

THE PLANTATIONS LABOUR (ASSAM AMENDMENT) BILL, 2022

**A
BILL**

further to amend the Plantations Labour Act, 1951.

Preamble

Whereas it is expedient to amend the Plantations Labour Act, 1951, hereinafter referred to as the principal Act, in the manner hereinafter appearing;

Central Act
No. LXIX of
1951

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

Short title,
extent and
commencement

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

Amendment of
section 35

2. In the principal Act, in section 35, for the words "punishable with imprisonment for a term which may extend to six months or with the fine which may extend to ten thousand rupees, or with both" appearing after the words "shall be", the words "liable to penalty which shall not be less than rupees fifty thousand but which may extend upto rupees one lakh, and if the contravention is continued, he shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend upto rupees two lakhs, or with both" shall be substituted.

Insertion of a
new section
35A

3. In the principal Act, the following new section 35A shall be inserted, namely:-

"Compounding
of offences

- 35A. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, or also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer, as the Government may, by notification, specify, for a sum of fifty percent of the maximum fine provided for such offence punishable with fine only and for a sum of seventy-five percent provided for such offence punishable with imprisonment for a term which is not more than one year or with fine, in the manner as may be prescribed.

Central Act
No. 2 of 1974

was
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LEGISLATIVE DEPARTMENT
14.12.2022

- (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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REVISED BY: HR
LEGISLATIVE DEPARTMENT
14.12.2021


STATEMENT OF OBJECTS AND REASONS

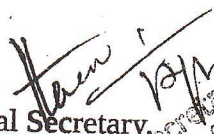
The Plantation Labour (Assam Amendment) Bill, 2022 (Assam Amendment) Bill, 2022 seeks to amend the Plantation Labour Act, 1951.

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

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


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


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

Annexure -

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

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