

THE BEEDI AND CIGAR WORKERS (CONDITIONS OF EMPLOYMENT) (ASSAM AMENDMENT) BILL, 2022

**A
BILL**

further to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

Preamble

Whereas it is expedient to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central
Act No.
32 of 1966

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 Beedi and Cigar Workers (Conditions of Employment) (Assam Amendment) Act, 2022.
- (2) It shall extend to the whole of the State of Assam.
- (3) It shall come into force at once.

Amendment of section 33

2. (1) In the principal Act, in section 33, for the words "which may extend to two hundred and fifty rupees and for a second or any subsequent offence with imprisonment for a term which shall not be less than one month or more than six months or with fine which shall not be less than one hundred rupees or more than five hundred rupees, or with both", the words "an amount of atleast rupees fifty thousand but which may extend to rupees one lakh and for a subsequent offences the person shall be punishable with imprisonment for a term which may extend upto three months, or with fine which may extend upto rupees two lakhs, or with both" shall be substituted.

Insertion of new section 33A

3. In the principal Act, after section 33, the following new section 33A shall be inserted, namely:-

"Compounding of offences

- 33A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty percent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five percent

Central
Act No. 2
of 1974

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14.12.2022

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

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

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VETTED BY: HSE
LEGISLATIVE DEPARTMENT
@ 14.12.2011


STATEMENT OF OBJECTS AND REASONS

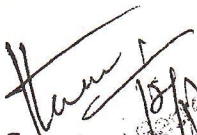
The Beedi and Cigar Workers (Conditions of Employment) (Assam Amendment) Bill, 2022 seeks to amend the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

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

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


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


Minister
Labour Welfare, Welfare
Tea Tribes Welfare
& Labour Welfare,
Dispur, Guwahati-6


Principal Secretary,
Assam Legislative Assembly
Assam Legislative Assembly
Dispur, Guwahati-6


FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill.


Minister
Labour Welfare, Assam
Minister
Tea Tribes Welfare
& Labour Welfare,
Dispur, Guwahati-6

MEMORANDUM OF DELEGATED LEGISLATION

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


Minister
Labour Welfare, Assam
Minister
Tea Tribes Welfare
& Labour Welfare,
Dispur, Guwahati-6

Annexure-

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

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