

ASSAM ACT NO XIII OF 1993

(Received the assent of the President on 24th June, 1993)

THE ASSAM GRATUITY ACT, 1992

(As amended upto May, 2021)

AN

ACT

to provide for framing of a gratuity fund scheme for employees employed in the tea factories, tea plantations and for the works connected therein or incidental thereto.

Preamble Whereas it is necessary to provide for framing of a gratuity fund scheme for the employees employed in the tea factories, tea plantations and for the works connected therein or incidental thereto.

It is hereby enacted in the Forty-third Year of the Republic of India in the manner hereinafter appearing;

Short Title, extent and commencement 1. (i) This Act may be called the Assam Gratuity Act, 1992.
(ii) It extends to the whole of Assam.
(iii) It shall come into force on such date as the State Government

may by notification ⁽¹⁾(in the official Gazette) appoint.

(iv) It shall apply to tea plantations and tea factories ⁽²⁾(within the state of Assam).

Provided that tea factory or tea plantations to which this Act has become applicable shall continue to be so applied notwithstanding that number of persons employed therein at any time after it has become so applicable falls below ten.

Definitions

2. In this Act, unless the context otherwise requires:

(a) “Government” means the “State Government of Assam”.

(b) “Completed year of Service” means continuous service for one year.

(c) “Continuous service” means the period of service during which an employee, is in service without interruption 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 treating the absence or 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 employees whether such uninterrupted or interrupted service was rendered before or after the commencement of this Act.

(d) ‘Controlling authority’ means an authority appointed by the State Government under Section-3 of this Act.

(e) ‘Employee’ means any person (other than apprentice) employed on wages⁽³⁾ (in any tea plantation or tea factory or works connected there to) to do skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical works,⁽⁴⁾ (Accountants, Medical Staff and teachers) whether the terms of such employment are expressed or implied and whether or not such person is employed in a managerial or administrative capacity.

(1), (2), (3) and (4) Inserted by Assam Act No. XXXII of 2017

⁽¹⁾(EXPLANTATION : 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.)

(f) 'Employer' means any person who is the proprietor of a tea plantation and tea factory and includes a Managing Agent, Manager, Superintendent, Managing Director, Director, Leaser,⁽²⁾ (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 time being in-charge of the plantation or factory on any contract or agreement or by virtue of order of any court or any other person who is, for the time being, in-charge of any tea plantation or a tea factory.

Central Act
69 of 1951

(g) 'Tea Plantation' has the meaning assigned to it in Clause (f) of section 2 of the Plantation Labour Act, 1951 where ten or more employees are employed ⁽³⁾(or were employed on any day of preceding twelve months).

(h)⁽⁴⁾('Tea Factory' means any factory manufacturing tea where ten or more persons are employed or were employed on any day preceding twelve months.)

(i) 'Family' means (i) In the case of male employee, himself, his wife his children whether married or unmarried including adopted children and his dependent parents and the widow and children of the deceased son of the employee and dependent parents of the wife of the employee, PROVIDED that if an employee proves that his wife has ceased to be entitled to maintenance under the personal law governing him or the customary law of the community to which the spouse belongs she shall no longer be deemed to be a member of the employee's family, unless the employee subsequently intimates by express notice in writing to the controlling Authority or such other Officer as may be appointed on this behalf, that she shall continue to be so regarded, and

(1) Substituted by Assam Act No. XXXI1 of 2017

(2), (3) and (4) Inserted by Assam Act No. XXXII of 2017