Section 32**      2. In the principal Act, in section 32, in sub-section (1), in clause (b), for the words "imprisonment for a term which may extend to one year or with fine which may extend to rupees one thousand or with both." appearing after the words "punishable with", the words "fine of rupees ten thousand which may extend upto rupees fifty thousand for the first offence, which may extend upto rupees one lakh for subsequent offences" shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

Objects : The objective is to introduce the Bill, namely, Assam Regulated and Licensed Warehouses(Amendment) Bill 2022 to further amend the Assam Regulated and Licensed Warehouses Act 1959.

Reasons:- In the principal Act, in section 32, in sub-section (1), in clause (b), for the words “imprisonment for a term which may extend to one year or with fine which may extend to rupees one thousand or with both.” appearing after the words “punishable with”, the words “fine of rupees ten thousand which may extend upto rupees fifty thousand for the first offence, which may extend upto rupees one lakh for subsequent offences” shall be substituted as a measure of decriminaliasation and reducing compliance burden as per decision taken by the state Govt. It is proposed to convert the penal provision of imprisonment into fine.

The Cabinet has approved the proposal in its meeting held on 19.12.2022.

**NANDITA GARLOSA,**  
Minister, Cooperation.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.



**FINANCIAL MEMORANDUM**

This Bill does not entail any expenditure from the Consolidated Fund of the State once comes into force.

**NANDITA GARLOSA,**  
Minister, Cooperation.

**MEMORENDUM OF DELEGATED LEGISLATION**

The Bill not propose to delegate legislative power to the Executive.

MEMORANDUM OF DELEGATED LEGISLATION

**NANDITA GARLOSA,**  
Minister, Cooperation.

**COMPERATIVE STATEMENT**

<b><u>Existing provision</u></b>	<b><u>Proposed amendment</u></b>
<p><b><u>Section 32.(1)( b)</u></b> of “The Assam Regulated and Licensed Warehouses Act, 1959 : “knowingly, contravenes or fails to comply with any of the provisions or requirements of this Act of the rules, shall be 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”</p>	<p><b><u>Section 32.(1)( b)</u></b> under “The Assam Regulated and Licensed Warehouses (amendment) Bill, 2022 : In the principal Act, in section 32, in subsection (1), in clause (b), for the words “imprisonment for a term which may extend to one year or with fine which may extend to rupees one thousand or with both.” appearing after the words “punishable with”, the words “fine of rupees ten thousand which may extend upto rupees fifty thousand for the first offence, which may extend upto rupees one lakh for subsequent offences” shall be substituted.</p>

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM CINEMA (REGULATION)  
(AMENDMENT) BILL, 2022**

**A  
BILL**

further to amend the Assam Cinema (Regulation) Act, 1953.

Preamble                      Whereas it is expedient to amend the Assam Cinema (Regulation) Act, 1953 hereinafter referred to as the principal Act, in the manner hereinafter appearing; Assam Act  
No. XIV of  
1953

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 Assam Cinema (Regulation) (Amendment) Act, 2022.  
(2) It shall have the like extent as the principal Act.  
(3) It shall come into force at once.
- Amendment of  
Section 7                      2. In the principal Act, in section 7, for the words “five thousand rupees” appearing in between the words “extend to” and “and in” the words “rupees ten thousand” shall be substituted.

**STATEMENT OF OBJECTS AND REASONS**

The objective to introduce the Bill namely, The Assam Cinema (Regulation) (Amendment) Bill, 2022 has been to amend the present amount payable as penalty for contravention of The Assam Cinemas (Regulations) Act, 1953 had been fixed as Rs. 5000/- (Rupees five thousand) only (as per The Assam Cinemas (Regulation) (Amendment) Act, 2005) and in case of any continuous offences, with a further extended fine of Rs. 500/- (Rupees five hundred) only for each day during which the offence continues, and this amount as fine continues to be imposed till since then.

It has been proposed to amend the Section 7 which relates to penal provision of Rs. 10,000/- instead of Rs. 5000/-.

**RANJEET KR. DASS,**  
Minister,  
General Administration Department.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

FINANCIAL MEMORANDUM

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

MEMORANDUM OF DELEGATED LEGISLATION

This Bill does not provide to delegate legislative power to the Executive.

**RANJEET KR. DASS,**  
Minister,  
General Administration Department.

**EXTRACT OF THE BILL AS CONSIDERED BY THE HON'BLE CABINET IN ITS MEETING****HELD ON 15.12.2022**

**Re-fixing of penalties for contravention of The Assam Cinemas (Regulation) (Amendment) Act, 2005 from Rs. 5,000/- (Rupees five thousand) only to Rs. 10,000/- (Rupees ten thousand) only covered under Section 7 of the Act :**

The Assam Cinemas (Regulation) Act, 1953 and The Assam Cinemas (Regulation) Rules, 1960, thereof had been enacted to make provisions for regulating exhibitions by means of cinematographs and the licensing of cinemas in the state of Assam.

The objective to introduce the Bill namely, The Assam Cinema (Regulation) (Amendment) Bill, 2022 is to amend the present amount payable as penalty for contravention of The Assam Cinemas (Regulations) Act, 1953 as covered under Section 7 of the Act which had earlier been fixed as Rs. 5000/- (Rupees five thousand) only, as per The Assam Cinemas (Regulation) (Amendment) Act, 2005, and in case of any continuous offences, with a further extended fine of Rs. 500/- (Rupees five hundred) only for each day during which the offence continues, and this amount as fine continues to be imposed till since then.

Joint Secretary to the Government of Assam,  
General Administration Department.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM SHOPS AND ESTABLISHMENT BILL, 2022****A****BILL**

to provide for regulations of conditions of employment and other conditions of service of workers and employees in shops and commercial establishments and establishments for public amusement or entertainment and other establishment and for matters connected and incidental thereto.

Preamble

Whereas it is expedient to provide for the regulation of conditions of workers and employment in shops and commercial establishments and establishments for public entertainment or amusement or other establishment and matters connected therewith and incidental thereto in the State of Assam.

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 Assam Shops and Establishments Act, 2022.
- (2) It extends to the whole of the state of Assam.
- (3) It shall come into force at once.

**CHAPTER-1****PRELIMINARY**

Definitions

2. In this Act, unless there is anything repugnant in the subject or context,-
  - (1) "Chief Facilitator" means the Chief Facilitator appointed as such under sub-section (1) of section 23;
  - (2) "commercial establishment" means an establishment which carries business of advertising, commission or forwarding or commercial agency, a department or a factory in which persons are employed in a clerical capacity in any room or place where no manufacturing process is being carried on, a clerical department of any industrial or commercial undertaking including one of public transport, an insurance company, joint stock company, brokers office or exchange, or such other establishment or class thereof as the Government may, by notification, declare to be a commercial establishment for the purposes of all or any of the provisions of this Act, but does not include a shop or

- an establishment for public entertainment or amusement;
- (3) “day” means the period of twenty-four hours beginning at midnight;
- (4) “employer” means an owner or a person who has ultimate control over the affairs of a shop or an establishment, and includes-
- (i) in the case of a firm or association of individuals, a partner or member of the firm or association;
  - (ii) in the case of a company, a director of the company;
  - (iii) in the case of an establishment owned or controlled by the Central Government or a State Government or any local authority, the person or persons appointed to manage the affairs of such shop or establishment by the Central Government or the State Government or the local authority, as the case may be;
- (5) “establishment” means an establishment which carries on, any business, trade, manufacture or any journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or exchange or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession or manufacture; and includes,-
- (i) establishment of any medical practitioner (including hospital, dispensary, clinic, polyclinic, maternity home and such others), architect, engineer, accountant, tax consultant or any other technical or professional consultant;
  - (ii) a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or work in connection with or incidental or ancillary thereto;
  - (iii) shop, residential hotel, restaurant, eating house, theatre or other place of public



- amusement or entertainment; to whom the provisions of the Factories Act, 1948 do not apply;
- (iv) such other establishment as the Government may, by notification in the Official Gazette, declare to be an establishment for the purposes of this Act;
- (6) “establishment for public entertainment or amusement” means a restaurant, eating house, cafe, cinema, theatre and such other establishments or class thereof as the Government may by notification, declare to be, for the purposes of this Act, an establishment for public entertainment or amusement, but does not include a shop or a commercial establishment;
- (7) “Government” means the Government of Assam;
- (8) “Facilitator” means a facilitator appointed under section 23 of the Act;
- (9) “factory” means any premises and the precincts thereof which is a factory within the meaning of clause (m) of section 2 and section 85 of the Factories Act, 1948;
- (10) “holiday” means a day on which a worker shall be given a weekly off under the provisions of this Act;
- (11) “leave” means a leave mentioned under section 17 of this Act;
- (12) “local authority” means,-
- (i) the Municipal Corporation constituted under the Guwahati Municipal Corporation Act, 1969 or constituted or deemed to be constituted under the Assam Municipal Corporation Act, 2022;
- (ii) a Municipality constituted under Assam Municipal Act, 1956;
- (iii) a Panchayat constituted under the Assam Panchayat Act, 1994;
- (13) “member of the family of an employer” means the wife, husband, son, daughter, father, mother, brother or sister of an employer who lives with and is

Central Act  
No. 63 of  
1948

Central Act  
No. 63 of  
1948

Assam Act  
No.1 of 1973.

Assam Act  
No.8 of 2022

Assam Act  
No.15 of  
1957

Assam Act  
No.18 of  
1994

dependent on such employer;

- (14) “notification” means a notification published in the Official Gazette;
- (15) “opened” means opened for the service of any customer, or for any business of the establishment, or for work, by or with the help of any worker of or connected with the establishment;
- (16) “prescribed” means prescribed by rules made under this Act;
- (17) “prescribed authority” means Commissioner of Labour for the purpose of this Act;
- (18) “register of establishments” means a register maintained for the registration of shops and establishments under this Act, either manually or in electronic format;
- (19) “registration certificate” means a certificate of registration of a shop or establishment;
- (20) “shift” means where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a group or relay and each of such period is called a shift;
- (21) “shop” means any premises where goods are sold, either by retail or wholesale or where services are rendered to customers and includes an office, a store-room, godown, warehouse or work place, whether in the same premises or otherwise, mainly used in connection with such trade or business, but does not include a factory;
- (22) “spread-over” means the period between the commencement and the termination of the work of a worker on any day;
- (23) “wages” means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes,-

- (i) any remuneration payable under any award or settlement between the parties or under any order of a court or tribunal;
- (ii) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;
- (iii) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);
- (iv) any sum which, by reason of the termination of employment of the person employed, is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions;
- (v) any sum to which the person employed is entitled under any scheme framed under any law, for the time being in force; and
- (vi) house rent allowance payable in cash, but does not include,-
  - (a) any bonus, which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or under any order of a court;
  - (b) the value of any accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the Government;
  - (c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;
  - (d) any travelling allowance or the value of any travelling concession;
  - (e) any sum paid to the employed person to defray special expenses entailed to him by the nature of his employment; or
  - (f) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (iv) above;

(24) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Facilitator or Facilitator;

(25) "worker" means any person including a person engaged through an outsourcing agency (except an apprentice under the Apprentices Act, 1961) employed to do any manual, unskilled, skilled, technical, operational or clerical work for hire or reward, whether the terms of employment be express or implied.

Central Act  
52 of 1961

Act not to apply  
to certain persons  
and premises

3. (1) The provisions of this Act shall not apply to,-
- (a) a worker occupying position of confidential, managerial or supervisory character in a shop or in an establishment;
  - (b) establishments of the Central or the State Government;
  - (c) establishments of local authorities;
  - (d) offices of Reserve Bank of India;
  - (e) any establishment used for the treatment or care of the sick, in firm, destitute or mentally unfit;
  - (f) a member of the family of an employer; and
  - (g) a worker whose work is inherently intermittent.
- (2) A list of the workers referred to in clause (a) to (g) of sub section (1) above, shall be displayed at a conspicuous place and on the website of the shop or establishment and a copy thereof shall be sent to the Facilitator.

Application of  
the Act to other  
establishments  
and workers

4. Notwithstanding anything contained in this Act, the Government may, by notification in the Official Gazette, declare any establishment or class of establishments to which, or any worker or person or class of workers or persons to whom, this Act or any of the provisions thereof does not for the time being apply and to establishment or class of establishments or a worker or a person or class of workers or persons to which or whom this Act or any provisions thereof with such modifications or adaptations as may in the opinion of the Government be necessary shall apply from such date as may be specified in the notification.

Protection of  
rights of workers  
under any other  
law,  
etc.

5. Nothing in this Act shall affect any right or privileges which a worker in any shop or establishment is entitled to at the date of commencement of this Act under any other law, contract, custom or usage applicable to such shop or establishment or any award, settlement or agreement binding on the employer and the worker in such shop or establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.

## CHAPTER-II REGISTRATION OF SHOPS AND ESTABLISHMENTS

Registration and  
Issue of Labour  
Identification  
Number

6. (1) On the commencement of this Act, every shop or establishment employing five or more workers shall apply online in a form as may be prescribed for registration to the Chief Facilitator or any Facilitator of the concerned area and obtain a Labour Identification Number (LIN) within a period of sixty (60) days from the date of opening of such shop or establishment.
- (2) The shop or establishment shall pay online along with their application such fees and such self-certified documents as may be prescribed, containing:-
- (i) the name of the Employer and the manager;
  - (ii) the postal address of the establishment;
  - (iii) the name, if any of the establishment;
  - (iv) the actual nature of the business of the establishment;
  - (v) such other particulars as may be prescribed:

Provided that, nothing contained herein above shall apply to the shops and establishments already having valid registration under the Assam Shops and Establishments Act, 1971 until the expiry of their registration or renewal.

