

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 1st 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
 com-
 mence-
 ment
 Amend-
 ment 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
PUBLISHED BY AUTHORITY

सं० 34]
No. 34]

नई दिल्ली, शुक्रवार, मई 18, 1984/वैशाख 28, 1906
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 (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. Short title.
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:— Amend-
ment of
section 1.

“(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:— Amend-
ment of
section 2.

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

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
PUBLISHED BY AUTHORITY

सं० 31] नई दिल्ली, बृहस्पतिवार, अगस्त 13, 1987/श्रावण 22, 1909
No. 31] NEW DELHI, THURSDAY, AUGUST 13, 1987/SRAVANA 22, 1909

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 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 information:—

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 commencement.

Amendment of section 2.

rupees per mensem, or such higher amount as the Central Government may, having regard to the general level of wages, by notification, specify" shall be substituted;

(b) in the Explanation,—

(i) for the words "one thousand and six hundred rupees per mensem", occurring for the first time, the words, brackets and letter "the amount for the time being specified by or under clause (e)" shall be substituted;

(ii) for the words "one thousand and six hundred rupees per mensem", occurring at the remaining two places, the words "that amount" shall be substituted;

(ii) in clause (h),—

(a) in sub-clause (i), for the words "and the widow", the words "and the dependent parents of his wife and the widow" shall be substituted,

(b) the proviso shall be omitted.

3. In section 2A of the principal Act,—

(a) in clause (1), the words "imposing a punishment or penalty or" shall be omitted;

(b) in clause (2), the following Explanation shall be added at the end, namely:—

"Explanation.—For the purposes of clause (2), the number of days on which an employee has actually worked under an employer shall include the days on which—

(i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946, or under the Industrial Disputes Act, 1947, or under any other law applicable to the establishment;

(ii) he has been on leave with full wages, earned in the previous year;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks."

4. In section 4 of the principal Act,—

(a) in sub-section (1), for the second proviso, the following shall be substituted, namely:—

"Provided further that in the case of death of the employee, gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs, and where any such nominee or heir is a minor, the share of such minor, shall be deposited with the controlling authority who shall invest the same

Amendment of section 2A.

Amendment section

20 of 1946.
14 of 1947.

for the benefit of such minor in such bank or other financial institution, as may be prescribed, until such minor attains majority.”;

(b) in sub-section (2), the following Explanation shall be inserted at the end, namely:—

“Explanation.—In the 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.”;

(c) in sub-section (3), for the words “twenty months’ wages”, the words “fifty thousand rupees” shall be substituted.

5. After section 4 of the principal Act, the following new section shall be inserted, namely:—

Insertion of new section 4A.

4A. (1) With effect from such date as may be notified by the appropriate Government in this behalf, every employer, other than an employer or an establishment belonging to, or under the control of, the Central Government or a State Government, shall, subject to the provisions of sub-section (2), obtain an insurance in the manner prescribed, for his liability for payment towards the gratuity under this Act, from the Life Insurance Corporation of India established under the Life Insurance Corporation of India Act, 1956 or any other prescribed insurer:

Compulsory insurance.

Provided that different dates may be appointed for different establishments or class of establishments or for different areas.

(2) The appropriate Government may, subject to such conditions as may be prescribed, exempt every employer who had already established an approved gratuity fund in respect of his employees and who desires to continue such arrangement, and every employer employing five hundred or more persons who establishes an approved gratuity fund in the manner prescribed from the provisions of sub-section (1).

(3) For the purpose of effectively implementing the provisions of this section, every employer shall within such time as may be prescribed get his establishment registered with the controlling authority in the prescribed manner and no employer shall be registered under the provisions of this section unless he has taken an insurance referred to in sub-section (1) or has established an approved gratuity fund referred to in sub-section (2).

