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separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT □ LABOUR AND EMPLOYMENT
DEPARTMENT

Notification

Jammu, the 15th January, 2021.

SO-18. □ The following draft rules, which the Jammu and Kashmir Government proposes to make in exercise of the powers conferred by sections 154 and 156 of the Code on Social Security, 2020 (36 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the □

- (i) Jammu and Kashmir Workmen's Compensation Rules, 1972 ;
- (ii) Jammu and Kashmir Payment of Gratuity Rules, 1973 ;
- (iii) Jammu and Kashmir Maternity Benefit Rules, 1974 ;
- (iv) Jammu and Kashmir Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2006 ; and

2. **Definitions.** (1) In these rules, unless the subject or context otherwise requires,

- (a) "Agency" means any corporation, body or institution, established under an Act of Parliament or Legislature of Jammu and Kashmir or Central Public Sector Undertaking or State Public Sector Undertaking or Special Purpose Vehicle as notified by the Central Government or Government of Jammu and Kashmir ;
- (b) "Appellate authority" means the Government of Jammu and Kashmir or the authority specified by Government of Jammu and Kashmir under sub-section (8) of section 56 ;
- (c) "Assessing Officer" means an officer not below the rank of Assistant Labour Commissioner of Jammu and Kashmir Government or any officer of a local authority holding an equivalent post and appointed for assessment of Cess under the Code ;
- (d) "Authority" means the Government of Jammu and Kashmir or the authority specified by the Government of Jammu and Kashmir under sub-section (3) of section 72 ;
- (e) "Board" means Jammu and Kashmir Unorganized Workers Social Security Board and Jammu and Kashmir Building and other Construction Worker's Welfare Board ;
- (f) "Career Centre" means the Career Centre as notified by the Government of Jammu and Kashmir ;
- (g) "Cess Collector" means an officer appointed by the Government of Jammu and Kashmir for collection of cess under the Code ;
- (h) "Chairperson" means the Chairperson of the Corporation, the Jammu and Kashmir Building and Other Construction Workers Welfare Board, the Jammu and Kashmir Unorganised Social Security Board, the Standing Committee, the Medical Benefit Committee or the Executive Committee, or any other Board for administering the benefits under the Code as the case may be ;

- (i) "Chartered Engineer" means a person having an engineering degree and the corporate membership of Institute of Engineers (India) ;
- (j) "Code" means the Code on Social Security, 2020 (36 of 2020) ;
- (k) "Electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code ;
- (l) "Excluded Vacancies" means those vacancies which have been excluded from the purview of the section 139 as per the provisions of sub-sections (1) and (2) of section 140 ;
- (m) "Form" means a form appended to these rules ;
- (n) "Fund" means the Employees' State Insurance Fund, the Employees' Provident Fund, the Employees' Pension Fund, the Employees' Deposit-Linked Insurance Fund or the Jammu and Kashmir Social Security Fund, as the case may be ;
- (o) "Government Securities" means Government Securities as defined in the Government Securities Act, 2006 (38 of 2016) ;
- (p) "Immovable property" includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth ;
- (q) "Movable property" means property of every description except immovable property ;
- (r) "Nodal Officer" means a person designated by the Government of Jammu and Kashmir or Building and Other Construction Workers Welfare Board to facilitate the registration, renewal and updation electronically or otherwise or any such other function of Building Workers working in the Private Sector, State Government, Central Government and Public Sector Undertakings of the Central and the State Governments or Local Authority. The Nodal Officer shall also supervise and monitor functions of the Beneficiary Registering Officers designated by Appropriate Government ;

- (s) "Nomination" means nomination made under section 55 of the Code ;
- (t) "Registered Medical Practitioner" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine ;
- (u) "Register of women employees" means a register of women employees maintained under rule 66 ;
- (v) "Schedule" means the schedule of the Code ;
- (w) "Section" means a section of the Code ;
- (x) "Specified" means specified by an order of the Central Government or the Government of Jammu and Kashmir or any officer so authorised by such Government ;
- (y) "turnover" of an aggregator as defined under sub-section (91) of section 2 of the Companies Act, 2013 (18 of 2013), means the gross amount of revenue recognised in the profit and loss account from the sale, supply, or distribution of goods or on account of services rendered, or both, by a company during a financial year ;
- (z) "Year" shall mean the financial year, that is to say, beginning from the first of April and ending with the thirty first of March of the year following.

(2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

CHAPTER II

Social Security Boards

3. The Manner to exercise the powers conferred on and to perform the functions assign to Jammu and Kashmir Unorganized Worker's Social Security Board, the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies and time, place and rules

of procedure relating to the transaction of business as per sub-section (9), (12) and (14) of section 6.—

1. Term of Board and Office Members. ☐

- (i) Every member, other than an ex-officio member, shall hold office for a period of three years from the date of his nomination :

Provided the members of the Board shall be deemed to have vacated their office as such on expiration of the period of the Board specified in sub-section (13) of section 6 :

- (ii) A member nominated under sub-clause (iii) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board if he/she ceases to be member of Jammu and Kashmir Legislative Assembly by virtue of which he/she was so nominated ;
- (iii) A member nominated under sub-clauses (i) and (ii) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board if he/she ceases to represent the category of interest from which he/she was so nominated ;
- (iv) Out of twelve persons to be nominated under sub-clauses (i) and (iv) of clause (d) of sub-section (10) of section 6 one person each from the Scheduled Caste, the Scheduled Tribe, the Minorities and Women shall be nominated as member ;
- (v) A member shall be eligible for re-nomination.

2. Resignation. \square

- (i) A member of the Board, not being an ex-officio member, may resign his office by letter in writing to the Chairperson at any time ;
- (ii) A member so resigning shall be deemed to have vacated his office as member with effect from the date his

resignation is accepted by the Chairperson or on the

- (i) The travelling allowance of an official member of the

7. Meetings. ☐

- (i) The Board shall meet at such places and at such times as may be decided by the Chairperson and it shall meet at least once in a quarter.
- (ii) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence, the members nominated by him to preside over such a meeting in his place and in the absence of such nomination by the Chairperson, the Members of the Board present in such meeting may choose from amongst themselves Member to preside over the meeting.

8. Notice of meetings and list of business. ☐

- (i) Ordinarily, two weeks notice shall be given to the Members of the Board of a proposed meeting ;
- (ii) No business except which is included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson ;
- (iii) The Chairperson may at any time call a special meeting of the Board in case of urgency, after informing the Members in advance about the subject matter of discussion and the reasons of urgency.

9. **Quorum.** \square

- (i) No business shall be transacted at any meeting of the Board unless at least six members are present in that meeting :

Provided that if at a meeting, less than six members are present, the Chairperson may adjourn the meeting to another date informing the Members present and giving notice to the other Members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of Members attending.

- (ii) The Jammu and Kashmir Government may by order remove a Member, other than Ex-Officio Members, if he absents himself from three consecutive meetings of

Provided no Member shall be removed from the office unless he has been given reasonable opportunity of being heard.

1. **Terms and Conditions of appointment of Chairperson and Members.**—The term of office of the Chairperson and the Members of the Board other than the Official Members shall be three years from the date of their appointment. Provided further that in no case the Members can continue in the office beyond the period of four years from the date of their appointment.
2. **Filling up of causal vacancies.**□ A Member nominated to fill a causal vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.
3. **Meeting of the Board.**□ The Board shall ordinarily meet once in two months. The Chairperson shall, within fifteen days of the receipt of a requisition in writing from the Secretary, call a meeting thereof.
4. **Notice of meeting and list of business.**□ Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by electronically or otherwise, to each member at least fifteen days prior to the meeting of the Board :

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice

of not less than three days in advance shall be deemed sufficient.

