

No S-42015/01/2014-S.S.II  
Government of India  
Ministry of Labour & Employment



Shram Shakti Bhawan, Rafi Marg,  
New Delhi, dated 24th March, 2015  
25th

To,

✓  
Shri P S Kwatra,  
15, Roop Mahal, Cart Road,  
Shimla - 171001  
Himachal Pradesh.

**Subject: Information under Right to Information (RTI) Act, 2005.**

Sir,

I am to refer to your RTI application (received through RTI Request & Appeal Management Information System bearing registration No. MLABE/R/2015/60358) dated 08.03.2015 and to make available a copy each of the Gazette Notification of the following Acts :

- (i) The Payment of Gratuity (Amendment) Act, 1984 (25 of 1984).
- (ii) The Payment of Gratuity (Second Amendment) Act, 1984 (26 of 1984).
- (iii) The Payment of Gratuity (Amendment) Act, 1987 (22 of 1987).
- (iv) The Payment of Gratuity (Amendment) Act, 1994 (34 of 1994).
- (v) The Payment of Gratuity (Amendment) Act, 1998 (11 of 1998).
- (vi) The Payment of Gratuity (Amendment) Act, 2009 (47 of 2009).

2. Shri D.S. Negi, Director, Room No 307, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 in the Ministry is the 1<sup>st</sup> Appellate Authority under Section 19 of the RTI Act, 2005.

**Encl : as above.**

Yours faithfully,

(Subhash Kumar)

Under Secretary to the Govt. of India

Copy to:

Dy. Secretary/Nodal Officer under the RTI Act, 2005, Ministry of Labour & Employment w.r.t RTI No MLABE/R/2015/60358 dated 08.03.2015 - for information.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
**EXTRAORDINARY**  
भाग II—खण्ड 1  
**PART II—Section 1**  
प्राधिकार से प्रकाशित  
**PUBLISHED BY AUTHORITY**

सं० 33] नई दिल्ली, शुक्रवार, मई 18, 1984/वैशाख 28, 1906  
No. 33] NEW DELHI, FRIDAY, MAY 18, 1984/VAISAKHA 28, 1906

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation

**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**  
(Legislative Department)

*New Delhi, the 18th May, 1984/Vaisakha 28, 1906 (Saka)*

The following Act of Parliament received the assent of the President on the 18th May, 1984, and is hereby published for general information:—

**THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 1984**

No. 25 of 1984

[18th May, 1984.]

An Act further to amend the Payment of Gratuity Act, 1972

BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 1984.

(2) It shall come into force on/such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act),—

(a) in clause (e),—

(i) for the words "one thousand rupees", wherever they occur, the words "one thousand and six hundred rupees" shall be substituted;

Short title and commencement  
Amendment of section 2

(ii) for the portion beginning with the words "but does not include any such person" and ending with the words and figures "for the Navy Act, 1957"; the following shall be substituted, namely:— 62 of 1957.

"and whether or not such person is employed in a managerial or administrative capacity, but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity;"

(b) for clause (r), the following clause shall be substituted, namely:—

(r) "superannuation", in relation to an employee, means the attainment by the employee of such age as is fixed in the contract or conditions of service as the age on the attainment of which the employee shall vacate the employment;"

3. In section 4 of the principal Act,—

Amend-  
ment of  
section  
4.

(a) in sub-section (1), for the words "nominee or", the words "nominee or, as the case may be, the guardian of such nominee or" shall be substituted;

(b) in sub-section (2), in the second proviso, for the words "an employee employed in a seasonal establishment", the words "an employee who is employed in a seasonal establishment and who is not so employed throughout the year" shall be substituted;

(c) in sub-section (6), in clause (b), for the words "shall be wholly forfeited", the words "may be wholly or partially forfeited" shall be substituted;

(d) after sub-section (6), the following sub-section shall be inserted and shall be deemed always to have been inserted, namely:—

"(7) For the removal of doubts, it is hereby declared that the gratuity determined in accordance with the provisions of *Explanation* to clause (e) of section 2 shall be payable to an employee referred to in that clause notwithstanding that immediately, or at any time, before the termination of his employment in the manner specified in clause (a) or clause (b) or clause (c) of sub-section (1), he was in receipt of—

(i) where such termination of his employment is before the commencement of the Payment of Gratuity (Amendment) Act, 1954, wages exceeding one thousand rupees per month, and

(ii) where such termination of his employment is after such commencement, wages exceeding one thousand and six hundred rupees per month."

4. In section 7 of the principal Act,—

Amendment of section 7.