(4) The appropriate Government may, by notification, make rules to give effect to the provisions of this section and such rules may provide for the composition of the Board of Trustees of the approved gratuity fund and for the recovery by the controlling authority of the amount of the gratuity payable to an employee from the Life Insurance Corporation of India or any other insurer with whom an insurance has been taken under sub-section (1), or as the case may be, the Board of Trustees of the approved gratuity fund.

(5) Where an employer fails to make any payment by way of premium to the insurance referred to in sub-section (1) or by way of contribution to an approved gratuity fund referred to in sub-section (2), he shall be liable to pay the amount of gratuity due under this Act (including interest, if any, for delayed payments) forthwith to the controlling authority.

(6) Whoever contravenes the provisions of sub-section (5) shall be punishable with fine which may extend to ten thousand rupees and in the case of a continuing offence with a further fine which may extend to one thousand rupees for each day during which the offence continues.

Explanation.—In this section “approved gratuity fund” shall have the same meaning as in clause (5) of section 2 of the Income-tax Act, 1961.

43 of 1961.

Amend.
ment of
section 5.

6. In section 5 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) A notification issued under sub-section (1) or sub-section (2) may be issued retrospectively a date not earlier than the date of commencement of this Act, but no such notification shall be issued so as to prejudicially affect the interests of any person.”

Amend-
ment of
section 7.

7. In section 7 of the principal Act, for sub-section (3), the following sub-sections shall be substituted, namely:—

“(3) The employer shall arrange to pay the amount of gratuity within thirty days from the date it becomes payable to the person to whom the gratuity is payable.

(3A) If the amount of gratuity payable under sub-section (3) is not paid by the employer within the period specified in sub-section (3), the employer shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at such rate, not exceeding the rate notified by the Central Government from time to time for repayment of long-term deposits, as that Government may, by notification specify:

Provided that no such interest shall be payable if the delay in the payment is due to the fault of the employee and the employer has obtained permission in writing from the controlling authority for the delayed payment on this ground.”

Amend-
ment of
section 8.

8. In section 8 of the principal Act,—

(a) for the words “at the rate of nine per cent. per annum”, the words “at such rate as the Central Government may, by notification, specify” shall be substituted;

(b) the following provisos shall be added at the end, namely:—

“Provided that the controlling authority shall, before issuing a certificate under this section, give the employer a reasonable opportunity of showing cause against the issue of such certificate:

Provided further that the amount of interest payable under this section shall in no case exceed the amount of gratuity payable under this Act."

9. In section 9 of the principal Act,—

(a) in sub-section (1), for the words "one thousand rupees", the words "ten thousand rupees" shall be substituted;

(b) in sub-section (2),—

(i) for the words "which may extend to one year, or with fine which may extend to one thousand rupees, or with both", the following shall be substituted, namely:—

"which shall not be less than three months but which may extend to one year, or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees, or with both";

(ii) in the proviso, for the words "Three months", the words "Six months but which may extend to two years" shall be substituted.

Amend-
ment of
section 9.

S. RAMAIAH,
Secy. to the Govt. of India.


भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY

भाग II-खण्ड 2
PART II-Section 2

प्रतिधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 49]
No). 49]

नई दिल्ली, मंगलवार, मई 24, 1994/ज्येष्ठ 3, 1916
NEW DELHI, TUESDAY, MAY 24, 1994/JYAISTHA.. 1916

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 24th May, 1994/Jyaistha 3, 1916 (Saka)

The following Act of Parliament received the assent of the President on the 24th May, 1994, and is hereby published for general information:—

THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 1994
No. 34 OF 1994

[24th May, 1994.]

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

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

1. This Act may be called the Payment of Gratuity (Amendment) Act, 1994.

39 of 1972.

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

(a) the words “, not exceeding two thousand and five hundred rupees per mensem, or such higher amount as the Central Government may, having regard to the general level of wages, by notification, specify,” shall be omitted;

(b) Explanation shall be omitted.

3. In section 4 of the principal Act,—

(a) in sub-section (3), for the words “fifty thousands” the words “one lakh” shall be substituted;

Short
title.