- (3) On receipt of the application along with the documents and the fees, the Facilitator shall, register the shop or establishment in the register of establishments in such manner as may be prescribed and shall issue online, in such form as may be prescribed, a registration certificate or renewal certificate along with the Labour Identification

Number (LIN) to the employer within a period of fifteen (15) days from the date of receipt of such application. The Facilitator shall verify the correctness of the application and documents attached thereto within such time as may be prescribed. The registration certificate shall be produced whenever it is demanded by the Chief Facilitator or Facilitator and shall be pre-dominantly displayed at some conspicuous space of the shops and establishments.

- (4) A registration certificate issued under sub-section (3) above, shall remain in force from the date of issue till the completion of five (5) years or change in ownership or nature of business takes place. In case of change in ownership or nature of business, the employer of every establishment shall have to obtain fresh registration certificate.

Intimation by  
establishment  
having less than  
five workers

7. (1) Within a period of sixty (60) days from the date of the commencement of this Act or the date on which establishment commences its business, the employer of every establishment employing less than five workers shall give an intimation of having commenced the business to the Chief Facilitator and Facilitator authorized on behalf of the Chief Facilitator in whose jurisdiction the establishment is located, by submitting online application, in the prescribed form, together with such self declaration and self-certified documents, as may be prescribed, containing details such as name of the employer and manager, name and address of the establishment, nature of business, number of workers and such other details as may be prescribed. The Facilitator shall issue to the employer of such establishment, a receipt of intimation in such form and manner as may be prescribed. The details of the intimation receipt shall be recorded online in a register maintained in such form as may be prescribed:

Provided that if at any point of time the number of workers engaged in the establishment become five or more, then all provisions of this Act shall apply to such establishment and the employer of such establishment shall have to obtain registration as per the provisions of section 6 of this Act;

Provided further that, nothing contained herein above shall apply to the shops and establishments already having valid registration under the Assam Shops and Establishments Act, 1971 until the expiry of their registration.

Assam Act  
No. XXI  
1974

- (2) Whoever, contravenes the provisions of this section or rules framed thereunder shall be punishable with a fine of rupees five thousand which may extend upto rupees ten thousand.
  - (3) An application for the renewal of a registration certificate shall be submitted online not less than thirty (30) days before the date of expiry of the registration certificate or of the renewed registration certificate, as the case may be, and shall be accompanied by such fees, and the renewed registration certificate shall be in such form, as may be prescribed.
  - (4) If the application for the renewal of a registration certificate is submitted after the expiry of the period specified in sub-section (3) but within thirty days after the date of expiry of the registration certificate or of the renewed registration certificate, as the case may be, such application shall be accompanied by an additional fee as late fee equal to half of the fee payable for the renewal of a registration certificate.
  - (5) In the event of any doubt or difference of opinion between an employer and the Facilitator with respect to any provisions of this Act, the Facilitator shall refer the matter to the prescribed authority which shall, after inquiry as it thinks proper, decide the matter and its decision shall be final for the purposes of this Act.
- Cancellation of registration of shops and establishment
8. At any time, if it is found or brought to the notice of the Chief Facilitator and Facilitator that the registration of any shop or establishment has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud, the Facilitator shall, after giving an opportunity of being heard to the employer of the shop or establishment, cancel the registration and remove such shop or establishment from the register of establishments in the manner as may be prescribed.

- Change to be communicated 9. It shall be the duty of every employer to inform to the Chief Facilitator or Facilitator in the prescribed form, any change in any of the particulars contained in the application submitted under section 6 of this Act within such period and such fees as may be prescribed. The Facilitator shall, on receiving such notice and the prescribed fees along with the self-declaration of the applicant and self-certified documents under sub-section (2) of section 6, make the changes in the register of establishments in accordance with such notice and shall issue a fresh registration certificate online within a period of fifteen (15) days.
- Notice for closure of business 10. The employer shall inform, in such form and in such manner, as may be prescribed, to the Chief Facilitator and Facilitator within thirty days from the date of closing of the business that the shop or establishment has been closed for business. The Facilitator on receiving the information and on being satisfied about its correctness shall remove the entry of such shop or establishment from the register of establishments and cancel the registration certificate:
- Provided that, if the Facilitator does not receive the information but he is otherwise satisfied that any shop or establishment has been closed, he may remove the entry of such shop and establishment from the register of establishment and cancel such certificate.

### CHAPTER III

#### DUTIES OF EMPLOYER

- Prohibition of discrimination of women 11. (1) No woman worker shall be discriminated in the matter of recruitment, training, transfer or promotion or wages.
- (2) No woman worker shall be required or allowed to work in any establishment except between the hours of 6 a.m. and 9 p.m.:
- Provided that, where the Government or any person, authorized by it in this behalf, if satisfied that the provisions of shelter, rest room, night crèche, ladies toilet, adequate protection of dignity, honour and safety, protection from sexual harassment, and their transportation from the shop or establishment to the door step of their residence exists in such shop or establishment, it may, issue order, after obtaining the consent of the women worker, allowing her to work between 9 p.m. to 6 a.m. subject to such conditions as may be specified in the notification.



- Health and safety of worker 12. (1) Every employer shall take such measures relating to the health and safety of the worker including cleanliness, lighting, ventilation and prevention of fire as may be prescribed.
- (2) Every employer shall be responsible for providing constant adequate supervision of the worker employed in the shop or establishment and to ensure the compliance with the rules relating to health and safety made under sub-section (1) and for taking steps necessary to prevent accidents.
- Fixing of hours of work and spread over 13. (1) No adult worker shall be required or allowed to work in a shop or establishment for more than forty-eight hours in any week and nine hours in a day and no worker shall be asked to work continuously for more than five hours unless he has been given a break of not less than half an hour:
- Provided that, the working hours or weekly holiday may be relaxed in case of work of urgent nature with the previous permission of the Facilitator.
- (2) The total number of hours of work in a shift including the rest interval shall not exceed four and half hours in any shop or establishment and in case a worker is entrusted with intermittent nature of work or urgent work, the spread over shall not exceed twelve hours.
- (3) Any working hour beyond nine hours a day or forty-eight hours a week shall be treated as overtime and the total number of overtime hours shall not exceed one hundred and twenty-five hours in a period of three months.
- (4) The Government shall subject to sub-section (1) above,
- (i) prescribe the number of hours of work which shall constitute a normal working day for the workers employed in the shop or establishment, inclusive of one or more specified intervals; and
- (ii) provide for a day of rest in every period of seven days, which shall be allowed to all the workers employed in the shop or establishment and for the payment of remuneration in respect of such days of rest.

- (5) The provisions of sub-sections (1) and (2) shall, in relation to the following class of workers employed in such shop or establishment, apply only to such extent, and subject to such conditions, as may be prescribed, namely:-
- (i) workers engaged on urgent work, or in any emergency which could not have been foreseen or prevented;
  - (ii) workers engaged in the nature of preparatory or complementary work which must necessarily be carried on outside the normal hours of work laid down in the rules;
  - (iii) workers engaged in any work which for technical reasons has to be completed before the day is over;
  - (iv) workers engaged in a work which cannot be carried on except at times dependent on the irregular action for natural forces; and
  - (v) highly skilled workers (such as workers working in the Establishments of Information Technology, Bio-Technology and Research and Development Divisions).

Payment of wages for overtime work

14. Where a worker is required to work in a shop or establishment beyond nine hours a day or forty eight hours a week, he shall be entitled, in respect of the overtime work, wages at the rate of twice his ordinary rate of wages. The total number of overtime hours shall not exceed one hundred and twenty-five hours in a period of three months.

Shift working and overtime work

15. (1) A department or any section of a department of the shop or shift establishment may work in more than one shift at the discretion of the employer and if more than one shift are worked, the worker may be required to work in any shift at the discretion of the employer.
- (2) A shop or establishment may work on all days in a week subject to the condition that every worker shall be allowed weekly holiday of at least twenty-four consecutive hours of rest.
- (3) If a worker is denied weekly holiday, the

compensatory leave in lieu thereof shall be given within two months of such weekly holiday.

- (4) The period and hours of work in a week for all classes of workers in such shift shall be informed to all workers in writing and shall be sent to the Facilitator electronically or otherwise.
- (5) Where a worker is required to work on a day of his rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.

Furnishing of  
Identity Card to  
worker

16. The employer of a shop or an establishment shall furnish to every worker an identity card which shall be produced by the worker on demand by Facilitator. Such Identity Card shall contain particulars as may be prescribed.

#### **CHAPTER IV LEAVE WITH PAY AND PAYMENT OF WAGES**

Annual leave,  
casual and sick  
leave and other  
holiday

17. (1) Every worker shall be allowed a weekly holiday with wages:

Provided that the Government may, by notification in the Official Gazette, fix different days as weekly holiday for different classes of shops and establishments or areas.

- (2) Every worker shall be entitled to eight days casual leave with wages in every calendar year which shall be credited into the account of the worker on a quarterly basis.
- (3) Every worker who has worked for a period of two hundred and forty days or more in a shop or establishment during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of one day for every twenty days of work performed by him during the previous calendar year.
- (4) Every worker shall be permitted to accumulate earned leave up to a maximum of forty-five days.
- (5) Where the employer refuses to sanction the leave due when applied fifteen days in advance, then the worker shall have a right to encash the leave in excess of forty-five days:

Provided that, if a worker is entitled to leave other than casual and festival leave under this section, is discharged by his employer before he has been allowed the leave, or if, having applied for and having been refused the leave, he quits his

employment on account of retirement, resignation, death or permanent disability, the employer shall pay him full wages for the period of leave due to him.

- (6) Every worker shall be entitled to seven days leave on medical ground with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year but shall lapse if unavailed at the end of the year.
- (7) A worker shall be entitled to eight paid festival holidays in a calendar year, namely, the 26th January, 15th August and 2<sup>nd</sup> October and five such other festival holidays as may be agreed to between the employer and the workers before the commencement of the year. On these days, he shall be paid wages at the rate equivalent to his ordinary rate of wages excluding overtime:

Provided that, the employer may require any worker to work in the shop or establishment on all or any of these days, subject to the conditions that for such work the worker shall be paid double the amount of the ordinary rate of wages and also leave on any other day in lieu of the compulsory holiday.

- (8) For the purpose of sub-section (3) above,-
- (i) any days of lay-off, by agreement or contract or as permissible under the model standing orders or standing orders certified under provisions of the Industrial Employment (Standing Orders) Act, 1946;
- (ii) in the case of a woman worker, maternity leave under the provisions of the Maternity Benefits Act, 1961;
- (iii) the leave earned in the year prior to that in which the leave is availed; or
- (iv) the absence of the worker due to temporary disablement caused by an accident arising out of and in the course of his employment, shall be deemed to be days on which the worker has worked in the shop or establishment for the purpose of computation of the period of two hundred and forty days or more, but shall not earn leave for these days.

Central Act  
No. 20 of  
1946.

Central Act  
No. 53 of  
1961

- (9) The leave admissible under sub-section (3) shall be exclusive of all holidays whether occurring during or either at the end of the period of leave.
- (10) Every worker shall be paid wages for the period of his leave earned under sub-sections (3) and (4) above at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

#### CHAPTER V WELFARE PROVISIONS

- |                      |   |
|----------------------|---|
| Drinking water       | 18. Every employer shall make effective arrangement to provide and maintain at suitable points conveniently situated for all workers employed in the shop or establishment, a sufficient supply of wholesome drinking water.  |
| Latrines and Urinals | 19. Every employer shall provide separate sufficient rest-room, latrine and urinal for men and women as may be prescribed and these shall be so conveniently situated as may be accessible for the workers employed in the shop or establishment:<br><br>Provided that, several employers may provide common facilities of separate latrines and urinals for men and woman, in case it is not possible to provide such facility individually, in a shop or establishment due to constraint of space or otherwise. |
| Creche facility      | 20. In every shop or establishment wherein thirty or more woman workers or fifty or more woman workers are ordinarily employed, there shall be provided and maintained a suitable room or rooms as crèche for the use of children of such woman workers :<br><br>Provided that, if a group of establishments, so decide to provide a common crèche within a radius of one kilometre, then, the same shall be permitted by the Chief Facilitator, subject to such conditions as may be specified in the order.     |
| First-aid            | 21. Every employer shall provide at the place of work first-aid facilities as may be prescribed.  |
| Canteen              | 22. The employer shall provide and maintain in the shop or establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a   |

canteen for the use of its workers:

Provided that, if a group of shops or establishments decide to provide a common canteen, then the same shall be permitted by the Facilitator by an order, subject to such conditions as may be specified in the order.

## CHAPTER-VI

### FACILITATORS AND THEIR POWERS AND FUNCTIONS

Appointment of Chief Facilitator and Facilitators and their powers

23. The Government may by notification in the Official Gazette appoint such person who possess such qualifications as may be prescribed to be the Chief Facilitator and Facilitator for the purposes of this Act and may assign to them such local limits as may think fit:

Provided that the Government may, by notification, appoint the Chief Facilitator as Facilitator who shall in addition to the powers of a Chief Facilitator under this Act, exercise the powers of a Facilitator as assigned and areas as specified in the notification.