(a) in sub-section (4),—

(i) in clause (a), the *Explanation* shall be omitted;

(ii) clauses (b), (c) and (d) shall be re-lettered as clauses (c), (d) and (e) respectively, and before clause (c) as so re-lettered the following clause shall be inserted, namely:—

"(b) Where there is a dispute with regard to any matter or matters specified in clause (a), the employer or employee or any other person raising the dispute may make an application to the controlling authority for deciding the dispute;"

(iii) for clause (c) as so re-lettered, the following clause shall be substituted, namely:—

"(c) The controlling authority shall, after due inquiry and after giving the parties to the dispute a reasonable opportunity of being heard, determine the matter or matters in dispute and if, as a result of such inquiry any amount is found to be payable to the employee, the controlling authority shall direct the employer to pay such amount or, as the case may be, such amount as reduced by the amount already deposited by the employer;"

(iv) in clause (e) as so re-lettered, in sub-clause (ii), for the words "nominee or", the words "nominee or, as the case may be, the guardian of such nominee or" shall be substituted;

(b) in sub-section (7), after the proviso, the following proviso shall be inserted, namely:—

"Provided further that no appeal by an employer shall be admitted unless at the time of preferring the appeal, the appellant either produces a certificate of the controlling authority to the effect that the appellant has deposited with him an amount equal to the amount of gratuity required to be deposited under sub-section (4), or deposits with the appellate authority such amount."

5. After section 7 of the principal Act, the following sections shall be inserted, namely:—

Insertion of new sections 7A and 7B.

7A. (1) The appropriate Government may, by notification, appoint as many Inspectors, as it deems fit, for the purposes of this Act.

Inspector

(2) The appropriate Government may, by general or special order, define the area to which the authority of an Inspector so appointed shall extend and where two or more Inspectors are appointed for the same area, also provide, by such order, for the distribution or allocation of work to be performed by them under this Act.

(3) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Powers  
of Inspectors.

7B. (1) Subject to any rules made by the appropriate Government in this behalf, an Inspector may, for the purpose of ascertaining whether any of the provisions of this Act or the conditions, if any, of any exemption granted thereunder, have been complied with, exercise all or any of the following powers, namely:—

(a) require an employer to furnish such information as he may consider necessary;

(b) enter and inspect, at all reasonable hours, with such assistants (if any), being persons in the service of the Government or local or any public authority, as he thinks fit, any premises of or place in any factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, for the purpose of examining any register, record or notice or other document required to be kept or exhibited under this Act or the rules made thereunder, or otherwise kept or exhibited in relation to the employment of any person or the payment of gratuity to the employees, and require the production thereof for inspection;

(c) examine with respect to any matter relevant to any of the purposes aforesaid, the employer or any person whom he finds in such premises or place and who, he has reasonable cause to believe, is an employee employed therein;

(d) make copies of, or take extracts from, any register, record, notice or other document, as he may consider relevant, and where he has reason to believe that any offence under this Act has been committed by an employer, search and seize with such assistance as he may think fit, such register, record, notice or other document as he may consider relevant in respect of that offence;

(e) exercise such other powers as may be prescribed.

(2) Any person required to produce any register, record, notice or other document or to give any information by an Inspector under sub-section (1) shall be deemed to be legally bound to do so within the meaning of sections 175 and 176 of the

45 of 1860.

2 of 1974.

(3) The provisions of the Code of Criminal Procedure, 1973 shall so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of that Code."

6. In section 13 of the principal Act, after the words "payable under this Act", the words "and no gratuity payable to an employee employed in any establishment, factory, mine, oilfield, plantation, port, railway company or shop exempted under section 5" shall be inserted.

Amend-  
ment of  
section 13.

R. V. S. PERI SASTRI,  
Secy. to the Govt. of India.

  
भारत का राजपत्र  
The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
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No. 34]

नई दिल्ली, शुक्रवार, मई 18, 1984/वैशाख 28, 1906

NEW DELHI, FRIDAY, MAY 18, 1984/VAISAKHA 28, 1906

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MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 18th May, 1984/Vaisakha 28, 1906 (Saka)

The following Act of Parliament received the assent of the President on the 18th May, 1984, and is hereby published for general information:—

THE PAYMENT OF GRATUITY (SECOND AMENDMENT)  
ACT, 1984  
No. 26 OF 1984

[18th May, 1984.]

An Act further to amend the Payment of Gratuity Act, 1972.  
BE it enacted by Parliament in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Payment of Gratuity (Second Amendment) Act, 1984.
2. In section 1 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) A shop or establishment to which this Act has become applicable shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time after it has become so applicable falls below ten.”