5. **Quorum for the meeting.** □ No business shall be transacted at any meeting of the Board unless, at least, six members are present.
6. **Absence of any member from the Government.** □ If any Member leaves the Government for a period exceeding six months without intimation to the Chairperson, he shall be deemed to have resigned from the Board and he shall cease to be a Member on the expiry of the said period of six months.
7. **Transaction of business.** □ Every question considered at a meeting of the Board shall be decided by a majority of the votes of the Members present and voting and in the event of tie, the Chairperson shall have a right to exercise his vote which shall be a casting vote.
8. **Minutes of the Meetings.** □ Every decision taken in a meeting of the Board shall be recorded and the decisions taken shall be issued in the shape of minutes by the Secretary after confirmation of the Board.
9. **Fees and Allowances.** □
 - (i) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary ;
 - (ii) Every non-official member of the Board shall be paid by the Board a sitting fee of Rupees Two Thousand and travel allowance at the rate of Rupees One Thousand per day subject to a maximum of three days.
 - (iii) The Chairperson shall be paid a sitting fee of Rupees Two Thousand for attending the meetings.
10. **Appointment and constitution of Sub-Committees.** □
 - (i) The Board may appoint as many Sub-Committees, as it may deem fit for the proper discharge of its duties and

every non-official member of such sub-committees shall be allowed travelling allowances and daily allowance for attending the meeting of the Sub-Committee at such rates as are admissible to a Deputy Secretary of the Jammu and Kashmir Government ;

- (ii) The sub-committee(s) shall consist of the following persons, namely :
 - (a) The Chairperson of the Board ;
 - (b) One Member representing the employers ;
 - (c) One Member representing the building and other construction workers ;
 - (d) Two Members, not below the rank of a Deputy Secretary, to represent the Government ;
- (iii) The Chairperson of the Board or an independent Member as the case may be, nominated by him shall be the Chairperson of the sub-committee(s) also and in the absence of Chairperson the members present shall elect one amongst them to preside over the meeting ;
- (iv) No business shall be transacted in the meeting of a sub-committee unless at least three members of the committee are present of whom one shall be from the members representing employers and another one shall be from the members representing the building and other construction workers ;
- (v) The term of the sub-committee shall be one year from the date of its constitution ;
- (vi) The recommendation of the sub-committee shall be placed before the Board for its decision.

11. **Information to the Government.**□ The Board shall furnish information to Government on such matters as the Government may refer to it, from time to time.
12. **Appointment of Secretary and other officers.**□ An Officer not below the rank of Additional Secretary to the Jammu and Kashmir Government from in service Officers

5. The amount in connection with premium for group insurance scheme of the beneficiaries under clause (c) of sub-section (6) of section 7.□ The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall devise a detailed scheme after taking into account all the parameters involved in the Social Security of the beneficiaries.

(1) Financial Assistance for Education. \square

(i) Up to 5th Class	Rs. 2500.00
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(ii) Class 6th to 8th Class	Rs. 3500.00
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(iii) Class 9th to 10th	Rs. 4500.00
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(iv) Class 11th to 12th	Rs. 6000.00
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(v) B. A., B.Sc, B. Com., BBA, BCA, B.Tech or any other recognized degree course	Rs. 10000.00
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(vi) ITI Course	Rs. 10000.00
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(vii) Paramedical courses	Rs. 10000.00
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(viii) M.A., M.Sc, LLB, B.Ed., LLM, M.Com., M.Lib, MBA, MCA or any other recognized PG Course	Rs. 15000.00
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(ix) Three Years Engineering or any other Recognised Diploma Course	Rs. 30000.00
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(b) The financial assistance shall also be given to the dependent brothers/sisters of the beneficiary ;

(d) The financial assistance in this behalf shall be restricted to two children/dependents of the beneficiary irrespective of the Class/Course in a particular academic year ;

(f) The officer authorised by the Board, on detection of any fraud or wrong payment, may start proceedings of recovery of the amount paid as if these were arrears of land revenue.

(3) **Providing Tab/Bicycles to the meritorious girl students.**□

The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a schemes of providing Tab to the meritorious girl children of beneficiaries residing in hilly areas and

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bicycles to the meritorious girl children of beneficiaries residing in other areas.

(4) Providing of one time Scholarship to the meritorious students of beneficiaries for preparing UPSC Civil Services and Jammu and Kashmir Combined Competitive Exams. The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a scheme of providing one time Scholarship to the limited number of meritorious students of beneficiaries for enabling them to prepare for UPSC Civil Services and Jammu and Kashmir Combined Competitive Exams.

7. Financial Assistance for treatment of chronic disease under clause (e) of sub-section (6) of section 7. The Board may provide financial assistance up to to maximum limit of Rs. 1.00 lac to the beneficiary and or his dependent family member in a financial year suffering from life consuming/chronic disease like cancer and other specified life consuming disease notified by the Government from time to time :

Provided that Jammu and Kashmir Building and Other Construction Worker's Welfare Board with the approval of Jammu and Kashmir Government can make any amendment in any of the schemes mentioned at Rule (5), Rule (6) and Rule (7).

CHAPTER III

Employees Insurance Court

Manner and time within which second appeal may be filed to the Employees Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of section 37 of the code, the procedure to be followed by the Employees Insurance Court under sub-section (2) and the rules under sub-section (3) of section 50 and the manner of commencement of proceedings before the Employees Insurance Court, fees and procedure thereof under sub-section (1) of section 51 :

8. Constitution of the Presiding Officer of Industrial Tribunal as an Employees Insurance Court.—(1) The Jammu and Kashmir Government may constitute the Presiding Officer of the Industrial Tribunal constituted under Industrial Relations Code as an Employees Insurance Court for the Territorial Jurisdiction of Jammu and Kashmir

- (i) The Court shall appoint the time at which it shall sit at Srinagar and Jammu for holding proceedings under the provisions of this Code ;
- (ii) The Court shall publicize the timing so fixed well in advance for the convenience of stake holders.

- (a) Keep such registers, books and accounts as the High Court may, from time to time, direct ;
- (b) Comply with such requisitions as may be made by the High Court or the Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs ; and
- (c) A Court shall keep a seal of such size, dimensions and design as the Government may direct.

Provided that the Employees Insurance Court may entertain an application after the period of 90 days, if it is satisfied that the appellant has sufficient reason for not presenting the application within the said period.

(2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

(3) (a) the proceedings before an Employees Insurance Court shall commenced by an application ;

(b) Such application shall be presented in Form-III, shall be duly stamped in accordance with these rules, and shall contain the following particulars :□

- (i) The name of the Court in which the application is brought ;
- (ii) The full name including the father's name, description including age, occupation and place of residence of the applicant ;
- (iii) The full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained ;
- (iv) Where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian ;
- (v) The facts constituting the cause of action and the date when it arose ;
- (vi) The facts showing that the court has jurisdiction ;
- (vii) Particulars giving the address within the jurisdiction of the court at which notice or summons may be served on the applicant ; and
- (viii) The relief which the applicant claims.

11. The court may summarily reject an application, if it is not in accordance with sub-rule (2) of Rule 10.

12. **Production of Documents.** (1) When any application is based upon a document, the document shall be appended to the application.

(2) Any document, which any party desires to tender in evidence, shall be produced at or before the first hearing.

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without

(5) Nothing in this rule shall apply to any documents which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

14. **Place of Suing.** In cases falling outside the area in which the insured person was working at the time the question or dispute arose, a proceeding against any person shall be instituted in the court within the local limits of whose jurisdiction

15. **Limitations.** (1) Every application to the court shall be brought within three years from the date on which the cause of action arose, or as the case may be, the claim became due :

Provided that the court may entertain an application after the said period of three years if it is satisfied that the applicant has sufficient reasons for not making the application within the said period.

(2) Where the court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the court shall order summons or the notice to which served by publication in the leading newspapers or in any other mode as may court think proper.

(3) Where a summons or notice is served under sub-rule (2) the court shall fix such time for the appearance of the opposite party as the circumstances of the case may required.

19. Additions at matter at Summons.□ The court shall determine at the time of issuing of summons, whether it shall be for the settlement of the issues only or for the final disposal of the application, or for both and the summons shall contain a direction accordingly, the court may call upon the parties to produce upon that date any evidence which they wish to tender.

20. Written Statement. (1) The opposite party may, and, if so required by the court, shall, at or before the first hearing or within such time as the court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list thereof in Form-IV.

(2) Every such written statement shall be verified in the same manner as a pleading in a civil court and shall be accompanied by two copies thereof.

(3) In every written statement submitted under sub-rule (1), the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admitted or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised would be likely to take the applicant by surprise or would raise issues of fact not arising out of the application as for instant, fraud, undue influence or coercion, release, pained, performance or fact showing illegality of the transaction.

21. **Failure to present Written Statement called for by the Court.** ☐ Where any party from whom a written statement is required fails to present the same within the time prescribed by the court, the

on for hearing, the court may proceed *ex parte*.

a day for proceeding with the same :

of the application has been served in Form-IX on the opposite party.

hearing of the case or appoint a day for proceeding within the same.

in support of the issues.

any document.

in attending the court, be deposited with it.

may, if sufficient cause is shown, at any stage of the application, grant

time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.

(2) In every such adjournment, the court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the cost occasioned by the adjournment :

Provided that when the hearing of the evidence has once begun, the hearing of the application shall continue from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

27. Right to begin to proceeding.□ The applicant has the right to begin unless the opposite party admits the facts alleged by the applicant and contends that, either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

28. Statement and Production of Evidence.□ (1) On the day fixed for the hearing of the application or on any other day to which hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence, if any, and may then address the court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

29. Method of Recording Evidence.□ The evidence of each witness shall be taken down in writing in the language of the court, not ordinarily in the form of question and answer, but in that of narrating, and when completed, shall be read over or translated, where necessary, in the presence of the judge to the witness, and such judge, shall, if necessary, correct the same and sign it.