Powers and duties of the Chief Facilitator and the Facilitator

24. (1) The State Government may prescribe a scheme for random inspection of shops and establishments which may provide for generation of a web based Inspection Schedule.
- (2) Every Chief Facilitator and Facilitator appointed under section 23 shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the Government may specify in this behalf.
- (3) Subject to such conditions as may be prescribed, the Facilitator may, within the local limits for which he is appointed-
- (i) advise the employers and workers and provide them such information as may be considered necessary for complying with the provisions of this Act effectively;
  - (ii) inspect the shops or establishments in accordance with the scheme for inspection referred to in sub-section (1) above, and may-
    - (a) enter, at all reasonable time and with such assistants, if any, being persons in the service of the Government or of any local authority as he thinks fit, any place which is or which he has reason to believe is a shop or establishment;

Central Act  
No.45 of  
1860

- (b) make such examination of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any persons as he may deem necessary for carrying out the purposes of this Act;
- (c) examine any person who is found in any premises of the shop or establishment and whom, the Facilitator has reasonable cause to believe, is a worker of the shop or establishment;
- (d) require any person to give any information, which is in his possession with respect to the names and addresses of the persons;
- (e) search, seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act and which he has reason to believe has been committed by the employer;
- (f) bring to the notice of the Government defects found during inspection; and
- (g) exercise such other powers, as may be prescribed:

Provided that, no person shall be compelled under this section to answer any question or give any evidence founding to indiscriminate himself.

- (4) Any person required to produce any document or to give any information required by Chief Facilitator or the Facilitator appointed under section 23 shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the Indian Penal Code.
- (5) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure under sub-clause (e) of clause (ii) of sub-section (2) as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.

Central Act  
No.45 of  
1860

Central Act  
No.2 of 1974

## CHAPTER VII RECORDS AND RETURNS

- Maintenance of Registers and Returns
25. (1) Every employer shall maintain the registers and records, in such form and in such manner as may be prescribed.
- (2) The records may be maintained electronically or manually:  
 Provided that, at the time of inspection by an Facilitator, a hard copy of such records, if demanded, shall be submitted duly signed by the employer or his representative.
- (3) Every employer and in his absence the manager shall, on demand, produce for inspection of Facilitator all registers, records and notices required to be kept under and for the purposes of this Act.
- (4) All such registers and records shall be kept in the premises of the shop or establishment to which they relate.
- Annual Returns
26. The employer of a shop and establishment shall furnish an annual returns, in such a form and in such manner (including in electronic form), to such authority as may be prescribed.

## CHAPTER VIII OFFENCES AND PENALTIES

- Penalty for contravention of the provisions of this Act
27. Whoever contravenes the provisions of this Act or the rules made there under shall be punishable with fine which may extend to rupees fifty thousand and in the case of a continuing contravention, with an additional fine which may extend to rupees two thousand for every day during which such contravention continues:  
 Provided that, the total amount of fine shall not exceed rupees two thousand per worker employed in a shop or establishment.
- Penalty for contravention of the provisions of this Act which resulted in accident
28. Save as is otherwise expressly provided in this Act, where an employer on being held guilty of contravention of any of the provisions of this Act or any rules made there under which has resulted in an accident causing serious bodily injury or death of a worker, shall he punishable with imprisonment which may extend to six months or with fine which shall not be less than rupees one lakh which may be extend to rupees two lakhs or with both.



Penalty for obstruction or refusal to provide register, etc.

29. (1) Whoever wilfully obstructs the Facilitator in exercise of any powers conferred on him by or under this Act or refuses or wilfully neglects to afford the Facilitator any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act in relation to a shop or an establishment, shall be punishable with fine which may extend to rupees one lakh.

(2) Whoever wilfully refuses to produce on the demand of the Facilitator any register or other document kept in pursuance of this Act or the rules made there under, or prevents or attempts to prevent or does anything which he has reason to believe to prevent any person from appearing before, or being examined by the Facilitator acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to rupees two lakhs:

Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.

Cognizance of offences by companies

30. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub section (1) above, where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company' such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.** - For the purpose of this section, -

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm, means a partner in the firm.

Cognizance of offences

31. (1) No court shall take cognizance of any offence punishable under this Act and the rules made there under unless a complaint in respect thereof is made by the Facilitator within three months of the date on which the alleged commission of the offence came to the knowledge of the Facilitator and a complaint is filed in that regard thereby:

Provided that where the offence consists of disobeying a written order made by a Facilitator, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.

- (2) No Court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act or the rules made thereunder.
- (3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a Judicial Magistrate of the first class may impose fine and penalties as provided under section 27 of this Act.

Central Act  
No. 2 of  
1974

Compounding of offences

32. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable 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, in the Official Gazette, 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) above, shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date-
- (a) of commission of a similar offence which was earlier compounded;
- (b) of commission of similar offence for which such person was earlier convicted.
- (3) Every officer referred to in sub-section (1) above, shall exercise the powers to compound an offence,

Central Act  
No. 2 of  
1974

subject to the direction, control and supervision of the Government.

- (4) Every application for the compounding of an offence shall be made in such form and 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 subsection (1) above, 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 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) above, shall be liable to pay a sum equivalent to twenty percent of the maximum fine provided for the offence, in addition to such fine.
- (8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section.

#### CHAPTER IX MISCELLANEOUS

Protection of  
action taken in  
good faith

33. No suit, prosecution or other legal proceedings shall lie against any public servant or any other person serving under the Central or the State Government, acting under direction of any such public servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made there under.

Opening and  
closing hours

34. (1) Notwithstanding anything contained in this Act, any shops or establishments if situated,-
  - (i) (a) in Municipal Corporation Area, or
  - (b) on National Highway, or
  - (c) on Railway platform, or
  - (d) at State Roadways bus station premises,

or

- (e) in Hospital premises, or
- (f) on Petrol Pumps, shall remain open 24 hours on any day of the week:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 13, 15 and 17 of this Act;

- (ii) in Municipality area or on State Highway may be opened except from 2.00 A.M to 6.00 A.M:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 13,15 and 17 of this Act;

- (iii) in the areas other than the areas mentioned in clauses (a) and (b) above, any shop or establishment in the districts or on minor roads may be opened except from 1.00 P.M. to 6.00 A.M:

Provided that, the worker shall be allowed to work in accordance with the provisions of sections 13,15 and 17 of this Act;

- (2) Notwithstanding anything contained in sub-section (1), considering the circumstances relating to traffic, public health, public safety, public nuisance or such other reason which may affect law and order situation, the hours for opening and closing of different classes of shops or establishments and for different premises, shopping complex or mall or for different area or areas and for different period may be curtailed by such authority as the Government may, by notification in the Official Gazette, specify.

Power to grant exemptions

- 35. The Government or any officer empowered in this behalf may, by notification, exempt from the operation of all or any of the provisions of this Act for any period it is considered, any shop or establishment or class thereof or any employer or worker or class of employers or workers to whom this Act applies on such terms and conditions as it may think fit.

Suspension of the operation of provisions of the

- 36. The Government may by notification in the Official Gazette, suspend the operation of all or any of the provisions of this Act for such period and subject to such

Act		conditions as it deems fit on account of any festive or other occasions.
Act not in derogation of any other law	37.	The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.
Power to make Rules	38.	<p>(1) The Government may by notification, make rules for carrying out the provisions of this Act.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-</p> <ul style="list-style-type: none"><li>(a) the authority to which and the form and manner in which an application shall be made under sub-section (1), the form of Labour Identification Number under sub-section (2), of section 6;</li><li>(b) the manner of forms and documents referred to in section 7;</li><li>(c) manner of cancellation of registration under section 8 ;</li><li>(d) form, fees and notice of change of particulars under section 9;</li><li>(e) form and manner of information to the Chief Facilitator;</li><li>(f) measures to be taken by the employer relating to the health and safety (including cleanliness, lighting, ventilation and prevention of fire) of the workers under sub section (1) of section 12;</li><li>(g) matters to be provided by rules under sub-section 4 of section 13;</li><li>(h) conditions subject to which the provisions of sub-section (1) and (2) of section 13 shall apply to certain class of workers under sub-section (5);</li><li>(i) rate of higher amount of wages under section 14;</li><li>(j) particulars of Identity Card under section 16;</li><li>(k) provisions of sufficient latrine and urinals under section 19 and the provision of first-aid facility under section 21;</li><li>(l) qualifications of the Facilitators under section (1);</li></ul>

- (m) scheme for random inspection of shop and establishment;
- (n) conditions subject to which the Facilitator shall exercise his powers under sub-section (3), of section 24;
- (o) the registers and records to be maintained by the employers under sub-section (1) of section 25;
- (p) the form and manner (including electronic form) for furnishing of annual return and the authority to such returns shall be furnished under section 26;
- (q) the manner of compounding of offences under sub-section (1) and the form and manner for making application for such compounding under sub-section (4) of section 32;
- (r) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made by the Government under this Act shall be laid, as soon as may be after it is made, before State Legislative Assembly.
- Power to remove difficulties 39. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:
- Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.
- (2) Every order made under sub-section (1) above, shall be laid, as soon as may be, after it is made, before the State Legislature.
- Repeal and saving 40. The Assam Shops and Establishments Act, 1971 is hereby repealed:
- Provided that,-
- (a) every appointment, order, rule, bye-law, regulation, notification, registration or notice made, issued or given under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the

provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by any appointment, order, rule, bye-law, regulation, notification or notice made, issued or given under this Act;

- (b) any proceeding relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed on such proceedings shall be recovered under the Act so repealed.

## **STATEMENT OF OBJECTS AND REASONS**

The Assam Shops and Establishments Bill, 2022 seeks to repeal the Assam Shops and Establishment Act, 1971.

It is proposed to introduce many elements of reforms which safeguard the rights of Employers as well as Employees by providing easy labour reforms and improve employer-employee relation.

The proposed amendments aims to introduce labour reforms in the State by doing away with obsolete provisions of the Principal Act, making it more accountable and transparent and to streamline regulatory structures and processes and to simplify the procedures related to renewals of Certificates, Licenses, etc in establishments in the State of Assam.

Hence, the Bill for the above amendments.

**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- A****THE ASSAM SHOPS AND ESTABLISHMENT BILL, 2022.**

Section of the Act.	Existing Provision	Provisions of the Proposed Amendment Act
1.	<p><b>1.Short title, extent and commencement-</b></p> <p>a) This Act may be called the Assam Shops &amp; Establishment Act, 1971.</p> <p>b) It extends to the State of Assam.</p> <p>c) It shall come into force on such date as the State Govt. may, by notification in the Official Gazette, appoint</p> <p>d) It shall apply, in the first instance to the Municipalities as declared or constituted under the provisions of the Assam Municipal Act, 1956 (Assam Act XV of 1957) and to all such areas and to all shops, commercial establishments and establishments for public entertainment or amusement to which the Assam Shops and Establishments Act, 1948 (Assam Act XII of 1948) applied immediately before the commencement of this Act and thereafter it shall apply to such other areas, or to such shops, commercial establishments or establishments for public entertainment or amusement in such other areas on such date or dates as the State Government may, by notification specify</p>	<p><b>1. Short title, extent, application and commencement-</b></p> <p>(1) This Act may be called the Assam Shops and Establishments Act, 2022.</p> <p>(2) It extends to the whole of the State of Assam.</p> <p>(3) The provisions of this Act, shall apply to the establishments employing <b>three</b> or more workers except section 7.</p> <p>(4) It shall come into force on such date as the State Govt. may, by notification in the <i>Official Gazette</i>, appoint.</p>

<p style="text-align: center;"><b>CHAPTER I</b> <b>Preliminary</b></p>	<p style="text-align: center;"><b>CHAPTER I</b> <b>PRELIMINARY</b></p>
<p><b>2. Definition-</b>In this Act, unless there is anything repugnant in the subject or context:</p> <p>(1)"Chief Facilitator" means the Chief Facilitator appointed as such under sub-section (1) of section 23;</p> <p>(2)"commercial establishment" means an establishment in which there is conducted the business of advertising, commission, forwarding or commercial agency, a department of a factory in which persons are employed in a clerical capacity in any room or place where no manufacturing process is being carried on, a clerical department of any industrial or commercial undertaking including one of public transport, an insurance company, joint stock company, brokers office or exchange, or such other establishment or class thereof as the State Government may, by notification, declare to be a commercial establishment for the purposes of all or any of the provisions of this Act, but does not include a shop or an establishment for public entertainment or amusement;</p> <p>(3)"day" means the period of twenty-four hours beginning at midnight;</p> <p>(4)"employer" means an owner or a person who has ultimate control over the affairs of a shop or an establishment, and includes-</p> <p>(i) in the case of a firm or association of individual a partner or member of the firm or association;</p> <p>(ii) in the case of a company, a director of the company;</p> <p>(iii) in the case of an establishment owned or controlled by the Central Government or a State Government or any local authority, the person or persons appointed to manage the affairs of such shops or establishment by the Central Government or the State Government or the local authority, as the case may be;</p> <p>(5)"establishment" means an establishment which carries on, any business, trade, manufacture or any journalistic or printing work, or business of banking, insurance, stocks and shares, brokerage or exchange or profession or any work in connection with, or incidental or ancillary to, any business, trade or profession or manufacture;</p>	<p><b>Definition</b></p> <p>In this Act, unless there is anything repugnant the subject or context:</p> <p>(1) "apprentice" means a person aged not less than twelve years whom an employer employs in his service for training by himself or by any other person for any and trade or calling;</p> <p>(2) "child" means a person who has not completed his fourteenth year;</p> <p>(3) "closed" means not open for the service of any customer or any business connected with the establishment;</p> <p>(4) "commercial establishment" means an establishment in which there is conducted the business of advertising, commission, forwarding or commercial agency, a department of a factory in which persons are employed in a clerical capacity in any room or place where no manufacturing process is being carried on, a clerical department of any industrial or commercial undertaking including one of public transport, an insurance company, joint stock company, brokers office or exchange, or such other establishment or class thereof as the State Government may, by notification, declare to be a commercial establishment for the purposes of all or any of the provisions of this Act, but does not include a shop or an establishment for public entertainment or amusement;</p> <p>(5) "day" means the period of twenty-four hours beginning at mid-night;</p> <p>(6) "employee" means a person wholly or principally employed in and in connection with any establishment and an apprentice;</p> <p>(7) "employer" means a person owning or having ultimate control over the affairs of an establishment and includes the manager, agent or other person acting in the general management;</p> <p>(8) "establishment" means a shop or a commercial establishment or an establishment for public entertainment or amusement;</p> <p>(9) "establishment for public entertainment or amusement" means a restaurant, eating house, café, cinema, theatre and such other establishment or class thereof as the State Government may by notification, declare to be, for the purposes of this Act, an establishment for public entertainment or amusement, but does not include a shop or a commercial establishment;</p> <p>(10) "factory" means a factory as defined in or declared to be a factory under the Factories Act, 1948 (Central Act No. 63 of 1948);</p> <p>(11) "half day" means a period of six consecutive hours between the hours of half past seven O'clock ante-meridiem and seven O'clock post-meridiem;</p>

