

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

**A
Bill**

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

Preamble

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

Central
Act No.
XXXVII of
1970

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

Short title,
extent and
commencement

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

Amendment of
section 23

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

Amendment of
section 24

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

Insertion of
new section 24A

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

"Compounding
of Offences

- 24A (1) Notwithstanding anything contained in this Act of Criminal Procedures, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application

Central
Act 2 of
1974

Allegan
SETTLED BY: *MB*
LEGISLATIVE DEPARTMENT
14/12/2022

of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer, as the Government may, by notification, specify for a sum of rupees fifty percent, of the maximum fine provided for such first offence punishable with fine only and for a sum of seventy five percent provided for such first offence punishable with imprisonment a term which is not more than one year or with fine, in the manner as may be prescribed.

- (2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date—
 - (i) of commission of a similar offence which was earlier compounded;
 - (ii) of commission of similar offence for which such person was earlier convicted.
- (3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Government.
- (4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.
- (5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.
- (6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.
- (7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with a sum equivalent to twenty per cent. of the maximum fine provided for the offence, in addition to such fine.
- (8) No offence punishable under the provisions of this Act shall be compounded except under and in accordance with the provisions of this section."

STATEMENT OF OBJECTS AND REASONS


The bill seeks to amend the Contract Labour (Regulation and Abolition) Act,1970 (Central Act. No. XXXVII of 1970)


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

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

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


Section 23, Section 24.


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


Principal Secretary
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

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

| Section in the Contract Labour (Regulation & Abolition) Act, 1970 | Extract of the Existing Provision | Extract of the Proposed Provision |
|---|--|--|
| Section 23 | Contravention of provisions regarding employment of contract labour: "imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention." | "fine which shall be at least two lakh rupees and which may extend upto three lakhs rupees, and if the contravention is continued after the conviction, then with further penalty which may extend to two thousand rupees for each day till such contravention continues." |
| Section 24 | <i>Other offences:</i> "imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both." | " fine which shall be at least two lakh rupees which may extend upto three lakhs rupees, and if the contravention is continued then with further penalty which may extend to two thousand rupees for each day till such contravention continues." |
| New insertion 24(A) "Compounding of Offences" | <i>Nil</i> | <p>(1) Notwithstanding anything contained in this Act of Criminal Procedures, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any persecution, be compounded by a Gazetted Officer, as the Government may, by notification, specify for a sum of rupees fifty percent, of the maximum fine provided for such first offence punishable with fine only and for a sum of seventy five percent provided for such first offence punishable with imprisonment a term which is not more than one year or with fine, in the manner as may be prescribed.</p> <p>(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date—</p> <p>(i) of commission of a similar offence which was earlier compounded;</p> <p>(ii) of commission of similar offence for which such person was earlier convicted.</p> <p>(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Government.</p> <p>(4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.</p> <p>(5) Where any offence is compounded before the institution of any prosecution, no prosecu-</p> |

tion shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

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

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

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