30. **Recall of witness.**□ The court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to aim as the court thinks fit.

31. **Inspection by Court.**□ The court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

32. **Pronouncement of Order.**□ The court, after the application has been heard, shall pronounce its final order in open court, either at once or on some future day, of which due notice shall be given to the parties.

33. **Signing of Order.**□ The final order shall be dated and signed in open court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.

34. **Statement of decision on each issue.**□ In cases in which issues have been framed the court shall state its finding or decision, with the reason therefore, upon each separate issue, unless the findings any one or more of the issues is sufficient for the decision of the case.

35. **Compromise of Suit.** Where it is proved to the satisfaction of the court that a case has been adjusted wholly or in part by any lawful agreement or compromise or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.

36. **Finality of Order.** Save as provided in section 52, the order of a court shall be final and binding upon the parties

37. **Costs.** (1) The cost of and incidental to the application shall be in the discretion of the court, and the court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose aforesaid. The fact that the court has no jurisdiction to try the case shall be no bar to the exercise of such powers.

the court state its reason in writing.

granted or other determination of the proceedings.

to be paid.

be due from the former to the later.

to the court and at their expenses.

2 rupees per page of each such copy.

fee of 5 rupees per page.

in Form-XII to the court which made the order for its execution.

Court.

41. **Fees.** (1) The fee payable on an application in respect of any matter referred in section 49 shall be 50 rupees.

(2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the court under these rules shall be 50 Rupees :

Provided that the fee for an application for obtaining a copy of translation of any document or record or statement order or decree presented to or made before or by the court, as the case may be, shall be 10 rupees per page.

(3) The fee for copies of any document or record, or statement or order or decree shall be two rupees per page.

(4) The fee for any authorisation for the appearance of any person under sub-section (2) section 51 on behalf of any of the parties in a case shall be ten rupees

(5) The fee for filling certified copies of any document in the court shall be ten rupees.

(6) All fees referred to in this rule and in rule (39) shall be collected by means of court fees stamps used in ordinary courts and no document which ought to bear stamp under these rules shall be of any validity unless and until it is properly stamped :

Provided that, where any such document is through mistake or inadvertence received, filed or used in a court without being properly stamped, the court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

(7) No document requiring a stamp under this rule shall be acted upon in any proceeding in a court, until the stamp has been cancelled.

42. Payment of Costs of Services of Summons etc. (1) The cost of services of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in rule (41) shall be such amount as may be specified in each case

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by the court and such amount or any other sum of money payable
under these rules shall be paid in such manner and within such time
as it may specify therefor.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the court to the party by whom or whose behalf the amount was originally paid into the court.

(3) The court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

43. Fees and Costs of Pauper Person. The court may, whenever it thinks fit, receive and register proceedings instituted under this Act an applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of fees and costs mentioned in rules (41 and 42).

CHAPTER IV

Gratuity

44. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of section 53. In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the Jammu and Kashmir Bank.

45. Time, form and manner of nomination by an employee under sub-section (1), the time to make fresh nomination under sub-section (4), the form and manner of modification of a nomination under sub-section (5) and the form for fresh nomination under sub-section (6) of section 55. (1) A nomination shall be in Form-(XIII) and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer,

- (i) in the case of an employee who is already in employment for a year or more on the date of commencement of these rules but not submitted the nomination, ordinarily, within ninety days from such date ; and

- Provided that nomination in (Form-XIII) shall be accepted by the employer after the specified period, if filed and no nomination so accepted shall be invalid merely because it was filed after the specified period.

(3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of section 55, duplicate in Form-XIII to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression and shall be submitted by the employee electronically or by registered post acknowledgement due.

46. Time within which and the form in which a written application shall be made under sub-section (1) and the form of

application to the competent authority under clause (b) of sub-section (5) of section 56.—(1) Application for Gratuity :—

- (a) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in Form-XIV to the employer :

Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement :

Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of one year and he shall be paid gratuity at the rate of fifteen days' wages, based on the rate of wages last drawn by him, for every completed year of service or part thereof in excess of six months.

- (b) A nominee of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within thirty days from the date of gratuity became payable to him, in Form-XIV to the employer :

Provided that an application in plain paper with relevant particulars shall also be accepted. The employer may obtain such other particulars as may be deemed necessary by him ;

- (c) A legal heir of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within one year from the date of gratuity became payable to him, in Form-XIV to the employer ;

- (d) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (a), (b) and (c) of sub-rule (1) shall be deemed to be operative from the date of such commencement ;

- (e) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained

(f) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

(a) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall□

- In the case of denial of gratuity a copy of the notice shall be endorsed to the competent authority ;

- (b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form-XV under sub-clause (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified ;
- (c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may

be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (a) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer ;

(d) A notice in Form-XV shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically ;

(e) A notice under sub-section (2) of section 56 shall be in Form-XV.

(3) **Mode of payment of gratuity.** The gratuity payable under the Code shall be paid through Demand Draft or by crediting in the bank account of the eligible employee, nominee or legal heir, as the case may be :

Provided that intimation about the details of payment shall also be given by the employer to the competent authority of the area.

(4) Application to competent authority for direction under clause (b) of sub-section (5) of section 56.

(a) If an employer

(i) refuses to accept a nomination under rule 34 or to entertain an application sought to be filed under sub-rule (1) ; or

(ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity ; or

(iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be may, within one hundred eighty days of the occurrence of the cause for the application, apply in Form-XVI to the competent authority for issuing

Provided that the competent authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period ;

- (5) **Procedure for dealing with application for direction.**□

- (a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in Form-XVII, by electronically or registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any ;
- (b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The competent authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal ;
- (c) A party appearing by an authorised representative shall be bound by the acts of the representative ;
- (d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his

finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties ;

- (e) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the competent authority may proceed to hear and determine the application *ex parte*. If the applicant fails to appear on the specified date of hearing without sufficient cause, the competent authority may dismiss the application :

Provided that an order under clause (e) of sub-rule (5) may, on good cause being shown within thirty days of the said order, be reviewed and the application reheard after giving not less than fourteen days notice to the opposite party of the date fixed for rehearing of the application.

(6) **Place and time of hearing.**□ The sittings of the competent authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same in such manner as he thinks fit.

(7) **Administration of oath.**□ The competent authority may authorise a clerk of his office to administer oaths for the purpose of making affidavits.

(8) **Summoning and attendance of witnesses.**□ The competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the competent authority just, issue summons to any person in Form-XVII either to give evidence or to produce documents or for both purposes on a specified date, time and place.

(9) **Service of summons or notice.** ☐

- (a) Subject to the provisions of clause (b) any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other

manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908) ;

- (b) Where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any trade union or association or are represented by an authorised person, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association, or on the authorised person shall be deemed to be service on such persons.

(10) Maintenance of records of cases by the competent authority. □

- (a) The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and date the particulars so recorded ;
- (b) The competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet ;
- (c) Any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

(11) **Direction for payment of gratuity.**□ If a finding is recorded under clause (d) of sub-rule (5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form-XVIII electronically or registered post acknowledgment due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

(12) **Appeal.** \square

- (a) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgement due or electronically ;
- (b) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought ;
- (c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity ;
- (d) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority ;
- (e) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the Memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant ;
- (f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent authority returning his records of the case.
- (g) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him ;
- (h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision,

Form-XXI, provided such existing Approved Gratuity Fund covers the entire liability of all the employees of the establishment, under the Act.

48. **Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58.**□

The Government of Jammu and Kashmir may by notification appoint an officer not below the rank of Assistant Labour Commissioner to be a competent authority for implementation of any provisions of Chapter-V of Social Security Code, 2020 for such area as may be specified in the said notification.

CHAPTER V

Maternity Benefit

49. Authority to whom an appeal may be preferred under sub-section (3) of section 72.□ (1) Complaint under section 72,□

- (a) A complaint under sub-section (1) of section 72 shall be made in writing in Form-(XXIII) as the case may be ;
 - (b) When a complaint referred to in section 72 is received by an Inspector-cum-Facilitator, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under section 63, as the case may be, immediately or within a specified period.
- (2) **Appeal under section 72.**□
- (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the Competent Authority ;
 - (b) The aggrieved person shall prefer an appeal in writing to the Prescribed Authority in Form-(XXIV) and file other supporting documents ;

- (d) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the Prescribed Authority shall give his decision.