<p>(12) "inspector" means an inspector appointed under this Act; (13) "leave" means leave provided for in Chapter III of this Act;</p> <p>(14) "notification" means a notification published in the Official Gazette;</p> <p>(15) "opened" means opened for the service of any customer or to any business connected with the establishment;</p> <p>(16) "period of work" means the time during which an employee is at the disposal of the employer;</p> <p>(17) "prescribed" means prescribed by rules made under this Act;</p> <p>(18) "prescribed authority" means the authority prescribed by rules made under this Act;</p> <p>(19) "shop" means any premises where any trade or business is carried on or where services are rendered to customers, and includes office, store rooms, godown or warehouse whether in the same premises or otherwise used in connection with such trade or business workshops including automobile repairing garages, accountants establishments, drawing and designing firms, solicitors' establishments, but does not include a commercial establishment or a shop attached to a factory where the persons employed in the shop are allowed the benefit provided for workers under the Factories Act, 1948 (Central Act No. 63 of 1948) or an establishment for public entertainment or amusement;</p> <p>(20) "spread over" means the period between commencement and the termination of the work of an employee on any day;</p> <p>(21) "Wages" means pay at whatever intervals paid and includes dearness and such other allowances payable in terms of money and includes lodging and such other amenities whose value is, capable of being computed in terms of money;</p> <p>(22) "Week" means the period of seven days beginning at mid-night on Saturday night or such other night as may be approved in writing for a particular area by the prescribed authority;</p> <p>(23) "Year" means a year commencing on the first day of January.</p>	<p>and includes,-</p> <p>(i) establishment of any medical practitioner (including hospital, dispensary, clinic, polyclinic, maternity home and such others), architect, engineer, accountant, tax consultant or any other technical or professional consultant;</p> <p>(ii) a society registered under the Societies Registration Act, 1860, and a charitable or other trust, whether registered or not, which carries on, whether for purposes of gain or not, any business, trade or profession or work in connection with or incidental or ancillary thereto;</p> <p>(iii) shop, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment; to whom the provisions of the Factories Act, 1948 do not apply;</p> <p>(iv) such other establishment as the State Government may, by notification in the Official Gazette, declare to be an establishment for the purposes of this Act;</p>	<p>(6) "establishment for public entertainment or amusement" means a restaurant, eating house, cafe, cinema, theatre and such other establishment or class thereof as the State Government may by notification, declare to be, for the purposes of this Act, an establishment for public entertainment or amusement, but does not include a shop or a commercial establishment;</p> <p>(7) "Government" means the Government of Assam,</p> <p>(8) "Facilitator" means a facilitator appointed under section 17 of the Act;</p> <p>(9) "factory" means any premises and the precincts thereof which is a factory within the meaning of clause (m) of section 2 and section 85 of the Factories Act, 1948;</p> <p>(10) "holiday" means a day on which a worker shall be given a weekly off under the provisions of this Act;</p>
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- (11) "leave" means a leave mentioned in Section 17 of this Act;
- (12) "local authority" means,-  
(i) a Municipal Corporation constituted under the Gauhati Municipal Corporation Act, 1969 ;  
(ii) a Municipality constituted under Assam Municipal Act, 1956;  
(iii) a Panchayat constituted under the Assam Panchayat Act, 1994;
- (13) "member of the family of an employer" means the wife, husband, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;
- (14) "notification" means a notification published in the Official Gazette;
- (15) "opened" means opened for the service of any customer, or for any business of the establishment, or for work, by or with the help of any worker of or connected with the establishment;
- (16) "prescribed" means prescribed by rules made under this Act;
- (17) "authority" means the Commissioner of Labour for the purpose under this Act;
- (18) "register of establishments" means a register maintained for the registration of shops and establishments under this Act, either manually or in electronic format;
- (19) "registration certificate" means a certificate of the registration of a shop or establishment;
- (20) "shift" means where work of the same kind is carried out by two or more sets of workers working during different periods of the day, each of such sets is called a group or relay and each of such period is called a shift;
- (21) "shop" means any premises where goods are sold, either by retail or wholesale of where services are rendered to customers, and includes an office, a store-room, go-

down, warehouse or workhouse or work place for distribution or packaging or repackaging or finished goods is carried on; but does not include a shop attached to a factory where persons employed in such shop are allowed the benefits provided under the Factories Act, 1948;

(22) "spread-over" means the period between the commencement and the termination of the work of a worker on any day;

(23) "wages" means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes-

(i) any remuneration payable under any award or settlement between the parties or under any order of a court or tribunal;

(ii) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;

(iii) any additional remuneration payable under the terms of employment; (whether called a bonus or by any other name);

(iv) any sum which, by reason of the termination of employment of the person employed, is payable under any law, contract or instrument which provides for the payment of such sum, whether with or without deductions;

(v) any sum to which the person employed is entitled under any scheme framed under any law, for the time being in force; and

(vi) house rent allowance payable in cash, but does not include-

(a) any bonus, which does not form part of the remuneration payable under the terms of employment or which is not payable under any award or settlement between the parties or under any order of a court;

(b) the value of any accommodation, or of the supply of light, water, medical

<p>attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the Government;</p> <p>(c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;</p> <p>(d) any travelling allowance or the value of any travelling concession;</p> <p>(e) any sum paid to the employed person to defray special expenses entailed to him by the nature of his employment; or</p> <p>(f) any gratuity payable on the termination of employment in cases other than those specified in sub-clause (iv) above;</p> <p>(24) "week" means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Chief Facilitator;</p> <p>(25) "worker" means any person including a person engaged through an outsourcing agency (except an apprentice under the Apprentices Act, 1961) employed to do any manual, unskilled, skilled, technical, operational or clerical work for hire or reward, whether the terms of employment be express or implied.</p>	<p>3.</p>
<p><b>3. Act not to apply to certain persons and premises.</b></p> <p>(1) The provisions of this Act shall not apply to,</p> <p>(a) a worker occupying position of confidential, managerial or supervisory character in a shop or in an establishment;</p> <p>(b) establishments of the Central or the State Government;</p> <p>(c) establishments of local authorities;</p>	<p><b>Section 3</b> <b>Exemptions</b></p> <p>(1) The provisions of Sections 10 and 11 shall not apply to:</p> <p>(a) Shops or classes of shops dealing mainly in dairy product, bread, pastries, sweetmeat and flowers;</p> <p>(b) pharmacies or shops dealing mainly in medicines, surgical appliances, bandages or other medical requisites;</p> <p>(c) shops dealing mainly in articles required for funerals, burials or cremations as may be Specified by the Inspectors within respective jurisdictions;</p> <p>(d) shops dealing in tobacco, cigars, cheroots, bidis, pan, liquid refreshment sold in retail for consumption on the premises, ice, newspaper or periodicals;</p>

<p>(e) barbers' and hairdresser's shops.</p> <p>(2) Nothing contained in this Act shall apply to,</p> <p>(a) persons employed in any establishment in a position of management;</p> <p>(b) persons whose work mainly involves travelling and persons employed as canvassers and caretakers;</p> <p>(c) establishments under the Central or any State Government, local authorities, the Reserve Bank of India or any other Bank, any Railway Administration and cantonment authorities;</p> <p>(d) any water transport service or motor transport service, or any system of public conservancy or sanitation, any industry or business or undertaking which supply power, light or water to the public and such other public utility companies or associations or classes thereof as the State Government may, by notification, exempt from the operation of this Act;</p> <p>(e) stall and refreshment rooms at railway stations, docks, wharves and airports;</p> <p>(f) establishment for the treatment or care of the sick, infirm, destitute or mentally unfit.</p> <p>(g) shops or stalls in any public exhibition or show so far as such shops or stalls deal in retail trade which is solely subsidiary or ancillary to the main purpose of such exhibition or show;</p> <p>(h) shops or stalls in any public fair or bazaar held for charitable purposes;</p> <p>(i) shops or classes of shops dealing mainly in vegetables, meat and fish;</p> <p>(j) establishments in mine and oilfields;</p> <p>(k) any persons employed in a confidential and capacity, messenger, watchman or exclusively in connection with the collection, dispatch, delivery and conveyance or customs formalities of goods or such other persons or classes of persons as the State Government may, by notification, exempt from the operation of all or any of the provisions of this Act;</p> <p>(l) such seasonal commercial establishments engaged in the purchase of raw jute or cotton ginning or cotton or jute pressing and the clerical department of such seasonal factories and such other establishments as the State on, Government may, by notification, exempt from the operation of all or any of the provisions of this Act.</p>	<p>(d) offices of Reserve Bank of India;</p> <p>(e) any establishment used for the treatment or care of the sick, infirm destitute or mentally unfit;</p> <p>(f) a member of the family of an employer ; and</p> <p>(g) a worker whose work is inherently intermittent.</p> <p>(2) A list of the workers referred to in clause (a) of sub-section (1) above, shall be displayed on the website of the shop or establishment and in absence of the website at a conspicuous place in the shop or establishment and a copy thereof shall be sent to the Facilitator.</p>
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4	<p><b>Section 4</b>  <b>Power of Government to apply exempted persons or establishment</b>          Notwithstanding anything contained in section 3, the State Government may, by notification in the Official Gazette apply all or any of the provisions of this Act to any class of persons or establishment mention Section other than those mentioned in clause (c) of sub-section (1) and modify or can any such notification.</p>	<p><b>4. Application of the Act to other establishments and workers.</b>          Notwithstanding anything contained in this Act, the Government may, by notification in the <i>Official Gazette</i>, declare any establishment or class of establishments to which, or any worker or person or class of workers or persons to whom, this Act or any of the provisions thereof does not for the time being apply to establishment.</p>
5.	Nil	<p><b>5. Protection of rights of workers under any other law.</b>          Nothing in this Act shall affect any right or privileges which a worker in any shop or establishment is entitled to at the date of commencement of this Act under any other law, contract, custom or usage applicable to such shop or establishment or any award, settlement or agreement binding on the employer and the worker in such shop or establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act.</p>
6.	<p><b>CHAPTER-IX</b>  <b>Miscellaneous</b>  <b>Sec.36 Registration of establishment</b>          (1) Every employer shall have his establishment registered under this Act. The registration shall be valid for a calendar year and thereafter shall be renewed for every calendar year.          (2) The application for registration or for renewal of registration shall be made to the Chief Inspector or to such other officer as the Chief Inspector may authorize in this behalf in such forms and within such date and containing such particulars as may be prescribed.          (3) The fees payable for registration or for renewal of registration shall be such as may be prescribed by the State Government.          (4) Where an establishment is registered under this Act or when the registration of any establishment is renewed there shall be issued to the employer, a certificate of registration or a renewal certificate of registration, as the case may be containing such particulars as may be prescribed. The</p>	<p><b>CHAPTER II</b>  <b>Registration of Shops and Establishments</b>  <b>6. Registration and Issue of Labour Identification Number.</b>          (1) On the commencement of this Act every establishment employing five or more workers shall apply for registration in online system to the Chief Facilitator or any Facilitator of the concerned area and obtain a Labour Identification Number (LIN) within a period of 60 days from the date of establishment of such shop or establishment.          (2) The Shop or establishment shall pay online alongwith their application such fees and such self declaration and self certified documents as may be prescribed, containing -          a) the name of the Employer and the manager;          b) the postal address of the establishment;          c) the name, if any of the establishment;</p>

certificate or the renewal certificate, as the case may be, shall be kept prominently displayed at some conspicuous place of the establishment.

d) the actual nature of the business of the establishment;

e) such other particulars as may be prescribed;

Provided that, nothing contained herein above shall apply to the shops and establishments already having valid registration under the Assam Shops and Establishments Act, 1971 until the expiry of their registration or renewal.

(3) On receipt of the application along with the documents and the fees, the Facilitator shall, register the shop or establishment in the register of establishments in such manner as may be prescribed and shall issue online, in a form, such as may be prescribed, a registration certificate along with the Labour Identification Number (LIN) to the employer within a period of thirty days from the receipt of such application. The Facilitator shall verify the correctness of the application and documents attached thereto within such time as may be prescribed. The registration or renewal certificate shall be predominantly displayed at some conspicuous place of the shops and Establishment.

(4) A registration certificate issued under sub-section (3) shall remain in force from the date of issue till the completion of five(5) years or change in ownership or nature of business takes place. In case of change in ownership or nature of business, the employer of every establishment shall have to obtain fresh registration certificate.

**7. Intimation by establishment having less than three workers.**

(1) Within a period of sixty days from the date of the commencement of this Act or the date on which establishment commences its business, the employer of every establishment employing less than five (5) workers shall give an intimation of having commenced the business to the Chief Facilitator and Facilitator authorized on behalf of the Chief Facilitator in whose jurisdiction the establishment is located, by submitting online application in the prescribed form together with such self-declaration and self-certified documents, as may be prescribed, containing details such as name and address of the employer and manager, name of the establishment, nature of business, number of workers and such other details as may be prescribed. The Facilitator shall issue to the employer of such establishment, a receipt of intimation in such form and manner as may be prescribed. The details of the

intimation receipt shall be recorded online in a register maintained in such form as may be prescribed:

Provided that if at any point of time the number of workers engaged in the establishment become five (5) or more, then all provisions of this Act shall apply to such establishment and the employer of such establishment shall have to obtain registration as per the provisions of section 6.

