

THE EQUAL REMUNERATION (ASSAM AMENDMENT) BILL, 2022

A

BILL

further to amend the Equal Remuneration Act, 1976

Preamble

Whereas it is expedient to amend the Equal Remuneration Act, 1976, hereinafter referred to as the principal Act, in the manner hereinafter appearing; Central Act No.25 of 1976

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

Short title, extent and commencement

1. (1) This Bill may be called the Equal Remuneration (Assam Amendment) Bill, 2022.
- (2) It extent & to the whole of the state of Assam.
- (3) It shall come into force at once.

Amendment of section 10

2. In the principal Act, in section 10,-
  - (i) in sub-section (1), for the words "with simple imprisonment for a term which may extend to one month appearing in between the words "punishable with" and with fine shall be substituted.
  - (ii) in sub-section (2), for the words "fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months but which may extend to one year or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences," appearing after the words "punishable with" the words, fine which may extend to fifty thousand rupees for the first offence which may extend to one lakh rupees for the second and subsequent offences", shall be substituted.

Insertion of new section 10A

3. In the principal Act, after section 10, the following new section 10A shall be inserted, namely:-

"Compounding offence :

- 10A (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 per cent. of the maximum fine provided for such offence, in the manner as may be prescribed.

- (2) Nothing contained in sub-section (1) shall apply

PREPARED BY THE  
LEGISLATIVE DEPARTMENT

14.12.2022

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."

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SECRETARY OF THE  
LEGISLATIVE DEPARTMENT  
14.12.2011


## STATEMENT OF OBJECTS AND REASONS


The Equal Remuneration (Assam Amendment) Bill, 2022 seeks to amend the Equal Remuneration Act, 1976.

It is proposed to bring an amendment to section 10 of the Equal Remuneration Act, 1976 and in the principal Act, after section 10, a new section 10A 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 10.

  
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

**THE EQUAL REMUNERATION (ASSAM AMENDMENT) BILL, 2022**

Section of the Act.	Existing provision of the Act.	Provisions of the proposed amendment in the Act.
10	<p>sub-section (I):</p> <p>(a) omits or fails to maintain any register or other document in relation to workers employed by him, or</p> <p>(b) omits or fails to produce any register, muster-roll or other document relating to the employment of workers, or</p> <p>(c) omits or refuses to give any evidence or prevents his agent, servant, or any other person in charge of the establishment, or any worker, from giving evidence, or</p> <p>(d) omits or refuses to give any information, he shall be punishable 3 [with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both].</p>	<p>“punishable with” and with fine shall be substituted</p>
	<p>Sub-section(2):</p> <p>(a) makes any recruitment in contravention of the provisions of his Act, or</p> <p>(b) makes any payment or remuneration at unequal rates to men and women worker, for the same work or work of a similar nature, or</p> <p>(c) makes any discrimination between men and women workers in contravention of the provisions of this Act, or</p> <p>(d) omits or fails to carry out any direction made by the appropriate Government under sub-section (5) of Section 6.</p> <p>he shall be punishable 4 [with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months but which may extend to one year or with both for the first offence, and with imprisonment which may extend to two years for the second and subsequent offences]</p>	<p>“punishable with” the words, fine which may extend to fifty thousand rupees for the first offence which may extend to fifty thousand rupees for the first offence which may extend to one lakh rupees for the second and subsequent offence”, shall be substituted</p>
<p>Insertion of new section 10A “Compounding offence :</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</p>

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 appropriate Government may, by notification, specify, for a sum of fifty per cent of the maximum fine provided for such offence, 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

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