CHAPTER VI

Employees Compensation

50. **The amount to be deposited towards expenditure of the funeral of the employee with the Competent Authority by the employer under sub-section (7) of section 76.**□ If the injury of the employee results in his death, the employer shall, in addition to the compensation under sub-section (1), deposit with the competent authority a sum of not less than fifteen thousand rupees for payment of the same to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee or where the employee did not have the dependent or was not living with his dependent at the time of his death, to the person who actually incurred such expenditure.

51. Conditions when application for review is made without certificate of a medical practitioner under sub-section (1) of section 79. (1) Application for review of a half monthly payment under sub-section (1) of section 79 may be made without being accompanied by a medical certificate

- (a) by the employer on the ground that since the right to compensation was determined the Employee's wages have increased ;
- (b) by the employee, on the ground that since the right to compensation was determined, his wages have diminished ;

- (c) by the Employee, on the ground that employer, having commenced to the pay compensation, has ceased to pay the same, notwithstanding, the fact that there has been no change in the employee's condition such as to warrant such cessation ;
- (d) either by the employer, or by the employee, on the ground that in the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means ;
- (e) either by the employer, or by the employee on the ground that in the determination of compensation there is a mistake or error apparent on the fact of the record.

(2) Procedure on application for review.□ If, on examining an application for review by an employer in which the reduction or discontinuation of half monthly payments is sought it appears to the Competent Authority that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance he may at any time issue an order withholding the half monthly payments in whole or in part pending his decision on the application.

52. Procedure on application for commutation. (1) Where application is made to the Competent Authority under section 80 for the redemption of a right to receive half monthly payments the payment of a lump sum, the Competent Authority shall form an estimate of the probable jurisdiction of the disablement, and shall award a sum equivalent to the total of the half monthly payments which would be payable for the period during which the estimates that the disablement will continue, less one half per cent, of the total for each month comprised in that period :

Provided that fraction of a rupee including in the sum so computed shall be disregarded.

(2) When, any case to which sub-rule (1) applies to Competent Authority is enable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

53. Class of employers and the form of notice book under sub-section (4) of section 82.□ Every employer of an establishment dealing with hazardous nature of work shall maintain at his premises where employees are employed a notice book in Form-XXV.

54. **Medical Examination under sub-section (1) of section 84 and the frequent interval for medical examination under the proviso to sub-section (1) of section 84.**□

(1) Employee not to be required to submit a medical examination same in accordance with rules.□ An employee who is required by sub-section (1) of section 84 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part and not otherwise.

(2) **Examination when employee and medical practitioner both on premise.**□ When such employee is present at the employer's premises and the employers offers to have him examined free of charge by a qualified medical practitioner who is so present, the employee shall submit himself for examination forthwith.

(3) **Examination in other cases.** In cases to which sub-rule (2) does not apply the employer may

- (a) Send the medical practitioner to the place where the employee is residing for the time being in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner ; or
- (b) Send to the employee and offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the employee shall submit for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified ;

Provided that \square

- (i) The time so specified shall not, save with the express consent with the employee, be between the hours of 7 P. M. and 6 A. M. ; and
- (ii) In case where the employee's condition renders it impossible or in advisable that he should leave the place where he is residing the time being, he shall not be

required to submit himself for medical examination save at such place.

(4) **Restriction on Number of Examinations.** An employee who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.

(5) **Examination after suspension of right to compensation.** □

If an employee whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 84 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or not such other places in the vicinity as may be fixed by the employer and at a time to be fixed by the employer not being save with the express consent of the employee, or more than 2 hours after the employee has so offered himself.

(6) Examination of Women. ☐

- (a) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman ;
- (b) No woman shall be required to be medically examined by a male practitioner if she deposited a sum sufficient to cover the expenses of examination by a female practitioner.

55. The form of statement to be submitted by the employer under sub-section (1) of section 88.□ The employer within 30 days from the date of receiving notice from the competent authority will furnish the statement in Form-XXVI.

56. The manner of recording the memorandum in a register by the competent authority under sub-section (1) of section 89.□

(1) **Form of Memorandum.**□ Memorandum of agreement sent to the Competent Authority under sub-section (1) of section 89 shall, unless the Competent Authority otherwise directs be in duplicate, and shall be in as close conformity as the circumstance of the case admitted with Form-XXVII or Form-XXVIII or Form-XXIX or as the case may be.

that he should refuse to record memorandum. □

- On receiving a memorandum of agreement, the competent authority shall unless he consider that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in Form-XXX to the parties concerned that in default of objection he proposed to record the memorandum on the date so fixed :

Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue ;

- On the date so fixed, the competent authority shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded :

Provided that the issue of notice under clause (i) shall not be deemed to prevent the competent authority from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned ;

- If on such date the competent authority besides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reason therefore and if any party desiring the memorandum to be recorded, if not present, he shall send information to that party in Form-XXXI.

should refuse to record memorandum. ☐

- If, on receiving a memorandum of agreement, the Competent Authority considers that are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring a memorandum to be recorded, and shall inform such party or parties and if he think fit, any other party

concerned of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded ;

- (ii) If, the parties to be informed are not present, a written notice shall be sent to them in Form-XXXII or Form-XXXIII as the case may be, and the date fixed in such notice shall be not less than 7 days after the date of the issue of the same ;
- (iii) If, on the date so fixed under clause (i) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the competent authority may if information has already be given to all the parties concerned record the agreement. If information has not been given to all such parties he shall proceed in accordance with the sub-rule (2) ;
- (iv) If, on the date so fixed the competent authority refuses to record the memorandum he shall send notice in Form-XXXI to any party who did not received information under clause (i).

(4) **Procedure on refusal to recrod memorandum.** □

- (i) If, in any case the competent authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal ;
- (ii) If, the competent authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above sum specified in the agreement unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid. Where the agreement is for the redemption of half monthly payments by the payment of a lump sum, and the competent authority considers that the memorandum of agreement should not be recorded by reasons of the inadequacy of the amount of such sum has fixed in the agreement he shall record his estimates of the probable duration of the disablement of the employee.

as a competent authority under sub-section (1) of section 91.□

before a competent authority under sub-section (1) of section

to the proceedings under sub-section (4) of section 93.□ The time

section 97. In recording a memorandum of agreement, the competent

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CHAPTER VII

Social Security and Cess in respect of Building

61. Time limit to pay the amount of cess under section 101. ☐

The date of payment of cess under section 100 shall be the date on which the amount is deposited with the cess collector, or the date of

deduction at source or the date on which the amount has been deposited with the local authority respectively as per the rules framed by the Central Government.

62. Fees for appeal under sub-section (2) of section 105.

An appeal preferred under sub-section (1) shall be accompanied by non-refundable fee equivalent to half per cent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal.

CHAPTER VIII

FINANCE AND ACCOUNTS

63. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realise investments under sub-section (2) terms to raise loans and take measures for discharging such loans under sub-section (3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under sub-section (4) of section 120. The Jammu and Kashmir Government in this regard and in consultation with Jammu and Kashmir Unorganised Social Security Board and the Jammu and Kashmir Building and Other Construction Workers Welfare Board shall frame a detailed policy.

64. Conditions and manner of writing off irrecoverable dues under section 121. (1) Where the Jammu and Kashmir Unorganised Social Security Board and the Jammu and Kashmir Building and Other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to these boards has become irrecoverable, the said Boards or any other officer authorised by them in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely :

- (i) Establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts ;

- (iii) Claim for contribution is not fully met by \square

Authorities, Assessment, Compliance and Recovery

65. Other powers of Inspector-cum-Facilitator under clause (e) of sub-section (6) of section 122. □ The Inspector-cum-Facilitator shall also exercise other powers the Jammu and Kashmir Government may deem proper from time to time.

section 123. (1) Register of Women Employees

- Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum-Facilitator ;

- (b) The employer may enter in the register of women employees such other particulars as may be required for any other purpose of the Code.

(2) **Records.** Records kept under the provisions of the Code and the rules framed thereunder shall be preserved for a period of two years from the date of their preparation.

(3) **Annual returns.** \square

- (a) The employer to which the provisions of Chapter V of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in Form-XXXVI online on the web portal of the Government or otherwise giving information as to the particulars specified, in respect of the preceding year :

Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

Explanation :□ For the purposes of this sub-rule, the expression □electronic form□ shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000) ;

- (b) If the employer to which the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of Government a further unified return in Form-XXXVI referred to in clause (a) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

CHAPTER X

Offences and Penalties

67. Manner of compounding of offences by the authorised officer specified under sub-section (1) of section 138 and the form and manner of making application for the compounding of an offence under sub-section (4) of section 138. (1) The officer authorized by the Jammu and Kashmir Government by notification for

the purposes of compounding of offences under sub-section (1) of section 138 shall issue electronically or otherwise a compounding notice in Form-XXXVII for the offences which are compoundable under section 138.