Provided that, nothing contained hereinabove shall apply to the shops and establishments already having valid registration under the Assam Shops and Establishments Act, 1971 until the expiry of their registration.

**8. Cancellation of registration of shops and establishment.**

At any time, if it is found or brought to the notice of the Chief Facilitator and Facilitator that the registration of any shop or establishment has been obtained by misrepresentation or suppression of material facts or by submitting false or forged documents or false declaration or by fraud, the Facilitator shall, after giving an opportunity of being heard to the employer of the shop or establishment, cancel the registration and remove such shop or establishment from the register of establishments in the manner as may be prescribed.

**9. Notice of change in particulars.**

It shall be the duty of every employer to inform to the Chief Facilitator or Facilitator, any change in any of the particulars contained in the application submitted under section 6 within such period, after the change has taken place, as sub section the State Government may be prescribed. The Facilitator shall, on receiving such notice and the prescribed fees along with the self-declaration of the applicant and self-certified documents as may be prescribed, make the change in the register of establishments in accordance with such notice and shall issue a fresh registration certificate online within a period of 30 days.

**10. Notice for closure of business.**

The employer shall inform, in such form and in such manner, as may be prescribed, to the Chief Facilitator and Facilitator within thirty days from the date of closing of the business that the shop or establishment has been closed for business. The

	<p>order made or notification issued under the corresponding provisions of this Act.</p>	<p>any appointment, order, rule, bye-law, regulation, notification or notice made, issued or given under this Act;</p> <p>(b) any proceeding relating to the trial of any offence punishable under the provisions of the Act so repealed shall be continued and completed as if the said Act had not been repealed but had continued in operation and any penalty imposed on such proceedings shall be recovered under the Act so repealed.</p>
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<p>11</p>	<p style="text-align: center;"><b>CHAPTER V</b></p> <p><b>Sec. 20. Prohibition of employment of women and persons below seventeen years during night</b> No woman or any person who has not attained the age of seventeen shall be required or allowed to work whether as an employee or otherwise in any establishment before 6 A.M. or after 7 P.M.</p>	<p>Facilitator on receiving the information and on being satisfied about its correctness shall remove the entry of such shop or establishment from the register of establishments and cancel the registration certificate. Provided that, if the Facilitator does not receive the information but he is otherwise satisfied that any shop or establishment has been closed, he may remove the entry of such shop and establishment from the register of establishment and cancel such certificate.</p>
<p>12</p>	<p style="text-align: center;"><b>CHAPTER VI</b></p> <p><b>21. HEALTH AND SAFETY</b> <b>Cleanliness, ventilation and lighting</b> (1) The premises of every establishment shall be kept clean and free from alluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed and these methods may include lime washing, colour washing painting, varnishing, disinfection and deodorizing. (2) The premises of every establishment shall be ventilated and sufficiently</p>	<p style="text-align: center;"><b>CHAPTER III</b></p> <p style="text-align: center;"><b>Duties of Employer</b></p> <p><b>11. Prohibition of discrimination of woman.</b> (1) No woman worker shall be discriminated in the matter of recruitment, training, transfer or promotion or wages. (2) No woman worker shall be required or allowed to work in any establishment except between the hours of 6 a.m. and 9 p.m.</p> <p>Provided that, where the State Government or any person, authorized by it in this behalf, is satisfied that the provisions of shelter, rest room, night crèche, ladies toilet, adequate protection of dignity, honour and safety, protection from sexual harassment, and their transportation from the shop or establishment to the door step of their residence exists in such shop or establishment, it may, by Notification, after obtaining the consent of the woman worker, allow her to work between 9 p.m. to 6 a.m. subject to such conditions as may be specified in the Notification.</p>
<p>12</p>	<p style="text-align: center;"><b>CHAPTER VI</b></p> <p><b>21. HEALTH AND SAFETY</b> <b>Cleanliness, ventilation and lighting</b> (1) The premises of every establishment shall be kept clean and free from alluvia arising from any drain or privy or other nuisance and shall be cleaned at such times and by such methods as may be prescribed and these methods may include lime washing, colour washing painting, varnishing, disinfection and deodorizing. (2) The premises of every establishment shall be ventilated and sufficiently</p>	<p><b>12. Health and safety of worker.</b> (1) Every employer shall take such measures relating to the health and safety of the worker including cleanliness, lighting, ventilation and prevention of fire as may be</p>

<p>lighting during all working hours, with such standards and by such methods as may be prescribed.</p> <p>(3) If it appears to an Inspector that the premises of any establishment within his jurisdiction are not sufficiently kept clean or lighted or ventilated, he may serve on the employer an order in writing specifying the measures which in his opinion, should be adopted and requiring him to be carried out before a specified date of accounts and that total number of hours of overtime shall not exceed fifty for any quarter.</p> <p><b>Sec. 22. Precaution against fire</b> Every employer shall take proper precaution against fire in such manner as may be prescribed.</p> <p><b>Chapter-II</b> <b>Sec 6. HOURS OF WORK</b> <b>Daily and weekly hours</b> No employee in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week -- Provided that the total number of hours of work including overtime, shall not exceed ten hours in any day except on days of stock taking and preparation of accounts and that total number of hours of overtime shall not exceed fifty for any quarter.</p> <p><b>Sec 8. Interval for rest</b> The period of work of an establishment each day shall be so fixed that no period shall exceed four hours and no such person shall work for more than four hours before he has had an interval for rest of at least one hour.</p> <p><b>Sec 9. Spread over</b> The periods of work of an employee in an establishment shall be so fixed that, inclusive of his interval for rest, they shall not spread over more than ten and half hours in any day.</p>	<p>prescribed.</p> <p>(2) Every employer shall be responsible for providing constant adequate supervision of the worker employed in the shop or establishment and to ensure the compliance with the rules relating to health and safety made under sub-section (1) and for taking steps necessary to prevent accidents.</p> <p><b>13. Fixing of hours of work and spread over</b> (1) No adult worker shall be required or allowed to work in a shop or establishment for more than forty-eight hours in any week and nine hours in a day and no worker shall be asked to work continuously for more than five hours unless he has been given a break of not less than half an hour.</p> <p>Provided that the working hours or of weekly rest may be relaxed in case of work of urgent nature with the previous permission of the Facilitator.</p> <p>(2) The total number of hours of work in a shift including the rest interval shall not exceed ten and half hours in any shop or establishment and in case a worker is entrusted with intermittent nature of work or urgent work, the spread over shall not exceed twelve hours.</p> <p>(3) Any working hour beyond nine hours a day or forty-eight hours a week shall be treated as overtime and the total number of overtime hours shall not exceed one hundred and twenty -five hours in a period of three months.</p> <p>(4) The State Government shall make rules to:-</p>
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	<p>(i) subject to sub-section (1), fix the number of hours of work which shall constitute a normal working day for the workers employed in the shop or establishment, inclusive of one or more specified intervals;</p> <p>(ii) provide for a day of rest in every period of seven days which shall be allowed to all the workers employed in the shop or establishment and for the payment of remuneration in respect of such days of rest.</p> <p>(5) The provisions of sub-sections (1) and (2) shall, in relation to the following class of workers employed in such shop or establishment, apply only to such extent, and subject to such conditions, as may be prescribed, namely:-</p> <p>(i) Workers engaged on urgent work, or in any emergency which could not have been foreseen or prevented;</p> <p>(ii) workers engaged in the nature of preparatory or complementary work which must necessarily be carried on outside the normal hours of work laid down in the rules;</p> <p>(iii) workers engaged in any work which for technical reasons has to be completed before the day is over;</p> <p>(iv) workers engaged in a work which cannot be carried on except at times dependent on the irregular action for natural forces; and</p> <p>(v) highly skilled workers (such as workers working in the Establishments of Information Technology, Bio-Technology and Research and Development Divisions).</p>	<p><b>14</b></p> <p><b>Sec 7 Extra wages for overtime</b></p> <p>Where an employee works in any establishment for more than eight hours in any day or for more than forty-eight hours in any week, he shall in respect of such. Over time work, be entitled to wages at the rate of twice the ordinary rate of wages.</p> <p>Explanation: For the purpose of this Section "ordinary rate of wages" means the basic wages plus such allowances, including the cash equivalent of the advantage accruing through the supply of meals and the concessional sale to</p>
	<p>(i) subject to sub-section (1), fix the number of hours of work which shall constitute a normal working day for the workers employed in the shop or establishment, inclusive of one or more specified intervals;</p> <p>(ii) provide for a day of rest in every period of seven days which shall be allowed to all the workers employed in the shop or establishment and for the payment of remuneration in respect of such days of rest.</p> <p>(5) The provisions of sub-sections (1) and (2) shall, in relation to the following class of workers employed in such shop or establishment, apply only to such extent, and subject to such conditions, as may be prescribed, namely:-</p> <p>(i) Workers engaged on urgent work, or in any emergency which could not have been foreseen or prevented;</p> <p>(ii) workers engaged in the nature of preparatory or complementary work which must necessarily be carried on outside the normal hours of work laid down in the rules;</p> <p>(iii) workers engaged in any work which for technical reasons has to be completed before the day is over;</p> <p>(iv) workers engaged in a work which cannot be carried on except at times dependent on the irregular action for natural forces; and</p> <p>(v) highly skilled workers (such as workers working in the Establishments of Information Technology, Bio-Technology and Research and Development Divisions).</p>	<p><b>14. Payment of wages for overtime</b></p> <p>Where a worker is required to work in a shop or establishment payment of beyond nine hours a day or forty-eight hours a week, he shall be entitled, in respect of the overtime work, wages at the rate of twice his ordinary rate of wages. The total</p>

<p>employees of food grains and other articles as the employee is for the time being entitled to, but does not include bonus.</p>	<p>number of overtime hours shall not exceed one hundred and twenty-five hours in a period of three months.</p>
15	<p><b>15. Shift working and rest.</b></p> <p>(1) A department or any section of a department of the shop or shift establishment may work in more than one shifts at the discretion of the employer and if more than one shifts are worked, the worker may be required to work in any shift at the discretion of the employer.</p> <p>(2) A shop or establishment may work on all days in a week subject to the condition that every worker shall be allowed weekly holiday of at least twenty-four consecutive hours of rest.</p> <p>(3) If a worker is denied weekly holiday, the compensatory leave in lieu thereof shall be given within two months of such weekly holiday.</p> <p>(4) The period and hours of work in a week for all classes of workers in such shift shall be informed to all workers in writing and shall be sent to the Facilitator electronically or otherwise.</p> <p>(5) Where a worker is required to work on a day of his rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.</p>
16	<p><b>16. Furnishing Identity card to worker.</b></p> <p>The employer of a shop or an establishment shall furnish to every worker an identity card which shall be produced by the worker on demand by Facilitator. Such identity card shall contain particulars as may be prescribed.</p>