3. In section 2 of the principal Act, for clause (c) and the Explanations thereto, the following clause shall be substituted, namely:—

“(c) “continuous service” means continuous service as defined in section 2A;”

Short title.

Amendment of section 1.

Amendment of section 2.

Insertion  
of new  
section 2A.

Continuous  
Service.

4. In the principal Act, after section 2, the following section shall be inserted, namely:—

“2A. For the purposes of this Act,—

(1) an employee shall be said to be in continuous service for a period if he has, for that period, been in uninterrupted service, including service which may be interrupted on account of sickness, accident, leave, absence from duty without leave (not being absence in respect of which an order imposing a punishment or penalty or treating the absence as break in service has been passed in accordance with the standing orders, rules or regulations governing the employees of the establishment), lay-off, strike or a lock-out or cessation of work not due to any fault of the employee, whether such uninterrupted or interrupted service was rendered before or after the commencement of this Act;

(2) where an employee (not being an employee employed in a seasonal establishment) is not in continuous service within the meaning of clause (1), for any period of one year or six months, he shall be deemed to be in continuous service under the employer—

(a) for the said period of one year, if the employee during the period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days, in the case of an employee employed below the ground in a mine or in an establishment which works for less than six days in a week; and

(ii) two hundred and forty days, in any other case;

(b) for the said period of six months, if the employee during the period of six calendar months preceding the date with reference to which the calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of an employee employed below the ground in a mine or in an establishment which works for less than six days in a week; and

(ii) one hundred and twenty days, in any other case;

(3) where an employee, employed in a seasonal establishment, is not in continuous service within the meaning of clause (1), for any period of one year or six months, he shall be deemed to be in continuous service under the employer for such period if he has actually worked for not less than seventy-five per cent. of the number of days on which the establishment was in operation during such period.”



Amend-  
ment of  
section  
5.

5. Section 5 of the principal Act shall be renumbered as sub-section (1) of that section and, after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) The appropriate Government may, by notification and subject to such conditions as may be specified in the notification, exempt any employee or class of employees employed in any establishment, factory, mine, oilfield, plantation, port, railway company or shop to which this Act applies from the operation of the provisions of this Act, if, in the opinion of the appropriate Government, such employee or class of employees are in receipt of gratuity or pensionary benefits not less favourable than the benefits conferred under this Act.”.

6. The amendments made in the principal Act by section 3 and section 4 shall be deemed to have been made with effect from the 11th day of February, 1981 and accordingly any action or thing taken or done or purporting to have been taken or done under the principal Act on or after the said date and before the commencement of this Act, shall, notwithstanding anything contained in any judgment, decree or order of any court, tribunal or other authority, be deemed to be, and to have always been, for all purposes, as validly and effectively taken or done as if the said amendments had been in force at all material times.

*Explanation.*—For the removal of doubts, it is hereby declared that no act or omission on the part of any person, before the commencement of this Act, shall be punishable as an offence which would not have been so punishable if this Act had not come into force.

R. V. S. PERI SASTRI,  
Secy. to the Govt. of India.

  
**भारत का राजपत्र**  
**The Gazette of India**

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 1  
PART II—Section 1

प्राधिकार से प्रकाशित  
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सं० 31]  
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नई दिल्ली, बृहस्पतिवार, अगस्त 13, 1987/श्रावण 22, 1909  
NEW DELHI, THURSDAY, AUGUST 13, 1987/SRAVANA 22, 1909

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के रूप में रखा जा सके

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MINISTRY OF LAW AND JUSTICE  
(Legislative Department)

New Delhi, the 13th August, 1987/Sravana 22, 1909 (Saka)

The following Act of Parliament received the assent of the President  
on the 12th August, 1987, and is hereby published for general informa-  
tion:—

THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 1987  
No. 22 OF 1987 [12th August, 1987]

An Act further to amend the Payment of Gratuity Act, 1972.

BE it enacted by Parliament in the Thirty-eighth Year of the  
Republic of India as follows:—

1. (1) This Act may be called the Payment of Gratuity (Amendment)  
Act, 1987.

(2) 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.

39 of 1972. 2. In section 2 of the Payment of Gratuity Act, 1972 (hereinafter  
referred to as the principal Act),—

(i) in clause (e),—

(a) for the words "one thousand and six hundred rupees  
per mensem", the words "two thousand and five hundred

Short  
title and  
commence-  
ment.

Amend-  
ment of  
section  
2.