

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

**A  
BILL**

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

Preamble

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

Central Act  
No. 30 of  
1979

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

Short title,  
extent and  
commencement

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

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

(3) It shall come into force at once.

Amendment of  
section 24

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

Amendment of  
section 25

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

Insertion of new  
section 25A

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

"25A. Compounding  
of offences.

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer,

Central Act  
No. 2 of  
1974

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ON 15.12.2022

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;

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

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*das*  
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LEGISLATIVE DEPARTMENT  
ON 15.12.2011


## STATEMENT OF OBJECTS AND REASONS

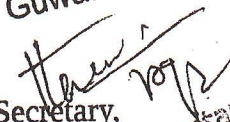
The Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) (Assam Amendment) Bill, 2022 seeks to amend the Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979.

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

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

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


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

  
Principal Secretary,  
Assam Legislative Assembly  
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

## ANNEXURE-

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

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

		<p>(3) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be liable to pay a penalty equivalent to twenty per cent. of the maximum penalty or fine provided for the penalty or the offence, as the case may be, in addition to the penalty or fine.</p> <p>(4) Nothing contained in sub-section (1) shall apply to a penalty or an offence committed by a person for a second or subsequent time within a period of three years from the date of penalty or offence, as the case may be,—</p> <p>(a) which was earlier compounded; or</p> <p>(b) for which such person was earlier convicted.”</p>
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