

THE INDUSTRIAL DISPUTES (ASSAM AMENDMENT) BILL, 2022

A Bill

further to amend the Industrial Disputes Act, 1947.

Preamble Whereas it is expedient to amend the Industrial Disputes Act, 1947, hereinafter referred to as the principal Act, in the manner hereinafter appearing; Central Act
No. XIV of
1947

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

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|--------------------------------------|----|---|
| Short title, extent and commencement | 1. | (1) This Act may be called the Industrial Disputes (Assam Amendment) Act, 2022.
(2) It extends to the whole of the State of Assam.
(3) It shall come into force at once. |
| Amendment of section 25Q | 2. | In the principal Act, in section 25Q, for the words "imprisonment for a term which may extend to one month, 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 atleast rupees one lakh but may extend upto rupees ten lakhs" shall be substituted. |
| Amendment of section 25R | 3. | In the principal Act, in section 25R, in sub-section (1) for the words "imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both", appearing after the words "punishable with", the words "fine which shall be atleast rupees one lakh but may extend upto rupees ten lakhs" shall be substituted. |
| Amendment of section 25U | 4. | In the principal Act, in section 25U, for the words "imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both" appearing after the words "punishable with", the words "punishable with fine which shall be atleast rupees ten thousand but may extend upto rupees two lakhs" shall be substituted. |
| Amendment of section 30A | 5. | In the principal Act, in section 30A, for the words "imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both" appearing after the words "punishable with", the words "fine which may extend to rupees one lakh" shall be substituted. |
| Amendment of section 31 | 6. | In the principal Act, in section 31,- |

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- (i) in sub-section (1), for the words "imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both" appearing after the words "punishable with", the words "fine which may extend to rupees one lakh" shall be substituted.
- (ii) in sub-section (2), for the words "one hundred rupees" appearing after the words "extend to", the words "rupees one lakh" shall be substituted.

Insertion of section 31A 7. In the principal Act, after section 31, the following new section 31A shall be inserted, namely:-

- 31A. (1) "Notwithstanding anything contained in the Code of Criminal Procedures, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only but 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 rupees 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 first 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) 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

Central Act
No.2 of 1974

Has
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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 percent 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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STATEMENT OF OBJECTS AND REASONS


The bill seeks to amend the Industrial Disputes Act,1947(Central Act. No. XIV of 1947).

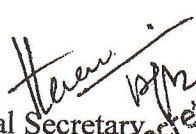
It is proposed to bring an amendment to the sections 25Q,25R,25U,30A,31 of "the Industrial Disputes Act,1947". In the principal Act, after section 31, new section 31A shall be inserted.

The proposed amendment for decriminalization of above mentioned sections of the Industrial Disputes Act,1947 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 25Q, Section 25R,25U,30A,31.


Minister,
Labour Welfare, Assam
& 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 INDUSTRIAL DISPUTES (ASSAM AMENDMENT) BILL, 2022

Section in Industrial Disputes Act, 1947	Extract of the Existing Provision	Extract of the Proposed Provision
Section 25(Q)	<u>Penalty for lay-off and retrenchment without previous permission:-</u> "imprisonment for a term which may extend to one month, or with fine which may extend to one thousand rupees, or with both."	"fine which shall be atleast rupees one lakh but which may extend upto rupees ten lakhs"
Section 25(R)	<u>Penalty for closure:-</u> "imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both."	"fine which shall be atleast rupees one lakh but may extend upto rupees ten lakhs."
Section 25(U)	<u>Penalty for committing unfair labour practices:-</u> "imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both."	"punishable with fine which shall be atleast rupees ten thousand but may extend upto rupees two lakhs."
Section 30(A)	<u>Penalty for closure without notice:-</u> "imprisonment for a term which may extend to six months, or with fine which may extend to five thousand rupees, or with both"	"fine which may extend to rupees one lakh."
Section 31	<u>Penalty for other offences:-</u> 1) "imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both." 2) "One hundred rupees"	1) "fine which may extend to rupees one lakh." 2) "rupees one lakh"
Insertion of Section 31(A) "Compounding of offences"	Nil	(1) "Notwithstanding anything contained in this Code of Criminal Procedures, 1973, any offence punishable under this Act, not being an offence punishable with imprisonment only, but 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 rupees 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 first 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) 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."