

The Labour (Regulation and Abolition) (Uttar Pradesh Amendment) Act, 2017

UTTAR PRADESH

India

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Act 14 of 2018

- Published on 29 January 2018
- Commenced on 29 January 2018
- [This is the version of this document from 29 January 2018.]
- [Note: The original publication document is not available and this content could not be verified.]

The Labour (Regulation and Abolition) (Uttar Pradesh Amendment) Act, 2017(U.P. Act 14 of 2018)Statement of Objects and Reasons. - The Contract Labour (Regulation and Abolition) Act, 1970 has been enacted by the Central Government with the object of regulating the employment of contract labourers in certain establishments and for its abolition in certain circumstances and for its abolition in certain circumstances. The said Act also provides for compulsory registration of establishments and licensing of contractors employing twenty or more contract labourers.Due to globalisation, and consequent competitive atmosphere in industrial & commercial setup, there has been a growing demand for exemption shall establishment and contractors from provisions of this Act and fixing a definite for registration and licensing procedure and for introduction of provision for compounding of small offences in order to avoid unnecessary litigation and to reduce the number of cases pending in courts. After due consultations with associations of employers and trade unions, it has been decided to amend the said Act in its application to the State of Uttar Pradesh make the provisions as Aforesaid.This Contract Labour (Regulation and Abolition) (Uttar Pradesh Amendment) Bill, 2017 is introduced accordingly.(As passed by the Uttar Pradesh Legislature)Received the assent of the President on January 10, 2018 and published in the U.P. Gazette, Extraordinary, Part I, Section (Ka), dated 29th January, 2018, pp.3-5.An Act further to amend the Contract Labour (Regulation and Abolition) Act, 1970 in its application to Uttar PradeshIt is hereby enacted in the Sixty-eight Year of the Republic of India as follows-

1. Short title and extent.

(1)This Act may be called the Contract Labour (Regulation and Abolition) (Uttar Pradesh Amendment) Act, 2017.(2)It extends to the whole of Uttar Pradesh.

2. Amendment of Section 1 of Act 37 of 1970.

- The Industrial Employment (Standing Order) (Uttar Pradesh) Bill, 2017 is introduced accordingly. In Section 1 of the Contract Labour (Regulation and Abolition) Act, 1970 hereinafter referred to as the principal Act, for subsection (4) the following sub-section shall be substituted-"(4) It applies-(a) to every establishment in which fifty 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 fifty or more workmen: Provided that the State Government may, after giving not less than two month's 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 fifty as may be specified in the notification."

3. Amendment of Section 7.

- In Section 7 of the principal Act, after sub-section (2) the following sub-section shall be inserted namely-"(3) On submission of application in all respect the registering officer shall grant or refuse to grant or object to grant registration within one day from the date of submission of application and in such manner as may be prescribed. On the expiration of the said period the registration shall be deemed to be granted. Applicant may submit his application on departmental web portal along with necessary documents and payment of fee. In such case if the application is complete in all respect and the applicant is eligible, automatic registration shall be granted by the web 'portal and registration certificate be sent through e-mail: Provided that if the registration is obtained by misrepresentation of fact or concealment of fact or on the basis of forged document then such registration shall be deemed null and void and can be cancelled by registering officer and legal action shall be taken against applicant."

4. Amendment of Section 13.

- In Section 13 of the principal Act, after sub-section (3) the following sub-section shall be inserted, namely-"(4) If an application for licenses is complete in all respects and the licensing officer fails to make any order within a period of one day then it shall be deemed that the licence has been granted to him."

5. Insertion of new Section 25-A.

- After Section 25 of the principal Act the following section shall be inserted, namely-"25-A.(1) Any offence committed under this Act, punishable with fine or imprisonment up to six months or with both may, on an application of the accused person, either before or after institution of any prosecution, be compounded by such Competent Officer, as the State Government may by notification, specify for a sum of fifty per cent of the maximum fine provided for such offence, in such manner as may be prescribed: Provided that the provision of compounding under this section shall be available only for commission of first offence.(2) Every application for the compounding of

an offence shall be made in such manner as may be prescribed.(3)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.(4)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 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.".