<p>17.</p>	<p style="text-align: center;"><b>CHAPTER III</b> Leave</p> <p><b>Section 13 Annual leave with wages</b> (1) Every employee in an establishment shall be entitled after twelve months' continuous service in that establishment to privilege leave with wages for a period of 16 days in the subsequent period of twelve months, provided that such privilege leave with wages may be accumulated up to maximum period of 30 days. (2) Every employee in an establishment shall also be entitled during every twelve months of continuous service to medical leave with wages for a period not exceeding twelve days on the ground of any sickness incurred or accident sustained by him and to casual leave with wages for a period not exceeding twelve days on any reasonable ground. (3) If an employee entitled to any leave under sub-section (1) is discharged by his employer before he has been allowed the leave, or if having applied for and been refused the leave, he quits his employment before he has been allowed the leave, the employer shall pay him the amount payable under this Act in respect of the leave. (4) If an employee entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he is entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3). (5) An employee shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (a) by sickness, accident, or authorised leave (including authorised holidays and weekly holidays), not exceeding ninety days in the aggregate for all three; or (b) by a lock-out; or (c) by a strike which is not an illegal strike; or (d) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate, and authorised leave shall be deemed not to include any weekly holiday allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave</p>	<p style="text-align: center;"><b>CHAPTER IV.</b> Leave with Pay and Payment of Wages</p> <p><b>17. Annual leave, casual and sick leave and other holidays.</b> (1) Every worker shall be allowed a weekly holiday with wages: Provided that the State Government may, by notification in the <i>Official Gazette</i>, fix different days as weekly holiday for different classes of shops and establishments or areas. (2) Every worker shall be entitled to eight days casual leave with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year, but it shall lapse if the casual leave remains un-availed at the end of the year. (3) Every worker who has worked for a period of two hundred and forty days or more in a shop or establishment during a calendar year shall be allowed during the subsequent calendar year, leave with wages for a number of days calculated at the rate of one day for every twenty days of work performed by him during the previous calendar year. (4) Every worker shall be permitted to accumulate earned leave up to a maximum of forty-five days. (5) Where the employer refuses to sanction the leave due when applied fifteen days in advance, then the worker shall have a right to encash the leave in excess of forty-five days:  Provided that, if a worker is entitled to leave other than casual and festival leave under this section, is discharged by his employer before he has been allowed the leave, or if, having applied for and having been refused the leave, he quits his employment on account of retirement, resignation, death or permanent disability, the employer shall pay him full wages for the period of leave due to him.</p>
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<p style="text-align: center;"><b>CHAPTER II</b> <b>Hours of work</b></p> <p><b>Sec 11. Closing of shops and grants of weekly holidays for religious purposes</b></p> <p>(1) Every shop shall remain entirely closed for one day in each week.</p> <p>(2) The State Government may, by notification, require that in addition to one day referred to in sub-section (1), every shop or any specified class of shops shall remain closed between such hours in the afternoon of such days in each week, as may be specified in the notification:</p> <p>Provided that, when there are conducted in a shop two or more trades or business, any of which is of such character that, if it was the sole trade or business therein conducted, the provisions of this Act would not apply to that shop, such shop shall so far as the conduct of the trade or business is concerned, be exempt from the operation of sub-section (1):</p> <p>Provided further that when in any establishment for which the provisions of this Act applies two or more trades or business are conducted, one or more of which are usually conducted in a shop while the others are usually conducted in a commercial establishment, the provisions of this Section shall not apply to the establishments so far as the conduct of the trades or business usually conducted in a commercial establishment are concerned.</p> <p>(3) No deduction on account of any closer of a shop under the provisions sub-section (1) or sub-section (2) shall be made from the wages of such shop.</p> <p>(4) The day on which shop shall be closed in each week under the provisions of sub-section (1) shall be such day as may be specified by the employer in a notice, which shall be displayed in a conspicuous place in the shop. Provided that no employer shall more often than once in every three months, alter the day so specified.</p> <p>Provided further that the Inspector may by a written order, require the shops in particular area within their respective jurisdiction, to be kept closed on a particular day as specified in the order.</p> <p>(5) Every person employed in a commercial establishment shall be allowed as holidays at least one and a half day in each week:</p> <p>Provided that, when there are conducted in a commercial establishment two or more trades or business, any of which is of such a character that, if it was the sole trade or business therein conducted, the provisions of this Act would not apply to that commercial establishment, such commercial to that establishment shall, so far as the conduct of the trade or business is</p>	<p>(6) Every worker shall be entitled to seven days leave on medical ground with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year but shall lapse if unavailed at the end of the year.</p> <p>(7) A worker shall be entitled to eight paid festival holidays in a calendar year, namely, the 26th January, 15th August and 2nd October and five such other festival holidays as may be agreed to between the employer and the workers before the commencement of the year. On these days, he shall be paid wages at the rate equivalent to his ordinary rate of wages excluding overtime:</p> <p>Provided that, the employer may require any worker to work in the shop or establishment on all or any of these days, subject to the conditions that for such work the worker shall be paid double the amount of the ordinary rate of wages and also leave on any other day in lieu of the compulsory holiday.</p> <p>(8) For the purpose of sub-section (3),-</p> <p>(a) any days of lay-off, by agreement or contract or as permissible under the model standing orders or standing orders certified under provisions of the Industrial Employment (Standing Orders) Act, 1946;</p> <p>(b) in the case of a woman worker, maternity leave under the provisions of the Maternity Benefits Act, 1961;</p> <p>(c) the leave earned in the year prior to that in which the leave is availed; or</p> <p>(d) the absence of the worker due to temporary disablement caused by an accident arising out of and in the course of his employment, shall be deemed to be days on which the worker has worked in the shop or establishment for the purpose of computation of the period of two hundred and forty days or more, but shall not earn leave for these days.</p> <p>(9) The leave admissible under Sub-Section (3) shall be exclusive of all holidays whether occurring during or either at the end of the period of leave.</p> <p>(10) Every worker shall be paid wages for the period of his leave earned under sub-</p>
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<p>sections (3) and (4) at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.</p> <p>(11) Every worker shall be entitled to seven days leave on medical grounds with wages in every calendar year which shall be credited into the account of the worker in the beginning of the calendar year, but shall lapse if un-availed at the end of the year.</p>	<p>concerned exempt from the operation of this sub-section.</p> <p>(f) No deduction on account of any holiday allowed under the provisions of sub-section (5) shall be made from the wages of any person employed in such commercial establishment.</p> <p>(7) Notwithstanding anything contained in the Weekly Holidays Act, 1942 (Act XVIII of 1942) every person employed in an establishment for public entertainment or amusement shall be allowed as holidays at least one and a half day in each week:</p> <p>Provided that, when there are conducted in an establishment for public entertainment or amusement two or more trade or business any of which is of such a character that if it was the sole trade or business therein conducted the provisions of this Act would not apply to that establishment, such establishment shall so far as the conduct of that trade or business is concerned, be exempt from the operation of this sub-section.</p> <p>(8) No deduction on account of any holiday allowed under the provisions of sub-section (7) shall be made from the wages of any person employed in such establishment for public entertainment or amusement.</p> <p>(9) Every person employed in a shop, commercial establishment for public entertainment or amusement shall be entitled to leave of absence for any days, he may select, not exceeding three in number in any one year for the purpose of attending ceremonies or performing functions or duties connected with or enjoined by his religion.</p> <p>(10) Every person employed in an establishment shall be granted a paid holiday on each of the following occasions and on such other day or days as may be notified by the State Government from time to time.</p> <p>(a) 26th January (b) 1st May (c) 15th Aug (d) 2nd October</p> <p><b>Sec.14 Wages during leave period</b></p> <p>For the leave allowed to him under section 13, an employee shall be paid at the rate equal to the daily average of his total full time earning exclusive of any overtime earning and bonus, but inclusive of dearness allowance and the cash equivalent of any advantage accruing by the supply of meals and by the sale by the employer of food grains and other articles at concessional rates, for the days on which he worked during the month immediately preceding his leave.</p>
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**CHAPTER V**  
**Welfare Provisions.**

**18. Drinking water.**

Every employer shall make effective arrangement to provide and maintain at suitable points conveniently situated for all workers employed in the shop or establishment, a sufficient supply of wholesome drinking water.

**19. Latrines and Urinals.**

Every employer shall provide separate sufficient restroom, latrine and urinal for men and women as may be prescribed and these shall be so conveniently situated as may be accessible for the workers employed in the shop or establishment:

Provided that, several employers may provide common facilities of latrines and urinals, in case it is not possible to provide such facility individually, in a shop or establishment due to constraint of space or otherwise.

**20. Creche facility.**

In every shop or establishment where in thirty or more women workers are employed, there shall be provided and maintained a suitable room or rooms as *creche* for the use of children of such workers:

Provided that, if a group of shops or establishments decide to provide a common *creche* within a radius of one kilometre, then, the same shall be permitted by the Facilitator by an order, subject to such conditions as may be specified in the order:-

21		<p><b>21. First-aid.</b> Every employer shall provide at the place of work first-aid facilities as may be Prescribed.</p> <p><b>22. Canteen.</b> The employer shall provide and maintain in the shop or establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers:  Provided that, if a group of shops or establishments decide to provide a common canteen, then the same shall be permitted by the "Facilitator by an order, subject to such conditions as may be specified in the order.</p>
23	<p style="text-align: center;"><b>CHAPTER-VII</b></p> <p style="text-align: center;"><b>ENFORCEMENT AND INSPECTION</b></p> <p><b>Sec .25 Appointment of Inspectors</b></p> <p>(1) The State Government may, by notification in the Official Gazette, appoint such officer or such persons or class of persons as they think fit to be Inspectors for the purposes of this Act within such local limits as they may assign to them respectively.</p> <p>(2) The State Government may, by notification in the Official Gazette, appoint for the State a duly qualified person to be the Chief Inspector for the purposes of this Act.</p>	<p style="text-align: center;"><b>CHAPTER-VI</b></p> <p style="text-align: center;"><b>Facilitators And Their Powers And Functions.</b></p> <p><b>23. Appointment of Chief Facilitator and Facilitators and their powers.</b></p> <p>(1) The Government may by Notification published in the official Gazette appoint such person as possesses the qualification as may be prescribed to the Chief Facilitator and Facilitator for the purpose of this Act and may assign such local area as it may think fit, Provided that the Government may by notification may appoint the Chief Facilitator as Facilitator in addition to the power of a Chief Facilitator under this Act and exercise the power of a Facilitator as assigned and areas as specified in the notification.</p> <p>(2) The Government may prescribe a scheme for inspection of shops and establishments which may provide for generation of a web-based inspection schedule.</p> <p>(3) Every Facilitator and Chief Facilitator appointed under sub-section (1) shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the Government may specify in this behalf.</p> <p>(4) Subject to such conditions as may be prescribed, a Facilitator may, within</p>

24	<p><b>Sec 26. Powers and duties of Inspectors</b> Subject to any rules made by the State Government in this behalf, an Inspector may within the local limits for which he is appointed:</p> <p>(a) Enter, at all reasonable times and with such assistants, if any, being persons in the service of the Government or any local authority as he thinks fit, any place which is or which he has reason to believe is an establishment.</p> <p>(b) make such inspection of the premises and of any prescribed registers, records and notice and take on the spot or otherwise evidence of any person as he may deem necessary for carrying out the purposes of this Act; and</p> <p>(c) exercise such other powers as may be necessary for carrying out the purpose of this Act.</p> <p>Provided that no one shall be required under this section to answer any question or give any evidence tending to incriminate himself.</p> <p><b>Sec 27 Inspector to be public servant</b> Every Inspector appointed under sub-section (1) of section 25 shall be deemed to be a public servant within the meaning of section 12 of the Indian Penal Code. (Act XLV of 1860).</p>	<p>the Local limits for which he is appointed –</p> <p>(i) Advice the employer and worker and provide them such information as may be considered necessary or complying with the provisions of the Act effectively.</p> <p><b>24. Powers and duties of Facilitators.</b></p> <p>(1) The State Government may prescribe a scheme for randomize inspection of shops and establishments which may provide for generation of a web based inspection schedule.</p> <p>(2) Every Chief Facilitator and Facilitator appointed under sub-section (1) shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code and shall be officially subordinate to such authority as the State Government may specify in this behalf.</p> <p>(3) Subject to such conditions as may be prescribed, the Facilitator may, within the local limits for which he is appointed-</p> <p>(i) advice the employers and workers and provide them such information as may be considered necessary for complying with the provisions of this Act effectively;</p> <p>(ii) inspect the shops or establishments in accordance with the scheme for inspection referred to in sub-section (4), of Section 24, and may-</p> <p>(a) enter, at all reasonable time and with such assistants, if any, being persons in the service of the Government or of any local authority as he thinks fit, any place which is or which he has reason to believe is a shop or establishment;</p> <p>(b) make such examination of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any persons as he may deem necessary for carrying out the purposes of this Act;</p> <p>(c) examine any person who is found in any premises of the shop or establishment and whom, the Facilitator has reasonable cause to believe, is a worker of the shop or establishment;</p> <p>(d) require any person to give any information, which is in his possession with respect to the names and addresses of the persons;</p> <p>(e) search, seize or take copies of such register, record of wages or notices or</p>
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<p>portions thereof as he may consider relevant in respect of an offence under this Act and which he has reason to believe has been committed by the employer; -</p> <p>(f) bring to the notice of the Government defects found during inspection; and</p> <p>(g) exercise such other powers, as may be prescribed.</p> <p>Provided that, no person shall be compelled under this section to answer any question or give any evidence tending to incriminate him.</p> <p>(3) Any person required to produce any document or to give any information required by a Facilitator under sub-section (3) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.</p> <p>(4) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure under sub-clause (e) of clause (ii) of sub-section (2) as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.</p>	
<p style="text-align: center;"><b>CHAPTER VII</b> <b>Records and Returns.</b></p> <p><b>25. Maintenance of Registers and Returns.</b></p> <p>(1) Every employer shall maintain the registers and records, in such form and in such manner as may be prescribed.</p> <p>(2) The records may be maintained electronically or manually:</p> <p>Provided that, at the time of inspection by a Facilitator, a hard copy of such records, if demanded, shall be submitted duly signed by the employer or his representative.</p> <p>(3) Every employer and in his absence the manager shall, on demand, produce for inspection of Facilitator all registers, records and notices required to be kept under and for the purposes of this Act.</p> <p>(4) All such registers and records shall be kept in the premises of the shop or establishment to which they relate.</p>	<p style="text-align: center;"><b>Chapter IX</b></p> <p><b>MISCELLANEOUS</b></p> <p><b>Sec.30 Maintenance of registers and records and display of notices</b> Subject to the general or special orders of the State Government, an employer shall maintain such registers and records and display on the premises of his establishment such notices as may be prescribed. All such registers and records shall be kept in the premises of the establishment to which they relate.</p>
	<p><b>25.</b></p>

26		<p><b>26. Annual Returns.</b> The employer of a shop and establishment shall furnish an annual returns, in such a form and in such manner (including in electronic form), to such authority as may be prescribed.</p>
27	<p><b>Chapter -VIII</b> <b>PENALTIES AND PROCEDURE</b> <b>Sec. 29 Penalties</b> (1) Whoever contravenes any of the provisions of this Act or any rules made thereunder shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees: Provided that for any second of subsequent offence, the employer shall be punishable with imprisonment only for a term which shall not be less than two months but may extend to six months.</p>	<p><b>Chapter VIII -</b> <b>Offences and Penalties.</b> <b>27. Penalty for contravention of the provisions of this Act.</b> (1) Whoever contravenes the provisions of this Act or the rules made there under shall be punishable with fine which may extend upto fifty thousand rupees and in the case of a continuing contravention, with an additional fine which may extend to two thousand rupees for everyday during which such contravention continues: Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.</p>
28		<p><b>28. Penalty for contravention of the provisions of this Act which resulted in accident.</b> Save as is otherwise expressly provided in this Act, where an employer on being held guilty of contravention of any of the provisions of this Act or any rules made there under which has resulted in an accident causing serious bodily injury or death of a worker, shall be punishable with imprisonment which may extend to six months or with fine which shall not be less than two lakh rupees which may be extended to five lakh rupees or with both.</p>



