

**THE CONTRACT LABOUR (REGULATION AND
ABOLITION) (GOA AMENDMENT) BILL, 2020**

(Bill No. 15 of 2020)

A

BILL

5 *further to amend the Contract Labour (Regulation
and Abolition) Act, 1970 (Central Act No. 37 of
1970), as in force in the State of Goa.*

BE it enacted by the Legislative Assembly of
Goa in the Seventy-first Year of the Republic of
India as follows:—

10 **1. Short title and commencement.**— (1) This
Act may be called the Contract Labour (Regulation
and Abolition) (Goa Amendment) Act, 2020.

(2) It shall be deemed to have come into force
on the 26th day of June, 2020.

15 **2. Amendment of section 1.**— In section 1 of
the Contract Labour (Regulation and Abolition)
Act, 1970 (Central Act 37 of 1970), as in force in
the State of Goa (hereinafter referred to as the
20 “principal Act”), in sub-section (4), for the word
“twenty”, wherever it occurs, the word “fifty”
shall be substituted.

3. Insertion of new section 25A.— After section
25 of the principal Act, the following section shall
be inserted, namely:—

25 **“25A. Compounding of offences.**— (1) Any
offence punishable under sub-sections (1) and

(2) of section 22 and section 24 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the Official Gazette, specify in this behalf for the amount as specified in the table below. 5

TABLE

Number of workmen employed in establishment	Composition amount	10
50 to 100	₹ 20000/-	
101 to 500	₹ 35000/-	
More than 500	₹ 50000/-	

Provided that the State Government may, by notification in the Official Gazette, amend the composition amount specified in above Table: 15

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences: 20

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged". 25

4. Repeal and Saving.— (1) The Contract Labour (Regulation and Abolition) (Goa Amendment) 30

Ordinance, 2020 (Ordinance No. 7 of 2020) is hereby repealed.

5 (2) Notwithstanding such repeal anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Statement of Objects and Reasons

The Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970) (hereinafter referred to as the “said Act”) as of now applies to the establishments engaging 20 or more contractual employees. The proposed Bill aims at increasing the threshold limit of applicability of the Act from twenty to fifty with the object of facilitating the initiatives undertaken in the field of labour reforms.

There has been considerable rise in outsourcing. It is, therefore, necessary that small establishments should not be made to face the rigorous provisions in the said Act. However, depending upon the circumstances the Government is empowered to make the Act applicable to lesser number of employees by issuing notification. The amendment shall serve as an experiment and may induce investment in Goa.

Due to this amendment establishments or contractors who employ less than 50 workers as contract labour, will not be required to register or obtain a licence under the said Act. This change would be considered significant by establishments with small scale operations and those who rely on out sourced work force for multiple activities carried out by them.

Further, in order to make provision for compounding of offences new section 25A is proposed to be inserted in the said Act.

The Contract Labour (Regulation and Abolition) (Goa Amendment) Ordinance, 2020 (Ordinance

No.7 of 2020) was promulgated by the Governor of Goa on 26th day of June, 2020, after obtaining instructions from the President of India in pursuance of the proviso to clause (1) of Article 213 of the Constitution of India so as to provide for aforesaid amendments to said Act.

The Bill also seeks to repeal the Contract Labour (Regulation and Abolition) (Goa Amendment) Ordinance, 2020, promulgated by the Governor of Goa on 26th day of June, 2020.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Government to issue notification for specifying authority/officer to compound offences punishable under sub-sections (1) and (2) of section 22 and section 24 of the Contract Labour (Regulation and Abolition) Act, 1970 (Central Act No. 37 of 1970) the Act.

Clause 3 of the Bill also empowers the State Government to issue notification for amending the composition amount specified in the Table of Section 25A.

These delegations are of normal character.

Assembly Hall
Porvorim, Goa.
27th July, 2020.

Smt. Jennifer Monserrate
Minister for Labour
& Employment.

Assembly Hall
Porvorim, Goa.
27th July, 2020.

Smt. Namrata Ulman
Secretary to the
Legislative Assembly of Goa.

ANNEXURE

Extract of The Contract Labour (Regulation and
Abolition) Act, 1970.

1. Short title, extent, commencement and application.— (1) This Act may be called THE CONTRACT LABOUR (REGULATION AND ABOLITION) ACT, 1970.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

(4) It applies—

(a) to every establishment in which twenty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour;

(b) to every contractor who employs or who employed on any day of the preceding twelve months twenty or more workmen:

Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment or contractor employing such number of workmen less than twenty as may be specified in the notification.

(5) (a) It shall not apply to establishments in which work only of an intermittent or casual nature is performed.

(b) If a question arises whether work performed in an establishment is of an intermittent or casual nature, the appropriate Government shall decide that question after consultation with the Central Board or, as the case may be, a State Board, and its decision shall be final.

Explanation.— For the purpose of this sub-section, work performed in an establishment shall not be deemed to be of an intermittent nature-

(i) if it was performed for more than one hundred and twenty day in the preceding twelve months, or

(ii) if it is of a seasonal character and is performed for more than sixty days in a year.

2. 25. Offences by companies.— (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against any punished accordingly.

Explanation.— For the purpose of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means partner in the firm.



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE CONTRACT LABOUR
(REGULATION AND ABOLITION)
(GOA AMENDMENT) BILL, 2020**

(Bill No. 15 of 2020)

(To be introduced in the Legislative Assembly of the State of Goa)

GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
JULY, 2020

