



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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No. 445 Dispur, Monday, 31st July, 2017, 9th Sravana, 1939 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : : : LEGISLATIVE BRANCH

NOTIFICATION

The 29th July, 2017

No. LGL.107/2006/135.— The following Act of the Assam Legislative Assembly which received the assent of the President on 19th July, 2017 is hereby published for general information.

ASSAM ACT NO. XXXII OF 2017

(Received the assent of the President on 19th July, 2017)

THE ASSAM GRATUITY (AMENDMENT) ACT, 2015

AN ACT

further to amend the Assam Gratuity Act, 1992.

Preamble

Whereas it is expedient further to amend the Assam Gratuity Act, 1992, hereinafter called the principal Act, in the manner hereinafter appearing :

Assam Act
No. XIII of
1993

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

**Short title,
extent and
commencement**

1. (1) This Act may be called the Assam Gratuity (Amendment) Act, 2015.

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

(3) It shall come into force at once.

**Amendment of
Section 1**

2. In principal Act, in section 1, -

(i) In sub-section (3), after the words "by notification" and before the punctuation mark ",", the words "in the official Gazette" shall be inserted ;

(ii) In sub-section (4), after the words "tea factories" appearing before the punctuation mark ".", the words "within the State of Assam" shall be inserted.

**Amendment of
Section 2**

3. In the principal Act, in section 2,

(i) in clause (e), -

(a) for the words and punctuation mark "not exceeding two thousand and five hundred rupees per month or such higher amount as the State Government may, having regards to the general level of wages by notification, specify" appearing in between the words "wages" and "to do", the words "in any tea plantation or tea factory or works connected thereto" shall be substituted :

(b) in between the words "clerical works" and "whether the terms", the punctuation mark and the words, "Accountants, Medical staff and Teachers" shall be inserted :

(c) for the existing "EXPLANATION", the following shall be substituted, namely :-

"EXPLANATION :- for the purpose of this clause, the words "Medical Staff" includes all employees employed for health care, sanitation, in any work in hospital, dispensary, Medical and Paramedical staff and workers; and "Teacher" includes Teachers employed in schools provided by employers."

(ii) in clause (f), in between the words "Leassee" and "or any other", the following words and punctuation marks shall be inserted, namely :-

"Chairman/ President / Secretary of a co-operative Society, person or authority appointed by the Central or the State Government in case of tea plantations or tea factories belonging to or under the control of the Central or State Government, Executive Officer of any other body or authority in case of tea plantations or factory belonging to any other body or authority, person / persons who is/are for the time being in charge of the plantation or factory on any contract or agreement or by virtue of order of any court",

- (iii) in clause (g), after the words "are employed" appearing at the end, the words "or were employed on any day of preceding twelve months" shall be inserted;
- (iv) in clause (h), for the existing definition, the following definition shall be inserted, namely :-

“(h) ‘Tea Factory’ means any factory manufacturing tea where ten or more persons are employed or were employed on any day preceding twelve months”;
- (v) in clause (k), in between the words "dearness allowances" and "but does not include", the words "variable dearness allowance and additional plucking allowance" shall be inserted and the words " and any other allowances" appearing at the end shall be deleted.

Amendment of section 6 4. In the principal Act, in section 6, in sub-section (2), for the figure and word "60.36 percent", the figure and word "60 percent" shall be substituted .

Amendment of section 9 5. In the principal Act, in section 9,-
 (i) in between the words "resignation" and "after he" the words and punctuation mark "or death or disablement due to accident or disease as the case may be," shall be inserted ;

(ii) after the proviso, the following explanation shall be inserted, namely :-

“Explanation : For the purposes of this section disablement means such disablement as incapacitated an employee for the work which he was capable of performing before the accident or disease resulting in such disablement.”

Amendment of Section 10 6. in the principal Act, in section 10, -
 (i) for the figure "50,000/-", the figure "10,00,000/-" shall be substituted;
 (ii) below the existing provisions, the following Explanation shall be inserted, namely :-

“Explanation :- For every completed year of service or part thereof in excess of six months, gratuity shall be payable at the rate of fifteen days wages based on the rate of wages last drawn by the employee concerned.

In case of piece rated employee daily wages shall be computed on the average of the total wages received by him for a period of three months immediately preceding the termination of his employment and in case of a monthly rated employee, the fifteen days wages shall be calculated by dividing the monthly rate of wages last drawn by him by twenty six and multiplying the quotient by fifteen.”

S. M. BUZAR BARUAH,

Commissioner & Secretary to the Government of Assam,
 Legislative Department, Dispur.