(2) The person so noticed may apply in Part-III of the Form-XXXVII to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

(3) The Compounding Officer shall issue a composition certificate in Part-IV of Form-XXXVII within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.

(4) If a person so noticed fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the Competent Court or the offence in respect of which the compounding notice was issued, against such person.

(5) Composition after institution of prosecution. ☐

(a) The Court may compound any compoundable offence at any time after filing of a complaint under section 138 of the Code ;

(b) The provisions of section 320 of the Code of Criminal Procedure, 1973 shall apply to such compositions.

CHAPTER XI

Employment Information and Monitoring

68. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre under sub-section (2) of section 139.□ (1) Reporting of Vacancies to Career Centres□

(a) After the commencement of this Code in Jammu and Kashmir, the employer in every establishment in public sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be

reported to such Career Centre as may be specified in the notification by the Government ;

- (b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre (Regional) from such date as may be specified in the notification by the Government ;
- (c) The Jammu and Kashmir Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

Explanation : (1) Establishment in "public sector" means an establishment owned, controlled or managed by

- (i) the Government or a Department of the Government ;
- (ii) a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (No. 18 of 2013) ;
- (iii) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned, controlled or managed by the Government ; and
- (iv) a local authority.

(2) **Establishment in private sector** means an establishment which is not an establishment in public sector and with ordinarily 50

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or more employees or such number of employees as may be notified
by the Government.

(3) Type of vacancies and respective Career Centre for reporting of vacancies.

- (a) The following vacancies, namely :
- (i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the Central Government, occurring in establishments in respect of which the Central Government is the appropriate Government under the Code ; and
 - (ii) Vacancies which an employer may desire to be circulated to the Career Centers outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre (Central) as may be specified by the Central Government by notification ;
- (b) Vacancies other than those specified in clause (a) of sub-rule (2) above, shall be reported to the Career Centre (Regional) concerned ;
- (c) Vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Government by notification.

(4) Form and manner of reporting of vacancies.

- (a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the Jammu and Kashmir Government ;
- (b) The vacancies shall be reported in the format given at Form-XXXVIII, furnishing as many details as practicable, separately in respect of each type of vacancy ;
- (c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule (3), shall be

reported in writing or through official email or digitally as the case may be, to the specified Career Centre.

(5) Time limit in the reporting of vacancies.□

- (a) Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported ;
- (b) Vacancies required to be reported to the Career Centre (Central) shall be reported at least forty days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

(6) **Maintenance of records.**□

- (a) After commencement of this Code in any state or area thereof, the employers in every establishment in the public sector in that state or area shall maintain records manually or electronically or digitally about—
 - (i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year ;
 - (ii) Persons recruited during the year ending on 31st March ;
 - (iii) Occupational details of its employees on 31st March of every year ;
 - (iv) Vacancies for which suitable candidates were not available during the year ending on 31st March ; and
 - (v) Approximate number of vacancies likely to occur during the next financial year.
- (b) The Jammu and Kashmir Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private

sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about

- (i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year ;
- (ii) Persons recruited during the year ending on 31st March ;
- (iii) Occupational details of its employees on 31st March of every year ;
- (iv) Vacancies for which suitable candidates were not available during the year ending on 31st March ; and
- (v) Approximate number of vacancies likely to occur during the next financial year.

(7) **Submission of returns.** An employer shall furnish to the concerned Career Centre (Regional) yearly returns in form EIR (Employment Information Return) as given at Form-XXXIX. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective Government in notification, within thirty days of the due date namely 31st March of the year.

(8) **Declaration of Executive Officer.**

- (a) The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of the respective Government, will declare in writing an officer looking after the work of Career Centres (Regional) as Executive Officer for each district for the purpose of enforcement/implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties ;
- (b) The Government, will declare in writing an officer looking after the work of Career Centres as Executive Officer

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for the purpose of enforcement/implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code.

(9) Levy of penalty under the Chapter XIII of the Code.□

The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the Jammu and Kashmir shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

(10) **Issue of guidelines.**□ For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII and rules thereof, the Jammu and Kashmir Government may issue detailed guidelines as per local needs.

CHAPTER XII

Miscellaneous

69. **Manner of establishment and administration of the Social Security Fund under sub-section (5) of section 141.** (1) All the

Security Fund under sub-section (5) of section 141. (1) All the following funds received shall be credited to separate account(s) and called as Jammu and Kashmir Social Security Fund and all expenses towards the scheme(s) notified under sections 109 and 114 for the Unorganised Workers, Gig Workers and Platform Workers shall be met out of this fund :□

- (a) under sub-section (1) of section 141 of the Code on Social Security, 2020 (36 of 2020) ; and
- (b) under sub-section (1) of section 115 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).

(2) The Government shall identify the source(s) for initial funding/replenishing the Jammu and Kashmir Social Security Fund from time to time.

(3) The fund shall be administered by the Government through an agency designated by the Jammu and Kashmir Government in the manner, as notified by the Central Government.

Pension Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time.

(2) The Board of Trustees shall consist of such equal number of representatives each of the employers and employees as may be prescribed in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(3) The employer of such exempted establishment shall be the Chairperson of the Board of Trustees. The Chairperson may exercise a casting vote in an event of equality of votes. However, arm's length principles shall be maintained by the Chairperson in all meetings of the Board of Trustees.

(4) The Board of Trustees shall meet at least once in every three months and shall function in the accordance with the guidelines that may be issued from time to time by the Central Government or the Central Provident Fund Commissioner or any officer authorized by him.

(5) The terms and conditions, including the tenure of office of the Trustees, the procedure and manner for election or nomination of the representatives of the employees and of employers to the Board of Trustees, disqualification and cessation of trusteeship, re-election or re-nomination of trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all such other matters and conditions for the management of the Trust shall be as provided for in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(6) In case of any dispute or doubt on any general issues within the ambit of these terms and conditions, the matter shall be referred to the Regional Provident Fund Commissioner in whose jurisdiction the head office of the establishment is located. The decision of the Regional Provident Fund Commissioner in the matter shall be final and binding.

73. Manner of determining the misuse of any benefit by an establishment or by any other person under section 148.□ If any Establishment or any other person to which the provisions of this Code

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

applies, found misusing any benefit granted to it or him under this Code or rules, regulations, schemes made or framed thereunder then, the Government of Jammu and Kashmir may by notification deprive such establishment or other person as the case may be from such benefit for such time as may be specified in the notification :

Provided that no such notification shall be issued unless an opportunity of being heard is given to such establishment or other person as the case may be.

74. Submission of a copy of the Form to the office of Director General, Labour Bureau under section 156.□ A copy of Form-XV (notice for Payment/Rejecting claim of Gratuity) shall be shared electronically with the designated authority of the Government.

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(See Rule 6)

Account No□ □ □ □ □ □ □ □ □ □ ..

1. Name of the Registered manual worker/parentage/address with PIN Code	Name..... Parentage..... Address.....
2. Registration Number and date of initial registration	Aadhaar number.....
3. Bank details:	
i. Name of the Bank with Bank Branch	
ii. IFSC Code.	
iii. Account No.	
4. Mobile No.	

S. No.	Name of the Child	Relationship	Aadhaar No.	Date of Birth	Examination passed	Session	Name of the school

[illegible]

1	2	3	4	5	6	7	8
---	---	---	---	---	---	---	---

[illegible][illegible]

B. Details of the children for whom the educational assistance have already been availed from the Board.

[illegible][illegible]Phone No ..

□ □ □ □ □ □ □

Declaration by the Applicant

I hereby declare that the particulars furnished above are correct and true to the best of my knowledge. In the event of any information given above is ultimately found to be false, I will refund the amount received as assistance and I shall be personally liable for legal implications thereof. I further declare that I have not availed any similar assistance from any other Welfare Board or Board constituted by the Government of Jammu and Kashmir or Government of India.

Dated :

Place :

Signature of the Registered
Construction Worker.

**Certificate from the Principal/Headmaster
of the concerned School**

Photograph of the
students to be
attested by the
Principal/Student

Photograph of the
students to be
attested by the
Principal/Student

I hereby certify that _____
and _____ S/o, D/o _____
R/o _____ is/are reading in the _____
class and _____ Class under Roll
No. _____ and _____ respectively
and the information furnished by the applicant at
Column A is Correct.

Further, I certify that our school is Government
recognized bearing recognition No. _____
dated _____ issued by the _____.

