

The Assam Gratuity (Amendment) Bill, 2023

A
BILL

further to amend the Assam Gratuity Act, 1992 .

Preamble

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

Assam
Act XIII
of 1993

It is hereby enacted in the Seventy -- fourth 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, 2023.
- (2) It shall have the like extent as the principal Act.
- (3) It shall come into force at once.

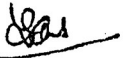
Amendment of
section 2

2. In the principal Act , in section 2,
 - (i) in clause (b), in second line, in between the word "year" and punctuation mark "." appearing at the end, the words, "which shall not be less than 240 days of each year." shall be inserted.
 - (ii) for the existing clause (l), the following shall be substituted, namely:-

"(l) 'Gratuity wage' means the wage as defined in clause (k) above payable on the date prior to the date of exit of the employee from the service."

Amendment of
section 10

3. In the principal Act, in section 10, in the explanation, the second paragraph shall be deleted.



13.3.2023

STATEMENT OF OBJECTS AND REASONS

The Assam Gratuity (Amendment) Bill seeks amendment of the Assam Gratuity Act, 1992 under Section 2(1) to clear out the confusion regarding the definition of gratuity wage, to clear out the explanation as to how many days of work by an employee in a year would make him deemed to be in continuous service under Section 2 (b) and further to clear out the confusion regarding piece rated employees in the Tea Gardens under the explanation to Section 10.

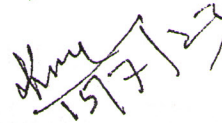
Hence the Bill for amendment of the Section 2 & Section 10 of the Act.

Signed by Sanjay Kishan

Date: 06-07-2023 19:48:40

Minister

Labour Welfare, Assam

Handwritten signature and date stamp. The signature is written in cursive and appears to be 'Sanjay Kishan'. Below the signature is a date stamp '15/7/23'.

Secretary,

Assam Legislative Assembly

FINANCIAL MEMORANDUM

There is no financial involvement in the proposed bill

MEMORANDUM OF DELEGATED LEGISLATION

There is no delegation of legislative power to the executive
in the proposed bill

Signed by Sanjay Kishan

Date: 06-07-2023 19:46:25

Minister
Labour Welfare, Assam

The Assam Gratuity (Amendment) Bill 2023

PROPOSAL:

The proposal includes amendment of Section 2 and Section 10 under the Assam Gratuity Act, 1992.

Section	Extract of existing provision	Extract of proposed provisions
2 Definitions	In clause (b), "Completed year of Service" means a continuous service for one year.	The words "which shall not be less than 240 days for the year" shall be inserted between the word "year" and the punctuation mark "."
	'Gratuity' means the wages as defined in clause (k) above payable on the date prior to the date of exit of the employee, except seasonal and daily workers, in which case it should be the average of the last 3 months wages prior to the date of exit, provided that the Gratuity Wage shall not exceed two thousand five hundred rupees per mensem in any case.	For the existing clause (l) in the Principal Act, the following shall be substituted, - " Gratuity Wage" means the wage as defined in clause (k) above payable on the date prior to the date of exit of the employee from the service.
10 Quantum of Gratuity	Second Paragraph of explanation to Section 10: "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".	In the Principal Act, the second paragraph after the explanation be deleted.