29	<p><b>29. Penalty for obstruction or refusal to provide register, etc.</b></p> <p>(1) Whoever wilfully obstructs a Facilitator in exercise of any powers conferred on him by or under this Act or refuses or wilfully neglects to afford the Facilitator any reasonable facility for making any inspection, examination, inquiry or investigation authorised by or under this Act in relation to a shop or an establishment, shall be punishable with fine which may extend to two lakh rupees.</p> <p>(2) Whoever wilfully refuses to produce on the demand of a Facilitator any register or other document kept in pursuance of this Act or the rules made there under, or prevents or attempts to prevent or does anything which he has reason to believe to prevent any person from appearing before, or being examined by, a Facilitator acting in pursuance of his duties under this Act, shall be punishable with fine which may extend to two lakh rupees:</p> <p>Provided that the total amount of fine shall not exceed two thousand rupees per worker employed.</p>
30	<p><b>30. Cognizance of Offences by Companies.</b></p> <p>(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>(2) Notwithstanding anything contained in sub section(1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation. – For the purpose of this section,-</p>

31	<p>(a) "company" means anybody corporate and includes a firm or other association of individuals; and</p> <p>(b) "director" in relation to a firm, means a partner in the firm.</p> <p><b>31. Cognizance of Offences.</b></p> <p>(1) No court shall take cognizance of any offence punishable under this Act and the rules made there under unless a complaint in respect thereof is made by the Facilitator within three months of the date on which the alleged commission of the offence came to the knowledge of the Facilitator and a complaint is filed in that regard thereby:</p> <p>Provided that where the offence consists of disobeying a written order made, by a Facilitator, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.</p> <p>(2) No Court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act or the rules made thereunder</p> <p>(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a Judicial Magistrate of the first call may impose fine and penalties under Section 27 of the Act.</p>	<p>(a) "company" means anybody corporate and includes a firm or other association of individuals; and</p> <p>(b) "director" in relation to a firm, means a partner in the firm.</p> <p><b>31. Cognizance of Offences.</b></p> <p>(1) No court shall take cognizance of any offence punishable under this Act and the rules made there under unless a complaint in respect thereof is made by the Facilitator within three months of the date on which the alleged commission of the offence came to the knowledge of the Facilitator and a complaint is filed in that regard thereby:</p> <p>Provided that where the offence consists of disobeying a written order made, by a Facilitator, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed.</p> <p>(2) No Court inferior to that of a Judicial Magistrate of the first class shall try any offence punishable under this Act or the rules made thereunder</p> <p>(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, a Judicial Magistrate of the first call may impose fine and penalties under Section 27 of the Act.</p>
32	<p><b>CHAPTER VIII</b></p> <p><b>Sec29 Penalties Sub-Sec.2</b> No court shall take cognizance of any offence punishable under this Act or any rule or order made thereunder unless the complaint is made.</p> <p>(a) by the employee of an establishment either by himself or through the Union of which he is a member within three months from the date on which the offence is alleged to have been committed; or</p> <p>(b) by the Inspector within six months from the date on which the alleged offence comes to his knowledge.</p> <p>(c) No Court inferior to that of judicial Magistrate of the first class shall try any offence punishable under this Act or any rules or orders made thereunder</p>	<p><b>32. Compounding of offences.</b></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 such Officer, as the Government may, by notification in the Official Gazette, specify, with fine provided for such offence, in the manner as may be prescribed.</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-  
 (a) of commission of a similar offence which was  
 earlier compounded;

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

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

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

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

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

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

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

#### CHAPTER IX

##### Miscellaneous.

#### 33. Protection of action taken in good faith.

(1) No suit, prosecution or other legal proceedings shall lie against any public servant or any other person in the service of the Central Government or the State Government, acting under direction of any such public servant, for anything in good faith done or intended to be done in pursuance of the provisions of this Act or of any rule made there under.

#### CHAPTER IX

##### Miscellaneous.

#### Sec 32 Indemnity

No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act

34	<p><b>Chapter-II</b> <b>Hours of work</b> <b>Sec.10 Opening and closing hours</b> (1) No establishment shall on any day be opened earlier than and closed later than such hour as may be fixed by a general or special order of the State Government made under sub-section (2). Provided that any customer who was being served or was waiting to be served in any establishment at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour,</p> <p>(2) The State Government may, by general or special order fix the time at which any establishment or class of establishments shall be opened or closed in any local area beyond the hour fixed for closing.</p> <p>Section 10 makes it obligatory for every establishment not to open before and close after the time fixed by the State Government. This Section further provides that in case any customer was being served or was waiting to be served in an establishment at the hour fixed for its closing may be served during the quarter of an hour beyond the hour fixed for closing.</p> <p>The opening and closing hours does not apply to certain categories of establishments specified in Section 3(1)(a) to 3(1)(e). The Government of Assam vide Notification No. GLR 290/76/3, dated. 21-6-1976 had fixed the opening hour and closing hour of all shops to which the said Act applies as follows: Opening hour 8 A.M and closing hour 7.45 P.M.</p>	<p><b>34. Opening and closing hours.</b> (1) Notwithstanding anything contained in this Act, any shops or establishment if situated,- (a) (i) in Municipal Corporation Area, or (ii) on National Highway, or (iii) on Railway platform, or (iv) at State Roadways bus station premises, or (v) in Hospital premises, or (vi) on Petrol Pumps, may remain open 24 hours on any day of the week:</p> <p>Provided that, the worker shall be allowed to work in accordance with the provisions of sections 13,15 and 17 of this Act; (b) in Municipality area or on State Highway may be opened except from 2.00 A.M. to 6.00 A.M.</p> <p>Provided that, the worker shall be allowed to work in accordance with the provisions of sections 13,15 and 17 of this Act, (c) in the areas other than the areas mentioned in clauses (a) and (b) above in district or on minor road may be opened except from 11.00 P.M. to 6.00 A.M.</p> <p>Provided that, the worker shall be allowed to work in accordance with the provisions of sections 13,15 and 17 of this Act;</p>	<p><b>Sec.5 Exemptions</b> The State Government may, if they are satisfied that public interest so requires or that the circumstances of the case are such that it would be just and proper to do so having regard to the nature and capacity of the establishment, by notification in the Official Gazette, exempt either permanently or for any specified period, any establishment or classes of establishments in any area or persons or classes of persons to which or to whom this Act applies, from all or any of its provisions subject to such restrictions and conditions as the State Government may deem fit.</p>	<p>(2) Notwithstanding anything contained in sub-section (1), considering the circumstances relating to traffic, public health, public safety, public nuisance or such other reason which may affect law and order situation, the hours for opening and closing of different classes of shops or establishments and for different premises, shopping complex or mall or for different area or areas and for different period may be curtailed by such authority as the State Government may, by notification in the <i>official Gazette</i>, specify.</p>
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35	<p><b>Chapter-IX</b> <b>Miscellaneous</b></p> <p>Sec.35 Power of Government to suspend provisions of the Act during fairs and festivals The State Government may, by notifications on account of such holiday or other occasion as may be prescribed, suspend the operation of all or any of the provisions of this Act in respect of any shop or commercial establishment or establishments for public entertainment or amusement or for any class of shops or establishments as aforesaid for such period and subject to such conditions as it may think fit</p>	
36	<p><b>35. Power to grant exemptions.</b> The State Government or any officer empowered in this behalf may, by Notification, exempt from the operation of all or any of the provisions of this Act for any period it is considered, any shop or establishment or class thereof or any employer or worker or class of employers or workers to whom this Act applies on such terms and conditions as it may think fit.</p> <p><b>36. Suspension of the operation of provisions of the Act.</b> The State Government may, by notification in the Official Gazette, suspend the operation of all or any of the provisions of this Act for such period and subject to such conditions as it deems fit on account of any festive or other occasions.</p>	
37	<p><b>37. Act not in derogation of any other law.</b> The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.</p>	
38	<p><b>38. Power to make rules.</b> (a) the authority to which and the form and manner in which an application shall be made under sub-section (1), the form of Labour Identification Number under sub-section (2), of section 6; (b) the manner of forms and documents referred to in section 7; (c) manner of cancellation of registration under section 8; (d) form, fees and notice of change of particulars under section 9; (e) form and manner of information to the Chief Facilitator, (f) measures to be taken by the employer relating to the health and safety (including cleanliness, lighting, ventilation and prevention of fire) of the workers under sub-section (1) of section 12; (g) matters to be provided by rules under sub-section 4 of section 13; (h) conditions subject to which the provisions of sub-section (1) and (2) of section 13 shall apply to certain class of workers under sub-section (5); (i) rate of higher amount of wages under section 14; (j) particulars of Identity Card under section 16; (k) provisions of sufficient latrine and urinals under section 19 and the provision of first-aid facility under section 21;</p>	
	<p><b>Sec.34 Powers to make Rules</b> (1) the State Government may, subject to the condition of previous publication by notification in the Official Gazette, make files for carrying out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely (a) health, safety, welfare of employees, holiday for occasions; (b) the form and the date for application of registration or renewal of certificate and fees payable for such registration or renewal; (c) the particulars with respect of certificate of registrations or renewal thereof; (d) the manner of taking precaution against fire; (e) the setting up an appellate authority, the limitation for filing appeal and manner of giving notice; and (f) any other matter which has to be, or may be prescribed. (3) All rules under this section shall be laid as soon as may be, after they are made before the Assam Legislative Assembly while it is in session for a total</p>	

period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of that session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rules or the Assam Legislative Assembly agree that no rules should be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under the rules.

39

(l) qualifications of the Facilitators under section (1)

(m) scheme for random inspection of shop and establishment

(n) conditions subject to which the Facilitator shall exercise his powers under sub-section (3) of section 24,

(o) the registers and records to be maintained by the employers under sub-section (1) of section (25)

(p) the form and manner (including electronic form) for furnishing of annual return and the authority to such returns shall be furnished under section 26:

(q) the manner of compounding of offences under sub-section (1) and the form and manner for making application for such compounding under sub-section (4) of section 32:

(r) any other matter which is required to be, or may be, prescribed.

### 39. Power to Remove Difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purposes of removing the difficulty:

Provided that, no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before the State Legislature.

### 40. Repeal and Saving

The Assam Shops and Establishments Act, 1971 is hereby repealed:

Provided that,-

(a) every appointment, order, rule, bye-law, regulation, notification, registration or notice made, issued or given under the provisions of the Act so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the provisions of this Act, unless and until superseded by

40

### Sec.37 Repeal and Saving

(1) The Assam Shops and Establishments Act, 1948 (Assam Act XIII of 1948) is hereby repealed. (2) Notwithstanding the repeal of the Assam Shops and Establishments Act, 1948 (Assam Act XIII of 1948) any order made, any notification issued or any action taken under the Act so repealed, shall be deemed to have been made or taken under the corresponding provisions of this Act and shall continue to be in operation until cancelled or suspended by

**THE ASSAM EVACUEE PROPERTY (REPEALING) BILL, 2022****A****BILL**

to repeal the Assam Evacuee Property Act, 1951.

Preamble

Whereas it is expedient to repeal the Assam Evacuee Property Act, 1951;

Assam Act  
No. XI 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 Assam Evacuee Property (Repealing) Act, 2022.
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force at once.

Repeal and  
savings

2. (1) The Assam Evacuee Property Act, 1951 is hereby repealed.
- (2) Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.

Assam Act  
No. XI of  
1951

**Statement of Objects and Reasons**

The object of the Bill is to repeal the **Assam Evacuee Property Act, 1951**.

In view to facilitate business friendly environment in the state through reforms under Ease of Doing Business (EoDB), the Department is carrying out systematic exercises to simplify, streamline, de-criminalize and remove redundant laws/ regulations. Special emphasis has been placed on de-criminalization of such omissions / commissions which can be otherwise disposed of through civil proceedings, fines etc.

The Revenue and D.M. Department, therefore, came up with a proposal seeking approval of the Cabinet for placing the Assam Evacuee Property (Repealing) Bill, 2022 in the winter session of Assam Legislative Assembly to repeal the Act.

The Cabinet in the meeting held on 15/12/2022 approved the proposal with a direction to place in the winter session of the Assam Legislative Assembly in form of a Bill as proposed by the Department.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.



**Financial Memorandum**

The Bill will not require any expenditure from the Consolidated Fund of the State once it comes into force.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

**Memorandum of Delegated Legislation**

There is no delegation of legislative powers proposed in the Bill.

**JOGEN MOHAN,**  
Minister,  
Revenue & DM Department,  
Assam, Dispur.

Existing provision of the Assam Evacuee Property Act, 1951 and the proposed provision of the Assam Evacuee Property Act (Repealing) Bill, 2022:

<b>Existing provision</b>	<b>Proposed provision</b>
The complete Assam Evacuee Property Act, 1951	Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM JUTE (CONTROL OF PRICES)  
(REPEALING) BILL, 2022**

**A  
BILL**

to repeal the Assam Jute (Control of Prices) Act, 1950.

Preamble	Whereas it is expedient to repeal the Assam Jute (Control of Prices) Act, 1950;	<b>Assam Act No. XV of 1950</b>
	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 Assam Jute (Control of Prices) (Repealing) Act, 2022. (2) It shall have the like extent as the principal Act. (3) It shall come into force at once.	
Repeal and savings	2. (1) The Assam Jute (Control of Prices) Act, 1950 is hereby repealed. (2) Notwithstanding such repeal of the Act under subsection (1) above, anything done or action taken or any right, title, obligation, or liability already acquired, accrued, or incurred or any remedy or proceeding in respect of any such right, title, obligation, or liability or penalty, claim or demand etc. already enforced under the Act, so repealed before the date of commencement of this Act, shall be deemed to have been done or taken under the repealed Act.	<b>Assam Act No. XV of 1950</b>

**STATEMENT OF OBJECTS AND REASONS**

The Bill namely "*The Assam Jute (Control of Prices) Repealing Bill, 2022*" seeks to repeal the Assam Jute (Control of Prices) Act, 1950.