**Signature of Principal/
Headmaster.**

For Office Use

After thorough examination of the application of the applicant with respect to the records available with this office following observations made :□

1. That the applicant is registered manual workers under Reg. No. _____ dated _____.
2. That the applicant has already availed Educational Assistance for his children namely _____ and _____ for an amount of Rs. _____ for the year _____ hence he is not entitled again for the year _____ for the same purpose.

4. That the children are students of Class_____ and _____ hence entitled for Rs. _____ as per guidelines of the Building and Other Construction Workers Welfare Board as Educational Assistance for the year _____.

Scrutiny Officer/DEO.

Recommendations

I hereby recommended, after due verification a sum of Rs□ □ □ □ .
(Rupees □ □ □ □ □ □ □ □ □ □ □ □ □ □ ..) as Educational Assistance in
favour of Sh./Smt□ □ □ □ □ □ □ □ □ □ .a registered worker under
registration No. □ □ □ □ □ □ □ □ □ □ ..dated□ □ □ □ □ □ □ □ □ □ ..

Labour Officer/Labour Inspector.

Upon the recommendation of the Labour Officer/Labour Inspector, Circle□ □ □ □ □ □ .. I approve an amount of Rs□ □ □ □ □ ..in favour of the registered manual worker applied for and the incharge of the B. C. Section is directed to prepared the applicants case accordingly for release of payment.

Assistant Labour Commissioner,
 □ □ □ □ □ □ □ District.

An amount of Rs. paid to the applicant
vide payees Account Cheque No.
dated.....or online credit to his Account through J&K
Bank.....vide authority letter No.
dated.....

Scrutiny Officer/Incharge BOC Section/DEO.

(See Rule 6)

Account No. □ □ □ □ □ □ □ □ □ □ ..

1. Name of the Registered manual worker/parentage/address with PIN Code	Name..... Parentage..... Address.....
2. Registration Number and date of initial registration	Aadhaar number.....
3. Bank details:	
i. Name of the Bank with Bank Branch	
ii. IFSC Code.	
iii. Account No.	
4. Mobile No.	

S. No.	Name of the Child- ren	Relationship	Aadhaar No.	Date of Birth	Examination passed	Session	Name of the College/ University
--------	---------------------------	--------------	----------------	------------------	-----------------------	---------	---------------------------------------

[illegible]

B. Details of the children for whom the educational assistance have already been availed from the Board.

[illegible]Phone No ..

Page 10 of 10

Declaration by the Applicant

I hereby declare that the particulars furnished above are correct and true to the best of my knowledge. In the event of any information given above is ultimately found to be false, I will refund the amount received as assistance and I shall be personally liable for legal implications thereof. I further declare that I have not availed any similar assistance from any other Welfare Board or Board constituted by the Government of Jammu and Kashmir or Government of India.

Dated :

Place :

Signature of the Registered
Construction Worker.

**Certificate from the Principal/Head of the Institution/
Authorized Officer of the concerned College/University**

I hereby certify that

Photograph of the
students to be
attested by the
Principal/Student

and _____ S/o, D/o _____
R/o _____ is/are reading in the _____
class and _____ Class under Roll
No. _____ and _____ respectively
and the information furnished by the applicant at
Column A is Correct.

Photograph of the
students to be
attested by the
Principal/Student

Further, I certify that our school is College/University recognized bearing recognition No. _____ dated _____ issued by the _____.

Signature of Principal/

Head of the Institution/Authorized Officer.

For Office Use

After thorough examination of the application of the applicant with respect to the records available with this office following observations made :□

1. That the applicant is registered manual workers under Reg. No. _____ dated _____.
2. That the applicant has already availed Educational Assistance for his children namely _____ and _____ for an amount of Rs. _____ for the year _____ hence he is not entitled again for the year _____ for the same purpose.

3. That the applicant has not availed Educational Assistance for the children namely _____ and _____ for the year _____ hence entitled for Educational Assistance for the year _____.

4. That the children are students of Class _____
and _____ hence entitled for Rs. _____ as
per guidelines of the Building and Other Construction Workers
Welfare Board as Educational Assistance for the
year _____.

I hereby recommended, after due verification a sum of Rs□□□□. (Rupees □□□□□□□□□□..) as Educational Assistance in favour of Sh./Smt□□□□□□□□.a registered worker under registration No. □□□□□□□□□□..dated□□□□□□□□□□..

Upon the recommendation of the Labour Officer/Labour Inspector, Circle□ □ □ □ □ .. I approve an amount of Rs. □ □ □ □ □ ..in favour of the registered manual worker applied for and the incharge of the B. C. Section is directed to prepared the applicants case accordingly for release of payment.

An amount of Rs. paid to the applicant vide payees Account Cheque No. dated..... .or online credit to his Account through J&K Bank..... vide authority letter No. dated..... .

Scrutiny Officer/Incharge BOC Section/DEO.

FORM-III

(See Rule 10)

In the Employees Insurance Court at

1. Name with full address	Applicant
---------------------------	-----------

Against

2. Name with full address Opposite party.

Other particulars of the application specified in rule-10.

Date

Signature of the Applicant.

(Verification by the Applicant)

The statement of facts contained in this application is to best of my knowledge and belief true and correct.

Date

Signature.

□ □ □ □ □ □ □ □

FORM-IV

(See Rule 12)

List of documents produced by applicant/opposite party.

1. In the case titled .			
2. Name of the court :			
3. Number, etc. :			
Date of presentation of application	Description	Date, if any, which the documents bear	Signature of party or pleader or authorized representative
1	3		
Number of Proceeding	Description	Place of residence	Particulars
Name			Amount or value if any
Description			When the cause of action occurred
Place of residence			

FORM-V

(See Rule 13)

Register of Proceedings

Employees Insurance Court at ..

Applicant	Opposite Party	Claim
Day for parties to appear	Date of decision of appeal, if any	Date of application
Applicant	Judgment in appeal	Against whom
Opposite party		For what, and amount of money
Date		Amount of costs
For whom		Date of order transferring to another civil court of at
For what, or amount		Other remarks, if any

.....

Appearance

Final order

Appeal

Execution

(See Rule 17)

1. Title of the Case :

(Name, description and place of residence)

Take notice, that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the court, this day
of .20 court.

- | | | | | | | |
|--|--|--|--|--|--|--|
| | | | | | | |
|--|--|--|--|--|--|--|

(See Rule 17)

Case Titled:

(Name, description and place of residence)

Take notice, that, in default of your appearance on the day before mentioned, the case will be heard and determined in your absence.

Given under my hand and the seal of the court, this day
of ..20 court.

- Notice :** □ (1) Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the court and on depositing the necessary expenses.
- (2) If you admit the claim you should pay the money into court together with the costs of the proceedings, to avoid execution of the decree, which may be against your person or property or both.

□ □ □ □ □ □

FORM-VIII

[See Rule 24(5)]

Subject : Application for setting aside the . order dated
 ..

(the grounds of application should be stated)

Date _____

Signature of the Applicant

Verification by the applicant

The statement of facts contained in the application is to the best of my knowledge and belief true and correct.

Date :

Place :

Signature _____

Page 10 of 10

FORM-IX

[See Rule 24(5) & (6)]

General Form

Case Titled:

To

Whereas the above named has made application to this court that you are hereby warned to appear in this court in person or by a pleader duly instructed at o'clock in the noon, on the day of 20 . to show cause against the application failing wherein, the said application will be heard and determined *ex parte*.

Given under my hand and the seal of the court, this day
of.....20 .court.

FORM-X

(See Rule 25)

Summons to witness

Titled :

Whereas your attendance is required to on behalf of the in the above proceedings, you are hereby required (personally) to appear before this court on the day of..... 20..... at ..o'clock in the noon, and to bring with you (or to send to this .. court).

A sum of Rs□□□□□□.being your travelling and other expenses and subsistence allowance for one day, is deposited with this court and will be tendered to you on the day you appear before the court. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in the rule-12 of order XVI of the Code of Civil Procedure, 1908 (V of 1908).

Given under my hand and the seal of the court, this _____ day of _____ 20____ court.

Notice : (1) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this court on the day and hour aforesaid.

(2) If you are detained beyond the day aforesaid, a sum of Rs. will be tendered to you for each day's attendance beyond the day specified.

(See Rule 38)

Claim for

This case coming on this day for final disposal before _____
in the presence of....._____for the applicant and of_____for
the opposite party, it is ordered AND DECREED that.....and that
the sum of Rs.be paid by the to the.....on account
of the costs of this suit, with interest thereon at the rate of *per cent*
per annum from this date to the date of realization.

Given under my hand and the seal of the Court, this
day ..20 . court.