Amend-
ment of
section
2.

Amend-
ment of
section
4.

(b) sub-section (7) shall be omitted.

Amend-
ment of
section
11.

4. In section 11 of the principal Act, in sub-section (2), for the words "Presidency Magistrate or a Magistrate of the first class", the words "Metropolitan Magistrate or a Judicial Magistrate of the first class" shall be substituted.

K. L. MOHANPURIA,
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

PUBLISHED BY AUTHORITY

सं० 26] नई दिल्ली, मंगलवार, जून 23, 1998/आषाढ़ 2, 1920
No. 26] NEW DELHI, TUESDAY, JUNE 23, 1998/ASADHA 2, 1920

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 23rd June, 1998/Asadha 2, 1920 (Saka)

The following Act of Parliament received the assent of the President on the 22nd June, 1998, and is hereby published for general information:—

THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 1998

No. 11 of 1998

[22nd June, 1998.]

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

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

- (1) This Act may be called the Payment of Gratuity (Amendment) Act, 1998.
(2) It shall be deemed to have come into force on the 24th day of September, 1997.
- In section 4 of the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), in sub-section (3), for the words "one lakh", the words "three lakhs and fifty thousand" shall be substituted.
- (1) The Payment of Gratuity (Amendment) Ordinance, 1998 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

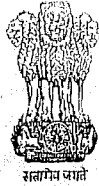
Ord. 10 of
1998.

Short title
and
commence-
ment.

Amendment
of section 4
of Act 39 of
1972.

Repeal and
saving:

RAGHBIR SINGH,
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

PUBLISHED BY AUTHORITY

सं. 54] नई दिल्ली, बृहस्पतिवार, दिसम्बर 31, 2009/पौष 10, 1931
No. 54] NEW DELHI, THURSDAY, DECEMBER 31, 2009 / PAUSA 10, 1931

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 AND JUSTICE (Legislative Department)

New Delhi, the 31st December, 2009/Pausa 10, 1931 (Saku)

The following Act of Parliament received the assent of the President on the 31st December, 2009, and is hereby published for general information:—

THE PAYMENT OF GRATUITY (AMENDMENT) ACT, 2009 (No. 47 of 2009)

[31st December, 2009.]

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

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Gratuity (Amendment) Act, 2009.
- (2) It shall be deemed to have come into force on the 3rd day of April, 1997.

39 of 1972.

2. In the Payment of Gratuity Act, 1972 (hereinafter referred to as the principal Act), in section 2, for clause (e), the following clause shall be substituted, namely:—

‘(e) “employee” means any person (other than an apprentice) who is employed for wages, whether the terms of such employment are express or implied, in any kind of work, manual or otherwise, in or in connection with the work of a factory, mine, oilfield, plantation, port, railway company, shop or other establishment to which this Act applies, 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;’

Short title
and com-
mencement.

Amendment
of section. 2

Insertion of
new section
13A.

3. After section 13 of the principal Act, the following section shall be inserted, namely:—

Validation of
payment of
gratuity.

“13A. Notwithstanding anything contained in any judgment, decree or order of any court, for the period commencing on and from the 3rd day of April, 1997 and ending on the day on which the Payment of Gratuity (Amendment) Act, 2009, receives the assent of the President, the gratuity shall be payable to an employee in pursuance of the notification of the Government of India in the Ministry of Labour and Employment *vide* number S.O. 1080, dated the 3rd day of April, 1997 and the said notification shall be valid and shall be deemed always to have been valid as if the Payment of Gratuity (Amendment) Act, 2009 had been in force at all material times and the gratuity shall be payable accordingly:

Provided that nothing contained in this section shall extend, or be construed to extend, to affect any person with any punishment or penalty whatsoever by reason of the non-payment by him of the gratuity during the period specified in this section which shall become due in pursuance of the said notification.”

V. K. BHASIN,
Secy. to the Govt. of India.