To improve '*Ease of Living*' and '*Ease of Doing Business*', the Department for Promotion of Industry and Internal Trade (DPIIT), Government of India has decided to reduce the Regulatory Compliance Burden on Citizens and Businesses.

The Assam Jute (Control of Prices) Act, 1950 is not relevant in the present day scenario from business point of view. It is an obsolete Act at present. As a part of reducing compliance burden initiative of Government of India; Industries, Commerce and Public Enterprise Department has proposed to repeal the Assam Jute (Control of Prices) Act, 1950 by introducing "*The Assam Jute (Control of Prices) Repealing Bill, 2022*".

Hence, the Bill.

**BIMAL BORAH,**  
Minister-in-charge,  
Industries, Commerce and PE Department, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no financial involvement in the proposed Bill.

**BIMAL BORAH,**  
Minister-in-charge,  
Industries, Commerce and PE Department, Assam.

**MEMORANDUM OF DELEGATED LEGISLATION**

There is no delegation of legislative powers to the executive in the proposed  
Bill.

**BIMAL BORAH,**  
Minister-in-charge,  
Industries, Commerce and PE Department, Assam.

**THE PUBLIC GAMBLING (EXTENSION TO MIZO DISTRICT)  
(REPEALING) BILL, 2022**

**A**

**BILL**

to repeal the Public Gambling (Extension to Mizo District) Act, 1962.

Preamble

Whereas it is expedient to repeal the Public Gambling (Extension to Mizo District) Act, 1962;

**Assam Act  
No. XIII of  
1962**

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 Public Gambling (Extension to Mizo District) (Repealing) Act, 2022.
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force at once.

Repeal and  
savings

2. (1) The Public Gambling (Extension to Mizo District) Act, 1962, to the extent relating to the State of Assam is hereby repealed.
- (2) Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.

**Assam Act  
No. XIII of  
1962**

**STATEMENT OF OBJECTS AND REASONS**

The Public Gambling (Extension to Mizo District) Act, 1962 is no more relevant at present times and was applicable to Mizo districts. Therefore the said Act is proposed to be repealed by **The Public Gambling (Extension to Mizo District) (Repealing) Bill, 2022.**

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no additional financial involvement in the proposed Bill.

**MEMORANDUM OF DELEGATED LEGISLATION**

No delegation of legislative power is sought in the proposed **The Public Gambling (Extension to Mizo District) (Repealing) Bill, 2022.**

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.



**EXISTING PROVISION OF “THE PUBLIC GAMBLING (EXTENSION TO MIZO DISTRICT) ACT, 1962” (PRINCIPAL ACT) AND THE PROPOSED PROVISION OF “THE PUBLIC GAMBLING (EXTENSION TO MIZO DISTRICT) (REPEALING) BILL, 2022”.**

Existing Provision	Proposed Provision
The complete <b>The Public Gambling (Extension to Mizo District) Act, 1962</b>	Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM DARRANG AND LAKHIMPUR DISTRICTS  
(ASSIMILATION OF LAWS ON STATE SUBJECTS) (REPEALING)  
BILL, 2022**

**A**

**BILL**

to repeal the Assam Darrang and Lakhimpur Districts  
(Assimilation of Laws on State Subjects) Act, 1951.

Preamble	Whereas it is expedient to repeal the Assam Darrang and Lakhimpur Districts (Assimilation of Laws on State Subjects) Act, 1951;	<b>Assam Act No. XV of 1951</b>
It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-		
Short title, extent and commencement	<p>1. (1) This Act may be called the Assam Darrang and Lakhimpur Districts (Assimilation of Laws on State Subjects) (Repealing) Act, 2022.</p> <p>(2) It extends to the whole of the State of Assam.</p> <p>(3) It shall come into force at once.</p>	
Repeal and savings	<p>2. (1) The Assam Darrang and Lakhimpur Districts (Assimilation of Laws on State Subjects) Act, 1951 is hereby repealed.</p> <p>(2) Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.</p>	<b>Assam Act No. XV of 1951</b>

**STATEMENT OF OBJECTS AND REASONS**

The Assam Darrang and Lakhimpur Districts (Assimilation of Laws on State Subjects) Act, 1951 is no more relevant at present times. Therefore the said Act is proposed to be repealed by **The Assam Darrang and Lakhimpur Districts (Assimilation of Laws on State Subjects) (Repealing) Bill, 2022.**

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no additional financial involvement in the proposed Bill.

**MEMORANDUM OF DELEGATED LEGISLATION**

No delegation of legislative power is sought in the proposed **The Assam Darrang and Lakhimpur Districts (Assimilation of Laws on State Subjects) (Repealing) Bill, 2022.**

**HIMANTA BISWA SARMA,**  
Chief Minister,  
&  
Minister-in-charge,  
Home & Political, Assam.

**EXISTING PROVISION OF “THE ASSAM DARRANG AND LAKHIMPUR DISTRICTS (ASSIMILATION OF LAWS ON STATE SUBJECTS) ACT, 1951” (PRINCIPAL ACT) AND THE PROPOSED PROVISION OF “THE ASSAM DARRANG AND LAKHIMPUR DISTRICTS (ASSIMILATION OF LAWS ON STATE SUBJECTS) (REPEALING) BILL, 2022”**

Existing Provision	Proposed Provision
The complete <b>The Assam Darrang and Lakhimpur Districts (Assimilation of Laws on State Subjects) Act, 1951.</b>	Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**THE ASSAM FARMERS (GROUP IRRIGATION)  
(REPEALING) BILL, 2022**

**A**

**BILL**

to repeal the Assam Farmers (Group Irrigation) Act, 1978.

Preamble	Whereas it is expedient to repeal the Assam Farmers (Group Irrigation) Act, 1978;	Assam Act No. X of 1978
	It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-	
Short title, extent and commencement	1. (1) The Act may be called the Assam Farmers (Group Irrigation) (Repealing) Act, 2022. (2) It shall have the like extent as the principal Act. (3) It shall come into force at once.	
Repeal and savings	2. (1) The Assam Farmers (Group Irrigation) Act, 1978 is hereby repealed.  (2) Notwithstanding such repeal of the Act under subsection (1) above, anything already done or action taken or any right, title, obligation, or liability already acquired, accrued, or incurred or any remedy or proceeding in respect of any such right, title, obligation, or liability or penalty, claim or demand etc. already enforced under the Act, so repealed before the date of commencement of this Act, shall be deemed to have been done or taken under the repealed Act.	Assam Act No. X of 1978

**STATEMENT OF OBJECTS AND REASONS**

Objects : The objective is to introduce the Bill to repeal the Assam Farmers (Group Irrigation) Act, 1978.

Reasons : The Irrigation assets created with Government funding are handed over to the beneficiaries through formation of Water User Group /Association. Presently, no Irrigation schemes are constructed by farmers through Bank Loans. Therefore, the relevant provisions under the Assam Farmers (Group Irrigation) Act, 1978 has presently no relevance. Moreover, all issues related to Water Uses by beneficiaries are covered under the Assam Irrigation Water Users' Act, 2004. As a measure of ease of doing business, the Assam Farmers (Group Irrigation) Act, 1978 has lost its relevance and hence proposed to repeal.

The Cabinet has approved the proposal in its meeting held on 15<sup>th</sup> December, 2022 at 4:30 PM at Jorhat.

Hence the Bill.

**ASHOK SINGHAL,**  
Minister, Irrigation.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

This Bill does not entail any expenditure from the Consolidated Fund of the State once it comes into force.

**ASHOK SINGHAL,**  
Minister, Irrigation.

**MEMORANDUM OF DELEGATED LEGISLATION**

The Bill does not propose to delegate legislative power to the Executive.

**ASHOK SINGHAL,**  
Minister, Irrigation.



ANNEXURE - IProposal for Repeal of The Assam Farmers (Group Irrigation) Act, 1978.

Act	Provisions of the Act	Objective of the Proposal	Justification of the Proposal
The Assam Farmers (Group Irrigation) Act, 1978.	The Assam Farmers (Group Irrigation) Act, 1978 takes into provision for creating Irrigation potential through utilization of surface and ground water sources by formation of Groups of farmers to obtain loan from banks. The Act has 16 provisions.	The Proposal is to repeal the Act.	Considering the fact that Irrigation Department creates the Irrigation assets with Government fund. After the assets are created the same are handed over to beneficiaries through formation of Water Users Groups. In view of The Assam Irrigation Water Users Act, 2004 being in force, all issues related to water uses by beneficiaries are now covered under this Act. Therefore, as a measure of Ease of doing Business, The Assam Farmers (Group Irrigation) Act, 1978 which has presently lost its relevance is proposed for repeal

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

## THE TINSUKIA AND DIBRUGARH ELECTRICITY SUPPLY UNDERTAKINGS (ACQUISITION) (REPEALING) BILL, 2022

### A

### BILL

to repeal the Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) Act, 1973.

Preamble	Whereas it is expedient to repeal the Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) Act, 1973;	Assam Act No. X of 1973
It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-		
Short title, extent and commencement	<ol style="list-style-type: none"> <li>1. (1) This Act may be called the Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) (Repealing) Act, 2022.</li> <li style="padding-left: 2.5em;">(2) It extends to the whole of the State of Assam.</li> <li style="padding-left: 2.5em;">(3) It shall come into force at once.</li> </ol>	
Repeal and savings	<ol style="list-style-type: none"> <li>2. (1) The Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) Act, 1973 is hereby repealed.</li> <li style="padding-left: 2.5em;">(2) Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.</li> </ol>	Assam Act No. X of 1973

**STATEMENT OF OBJECTS AND REASONS**

The Bill namely "The Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) (Repealing) Bill, 2022" seeks to repeal "The Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) Act, 1973" of Power (Electricity) Department, Government of Assam.

To improve '*Ease of Living*' and '*Ease of Doing Business*', the Department for Promotion of Industry and Internal Trade (DPIIT), Government of India has decided to reduce the Regulatory Compliance Burden on Citizens and Businesses.

The Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) Act, 1973 is not relevant in the present day scenario from business point of view. It is an obsolete Act at present. As a part of reducing compliance burden initiative of Government of India; Power (Electricity) Department has proposed to repeal "The Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) Act, 1973" by introducing "The Tinsukia and Dibrugarh Electricity Supply Undertakings (Acquisition) (Repealing) Bill, 2022".

Hence, the Bill.

**NANDITA GORLOSA,**  
Minister in-charge,  
Power (Electricity) Department, Assam.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.

**FINANCIAL MEMORANDUM**

There is no financial involvement in the proposed Bill.

**NANDITA GORLOSA,**  
Minister in-charge,  
Power (Electricity) Department, Assam.

**MEMORANDUM OF DELEGATED LEGISLATION**

There is no delegation of legislative powers to the executive in the proposed Bill.

**NANDITA GORLOSA,**  
Minister in-charge,  
Power (Electricity) Department, Assam.

**THE ASSAM LOCAL AUTHORITIES GRANTS (CHARGED)  
(REPEALING) BILL, 2022**

**A**

**BILL**

to repeal the Assam Local Authorities Grants (Charged) Act, 1959.

**Preamble**

Whereas it is expedient to repeal the Assam Local Authorities Grants (Charged) Act, 1959;

**Assam Act  
No. XXIII  
of 1959**

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 Assam Local Authorities Grants (Charged) (Repealing) Act, 2022.
- (2) It extends to the whole of the State of Assam.
- (3) It shall come into force at once.

**Repeal and  
savings**

2. (1) The Assam Local Authorities Grants (Charged) Act, 1959 is hereby repealed.
- (2) Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.

**Assam Act  
No. XXIII  
of 1959**

## **STATEMENT OF OBJECTS AND REASONS**

In order to repealing of Acts in pursuance of reducing compliance burden, Section 2 of "The Assam Local Authorities Grants (Charged) Act, 1959" is hereby repealed as follows:

2. (1) The Assam Local Authorities Grants (Charged) Act, 1959 is hereby repealed.

(2) Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act, so repealed.

The proposal is moved as per the approval of the Hon'ble Cabinet in its meeting held on 19.12.2022.

Hence, the Bill for repeal of the following Section of the Act :-

**Preamble:**

**Section 2**

**ASHOK SINGHAL,**

Minister,

Department of Housing and Urban Affairs,  
Assam, Dispur.

**HEMEN DAS,**

Principal Secretary,  
Assam Legislative Assembly.

## **FINANCIAL MEMORANDUM**

The proposed Bill will not lead to any expenditure from the consolidated fund of the State of Assam.

**ASHOK SINGHAL,**  
Minister,  
Department of Housing and Urban Affairs,  
Assam, Dispur.

## **MEMORANDUM OF DELEGATED LEGISLATION**

The present amendment will not create any delegated legislation.

**ASHOK SINGHAL,**  
Minister,  
Department of Housing and Urban Affairs,  
Assam, Dispur.

## **The Assam Local Authorities Grants (Charged) Act, 1959**

### **Existing provisions and proposed amendments**

<b>Sections</b>	<b>Sections of the Existing Act</b>	<b>Proposed Amendments of the New Bill</b>
<b>Section 2</b>	<b>Payment of grants to Local Authorities :</b> The State Government shall grant to the Local Authorities notified under Section 3, such share of the receipts as are collected in their respective jurisdiction from the sources detailed in the Schedule to the Act and credited to the Consolidated Fund of the State of Assam	Notwithstanding such repeal under section 2, the validity or effect or consequence of anything already done or suffered or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect of any such right, title, obligation or liability or penalty, claim or demand etc. already enforced under the Act so repealed, shall be deemed to have been validly done or taken or passed under the corresponding provisions of the Act so repealed.

**HEMEN DAS,**  
Principal Secretary,  
Assam Legislative Assembly.