Costs of Suits

	Rs. P.		Rs. P.
1. Stamp for application		Stamp for power	
2. Stamp for power		Stamp for written statement	
3. Stamp for exhibits		Pleader's fee	
4. Pleader's fee		Subsistence for witnesses	
5. Subsistence for witnesses		Service of summons and notice	
6. Commissioner's fee		Commissioner's fee	
7. Service of summons and notice			
Total :-		Total :-	

Page 10 of 10

(See Rule 40)

In the Court of.....

I, . Decree holder, hereby apply for execution of the decree herein below set forth :

	Number of proceeding
	Name/s of party/ies
	Date of decree
	Whether any appeal preferred form decree
	Payment or adjustment made, if any
	Previous application, if any, with date and result
	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree
	Amount of costs, if any, awarded
	Against whom to be executed
	Mode in which the assistance of the c ourt is required

Against the opposite party :

A horizontal number line from 0 to 100. The line is divided into 10 equal segments, each containing a box for tens and a box for ones. The boxes are labeled 0, 10, 20, 30, 40, 50, 60, 70, 80, 90, and 100.

(when attachment and sale of movable property is sought). I pray that the total amount of Rs. [] [] [] [] [] [] [] [] (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realized by attachment and sale of the opposite party's movable property as per annexed list pad to me.

(when attachment and sale of immovable property is sought)

I pray that the total amount of Rs. [] [] [] [] [] (together with the interest on the principal sum up to date of payment) and the costs of taking out this execution be realized by the attachment and sale of the opposite party's immovable properly specified at the fees of this application and paid to me.

I declare that what is stated herein is true to the best of my knowledge and belief.

Signed

Decree holder

Date ..

Page 10 of 10

(See Rule 45)

(Strike out the words not applicable)

(Give here name or description of the establishment with full address)

or

No ☐ ☐ ☐ ☐ ☐ .dated ☐ ☐ ☐ ☐ ☐ ☐ . shall stand modified in the following manner : ☐

2. I hereby certify that the person(s) mentioned is/are a member(s) of my family within the meaning of clause (33) of section 2 of the Code on Social Security, 2020.

3. I hereby declare that I have no family within the meaning of clause (33) of section 2 of the said Code.

4 (a) My father/mother/parents is/are not dependent on me.

(b) My husband's father/mother/parents is/are not dependent on my husband.

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5. I have excluded my husband from my family by a notice dated the to the competent authority in terms of clause (33) of section 2 of the said Code.

6. Nomination made herein invalidates my previous nomination.
Nominee(s)

S. No.	Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1.				
2.				
3.				
So on				

Manner of acquiring a "Family"

(Here give details as to how a family was acquired, i. e., whether by marriage or parents being rendered dependent or through other process like adoption)

Statement

1. Name of employee in full
2. Sex
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/Branch/Section where employed
6. Post held with Ticket No. or Serial No., if any
7. Date of appointment
8. Permanent address :

Village Thana

Sub-division ..Post Office

PIN Code District State

E-mail ID Mobile Number

Place:

Date:

Signature/Thumb-impression of the
Employee.

Certificate by the Employer

Certified that the particulars of the above nomination have been verified and recorded in this establishment. Employer's Reference No., if any

Signature of the employer/Officer authorised.

Designation

Date :

Name and address of the establishment or rubber stamp thereof.

,

Acknowledgement by the Employee

Received the duplicate copy of nomination in Form-III filed by me and duly certified by the employer.

Date: □ □ □ □ □ □ □ .

Signature of the Employee

--	--	--	--	--	--	--

FORM-XIV

[See Rule 46(1) (a), (b) & (c)]

Application for gratuity by an Employee/Nominee/Legal Heir

(Strike out the words not applicable)

[illegible]

(Give here name or description of the establishment with full address)

Sir/Madam,

I, ..(name of employee/nominee/legal heir)/
nominee of late.(Name of the employee)/ as
a legal heir of late.(Name of the employee),
beg to apply for payment of gratuity to which I am entitled under
sub-section (1) of section 53 of the Code on Social Security, 2020 on
account of

- (a) my superannuation/retirement/resignation after completion of
not less than five years of continuous service/total disablement
due to accident/total disablement due to disease/on termination
of contract period under fixed term employment with effect
from the□ □ □ □ □ □ .. ; or
- (b) death of the aforesaid employee while in service/
superannuation on□ □ □ □ □ □after completion
of□ □ □ □ ..years of service/total disablement of the
aforesaid employee due to accident or disease whilein
service with effect from the□ □ □ □ ; or
- (c) death of aforesaid employee of your establishment whilein
service/superannuation on□ □ □ □ □ □ □ □ □ □ (date)
without making any nomination after completion of
□ □ □ □ □ ..years of service/total disablement of the
aforesaid employee due to accident or disease whilein
service with effect from□ □ □ □ □ □ □ □

Necessary particulars relating to my appointment are given in the statement below :□

1. Name of employee in full (if, the gratuity is claimed by an employee)
- a. Marital status of employee (unmarried/married/widow/widower) ;

b. Address in full of employee

or

2. Name of nominee/legal heir (if the gratuity is claimed by nominee/legal heir) ☐
 - a. Name of Employee ;
 - b. Marital status of nominee/legal heir (unmarried/married/widow/widower) ;
 - c. Relationship of nominee/legal heir with the employee ;
 - d. Address in full of nominee/legal heir ;
 - e. Date of death and proof of death of the employee ;
 - f. Reference No. of recorded nomination if available.
3. Department/Branch/Section where last employed.
4. Post held by employee.
5. Date of appointment.
6. Date and cause of termination of service.
7. Date of Death.
8. Total period of service of the employee.
9. Total wages last drawn by the employee.
10. Total gratuity payable to the employee/share of gratuity claimed by a nominee/legal heir.
11. Payment may please be made by crossed bank cheque/credit in my bank account No ☐ ...

Yours faithfully,

Signature/Thumb impression of the
applicant employee/nominee/legal heir.

Place :

Date :

Page 10 of 10

FORM-XV

[See Rule 46(2) (a) (i), (ii), (b) (d) & (e)]

Notice for payment/rejecting claim of Gratuity

(Strike out the words not applicable)

To, _____

(Name and address of the applicant employee/nominee/legal heir)

1. You are hereby informed that ☐

(a) *as required under rule 46 of the Code on Social Security, Jammu and Kashmir Rules, 2020, that your claim for payments of gratuity as indicated on your application in Form-XIV under the said rules is not admissible for the reasons stated below :□

Reasons (Here specify the reasons) ; or

(b) *as required under rule 46 of the Code on Social Security, Jammu and Kashmir, Rules, 2020 that a sum of Rs. □□□...(Rupees□□□□□□□) is payable to you as gratuity/as your share of gratuity in terms of nomination made by□□□□□□.. on□□□□□□□ and□□□□□□ recorded in this □□□□□□□ as a legal heir of□□□□□□.an employee of this establishment.

2. *Please call at _____ .. on _____

(Here specify place) .. (date) at . (time)
for collecting your payment of gratuity by crossed cheque.

3. Amount payable shall be sent to you through demand draft or shall be credited in your bank account as desired by you.

4. Brief statement of calculation ☐

(a) Date of appointment ;

(b) Date of termination/superannuation/resignation/disablement/death ;

(c) Total period of service of the employee concerned:
 □ □ □ □ □ □ .years □ □ □ □ □ months..... ;

(d) Wages last drawn ;

(e) Proportion of the admissible gratuity payable in terms of nomination/as a legal heir ;

(f) Amount payable: *strike out para, if, not applicable.

Place:

Date:

Signature of the Employer/authorised officer.

Name or description of establishment or
rubber stamp thereof.

Copy to: ☐ The Competent Authority in case of denial of gratuity.

□ □ □ □ □ □ □

FORM-XVI

[See Rule 46(4) (a) (iii)]

Application for Direction

**Before the Competent Authority for Chapter V under the
Code on Social Security, 2020**

Application No.

Date _____

BETWEEN

(Name in full of the applicant with full address)

AND

(Name in full of the employer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/a nominee of late□ □ □ □ □ □ □ □ an employee of the above-mentioned employer/a legal heir of late□ □ □ □ □ □ □ □ and employee of the above-mentioned employer, and is entitled to payment of gratuity under section 53 of the Code on Social Security, 2020 on account of his own/aforesaid employee/s superannuation on□ □ □ □ □ □ □ □ (date)/his own retirement/aforesaid employees resignation on□ □ □ □ (date) completion of□ □ □ □ □ □ years of continuous service/his own/aforesaid employees□ total disablement with effect from□ □ □ □ □ □ .(date)due to accident/disease death of aforesaid employee on□ □ □ □ □ □ .
2. The applicant submitted an application under Rule□ □ □ □ □ □ □ □ of the Code on Social Security, Jammu and Kashmir Rules, 2020 on the□ □ □ □ □ □ .but the above-mentioned employer refused to entertain it/issued a notice dated the□ □ □ □ □ □ . under clause □ □ □ □ of sub-rule of rule□ □ □ □ □ □ .offering an amount of gratuity which is less than my due/issued a notice dated□ □ □ □ □ □ ..the under clause□ □ □ □ .of sub-rule.....of rule□ □ □ □ □ □ .rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.
3. The applicant submits that there is a dispute on the matter (specify the dispute).
4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.

