

**Assam Shramik Bahini (Amendment) Act, 1970**

**01 of 1972**

**[07 January 1972]**

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PREAMBLE

An Act further to amend the Assam Shramik Bahini Act, 1959

Whereas it is expedient to amend the Assam Shramik Bahini Act, 1959 (Assam Act XXIV of 1960), hereinafter called the principal Act, in the manner hereinafter appearing;

It is hereby enacted in the Twenty-first Year of the Republic of India as follows:--

**1. Short title, extent and commencement :-**

(1) This Act may be called the Assam Shramik Bahini (Amendment) Act, 1970.

(2) It shall have the like extent as the principal Act.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

**2. Amendment of section 2 of Assam Act XXIV of 1960 :-**

In section 2 of the principal Act, after clause (9), the following shall

be inserted as clause (10), namely:--

"(10) "Gaon Sabha" means a Gaon Sabha as defined in clause (15) of section 2 of the Assam Panchayat Act, 1959 (Assam Act XXIV of 1959)."

### **3. Amendment of section 3 of Assam Act XXIV of 1960 :-**

In section 3 of the principal Act, in sub-section (1), for the words "in an area" occurring between the words "Shramiks" and "may" the words "of a Gaon Sabha" shall be substituted.

### **4. Amendment of section 6 of Assam Act XXIV of 1960 :-**

For section 6 of the principal Act, the following shall be substituted, namely:--

"6. The Executive Engineers of the Public Works Department of both Wings, viz; Roads and Buildings, Flood Control and Irrigation, shall be the registering authority of the Shramik Bahini. The registration in one wing shall be binding on the other in the same area of jurisdiction."

### **5. Amendment of section 8 of Assam Act XXIV of 1960 :-**

In section 8 of the principal Act, for the words "The Chief Engineer or the officer not below the rank of an Executive Engineer empowered by him in this behalf" the words "The Executive Engineers of the Public Works Department of both Wings, viz; Roads and Buildings and Flood Control and Irrigation," shall be substituted.

### **6. Amendment of section 9 of Assam Act XXIV of 1960 :-**

For section 9 of the principal Act, the following shall be substituted, namely:--

9. "Evidence of Registration.

(1) The Executive Engineers on registering a Shramik Bahini under section 8 shall issue a certificate of registration in the prescribed form which shall be conclusive evidence that the Shramik Bahini has been duly registered under this Act. The Registration shall be valid for one year which may be renewed in the manner as prescribed."

### **7. Amendment of section 10 of Assam Act XXIV of 1960 :-**

In section 10 of the principal Act, (1) in sub-section (1), the following Explanation shall be inserted at the end, namely:--

"Explanation.--Skilled Labour for the purpose of this section shall include any Shramik or Shramik Bahini having special knowledge in any particular project, undertaking, work or contract of the State Government or any other Statutory body or Local Authority."

(2) For sub-section (2), the following shall be substituted, namely:--

"(2) The appropriate authority may, as and when considered necessary, allot works of any kind the value of which does not exceed Rupees fifty thousand only to a Shramik Bahini for execution without calling for tender at estimated rate on receipt of an application from a Registered Shramik Bahini. In case where tenders are invited the works may be allotted to Shramik Bahini at the lowest accepted tender rate."

#### **8. Amendment of section 24 of Assam Act XXIV of 1960 :-**

For section 24 of the principal Act, the following shall be substituted, namely:--

24. "Enquiry by Subdivisional Officer, Public Works Department.

(1) The Subdivisional Officer of the Public Works Department of both Wings, viz, Roads and Buildings and Flood Control and Irrigation, may, of his own motion, or on the application of a majority of the Executive Committee, or of not less than one-third of the members, hold an enquiry into the constitution, working, financial conditions and accounts of a Shramik Bahini.

(2) The Nayak, the President and the Shramik Member of a Shramik Bahini shall furnish such information in regard to the affairs of the Shramik Bahini as the enquiry Officer may require."

#### **9. Amendment of section 25 of Assam Act XXIV of 1960 :-**

In section 25 of the principal Act,--

(1) in sub-section (1) for the words "Chief Engineer" the words "Executive Engineer" shall be substituted.

(2) For sub-section (2), the following shall be substituted, namely:--

(2) The aggrieved Shramik Bahini whose registration is cancelled by a Registering Authority may, within thirty days from the date of such cancellation of registration, submit an appeal to the Superintending Engineer of the Circle of Public Works Department of both Wings, viz., Roads and Buildings and Flood Control and

Irrigation, as the case may be, where the Shramik Bahini has been registered originally, and the Superintending Engineer shall be the Appellate Authority whose decision shall be final and not open to appeal or revision in any court.