5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

1. Name in full of applicant with full address.
2. Basis of claim (Death/Superannuation/Retirement/Resignation/Disablement of Employee/Completion of contract period under Fixed Term Employment).
3. Name and address in full of the employee.
4. Marital status of the employee (unmarried/married/widow/widower).
5. Name and address in full of the employer.
6. Department/Branch/Section where the employee was last employed (if known).
7. Post held by the employee with Ticket or Sl. No., if any (if known).
8. Date of appointment of the employee (if known).
9. Date and cause of termination of service of the employee (Superannuation/retirement/resignation/disablement/death/completion of contract period under Fixed Term Employment).
10. Total period of service by the employee.
11. Wages last drawn by the employee.
12. If the employee is dead, date and cause thereof.
13. Evidence/witness in support of death of the employee.
14. If a nominee, No. and date of recording of nomination with the employer.
15. Evidence/witness in support of being a legal heir if a legal heir.
16. Total gratuity payable to the employee (if known).
17. Percentage of gratuity payable to the applicant as nominee/legal heir.
18. Amount of gratuity claimed by the applicant

Place:

Date: Signature/Thumb impression of the applicant

□□□□□□

FORM-XVII

[See Rule 46(5) (a) (8)]

Notice for Apperance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

(Name and address of the employee/applicant)

Whereas, Shri [redacted]..an employee under you/
a nominee(s)/legal heir(s) of Shri [redacted]..an
employee under the above-mentioned employer, has/have filed an
application under rule 46 of the Code on Social Security, Jammu and
Kashmir Rules, 2020 alleging that----

(A copy of the said application is enclosed, if, summon is issued then copy of application is not required).

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at _____(place) either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the ____ day of _____ 20____ at _____ O'clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

Take notice that in default of your appearance on the day before-mentioned, the application will be dismissed/heard and determined in your absence.

Whereas, your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of [redacted] .. in the case arising out of the claim for gratuity by [redacted] . Form [redacted] .. and referred to this Authority by an application under section 56 of the Code on Social Security, 2020, you are hereby summoned to appear personally before this Authority on the [redacted] . day of [redacted] ..20[redacted] .. at [redacted] [redacted] o'clock in the forenoon/afternoon and to bring with you for to send to this Authority) the said documents. List of documents-

- 1.
- 2.
3. so on

Given under my hand and seal, this □ □ □ □ ..day of
□ □ □ □ ..20□ ..

Competent Authority

under the Code on Social Security Code, 2020

Note :□ 1. Strike out the words and paragraphs not applicable.

2. The portion not applicable to be deleted.
3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.
4. In case the summons is issued only for producing a document and not to give evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent Authority on the day and hour fixed for the purpose.

--	--	--	--	--

FORM-XVIII

[See Rule 46(11) (12) (h)]

Notice for Payment of Gratuity as Determined by Competent/ Appellate Authority

(Strike out the words not applicable)

To,

(Name and address of employer)

1. Whereas Shri/Smt./Kumari _____ of
an employee _____
(address) under you/a nominee(s)/legal heir(s) of late _____
.....an employee under you, filed an application
under section 56 of the Code on Social Security, 2020, before
me ; or

Whereas a notice was given to you on [] [] [] [] [] [] [] [] requiring you to make payment of Rs[] [] [] [] [] [] [] [] to Shri/Smt./Kumari[] [] [] [] [] [] [] [] as gratuity under the Code on Social Security, 2020.

2. And whereas the application was heard in your presence on ..and after the hearing have come to the finding that the said Shri/Smt./Kumari is entitled to a payment of Rs as gratuity under the Code on Social Security, 2020 ; or

Whereas you/the applicant went in appeal before the appellate authority, who has decided that an amount of Rs□□□□□□ .. is due to be paid to Shri/Smt./Kumari□□□□□□□□. as gratuity due under the Code on Social Security, 2020.

Now, therefore, I hereby direct you to pay the said sum of Rs.....to Shri/Smt./Kumari□ □ □ □ □ □ □ □ □ □ □ . within thirty days of the receipt of this notice with an intimation thereof to me.

Given under my hand and seal, this .day
of .20 ...

Competent Authority

under the Code on Social Security Code, 2020

Copy to :

1. The Applicant, he is advised to contact the employer for collecting payment.
2. The Appellate Authority if applicable.

Note : ☐ (Strike out paragraphs if not applicable)

Page 10 of 10

FORM-XIX

[See Rule 46(13)]

Application for Recovery of Gratuity

Before the Competent Authority for Chapter V under the Social Security Code, 2020.

Application No.

Date _____

BETWEEN

(Name in full of the applicant with full address)

AND

(Name in full of the employer/Trust/Insurer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/ a nominee of late [] [] [] [] [] [] [] an employee of the above-mentioned employer/a legal heir of late [] [] [] [] [] [] an employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the [] [] [] [] [] [] [] [] ..under sub-rule (11) or sub-rule (12) of rule 46 of Code on Social Security (Central) Rules, 2020 for payment of a sum of Rs [] [] [] [] [] [] [] [] .. as gratuity payable under the Code on Social Security, 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs. [] [] [] [] [] [] [] [] . due to me as gratuity in terms of your direction.

Signature/Thumb impression of applicant.

Place:

Date:

Note : ☐ Strike out the words not applicable.

□ □ □ □ □

FORM-XX

[See Rule 47(3) (i)]

Application for Registration of an Establishment with the Controlling Authority under section 57

01. Name of the Establishment
02. Address of the Establishment
03. Name of the Employer
04. Address of the Employer
05. No. of Employees Insured
06. Details of the Insurance Company ☐
 - (a) No. of Insurance Policy ;
 - (b) Date of Commencement of Insurance Policy ;
 - (c) terms of Insurance Policy (copy of the Insurance Policy to be enclosed ;
 - (d) details of employees insured details for employees shall be furnished in Form-III.
07. If the employer had already established an Approved Gratuity Fund before notification of the rules, details of board of trustees of the gratuity fund may be furnished ☐
 - (a) Date of constitution of the Board of Trustees ;
 - (b) Names and Addresses of the Board of Trustees.

Station :

Date :

Signature of the Employer

Name:

Designation and Address

□ □ □ □ □ □

FORM-XXI

[See Rule 47(4)]

Option to continue under the Existing Insurance under section 57

In hereby opt to continue the existing insurance scheme in lieu of the compulsory insurance notified under section 57 of the Code on Social Security, 2020. The details of existing Insurance Scheme are□

- (a) No. of Insurance Policy :
- (b) Date of commencement of Insurance Policy :
- (c) Terms and conditions of Insurance Policy (Copy of the Insurance Policy to be enclosed):
- (d) No. of employees covered (details of employees to be furnished in Form-III:
- (e) Details of registration of the trust:
- (f) Name and address of the trustees:
- (g)

Station :

Date :

Signature of the Employer

Name :

Designation and Address

□ □ □ □ □

FORM-XXII

[See Rule 47(3) (i) & (ii)]

Details of Employees of the Establishment covered under the Compulsory Insurance under section 57 of the Code

- (a) Name of the employee :
- (b) Name of Father/Husband :
- (c) Designation/Category :
- (d) Date of Joining/appointment :
- (e) Wages of the Employees :
- (f) Date of Admission to Compulsory Insurance :
- (g) Date of Retirement :

Station :

Date :

Signature of the Employer

Name :

Designation and Address

□ □ □ □ □ □

FORM-XXIII

(See Rule 49)

Complaint to the Inspector-cum-Facilitator

To,

The Inspector-cum-Facilitator

(Under The Code on Social Security, 2020)

Sir,

I□ □ (Name of woman) employed in□ □(name and full address of the establishment) or I□ □ (name), a person nominated under section 62 by or a legal representative of□ □ (name of woman) employed in□ □ .(name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security, 2020 and the rules thereunder, am entitled to Rs□ □ being maternity benefit and/or Rs...□□ being the medical bonus and/or Rs□ ..□ □ .being wages for leave due under section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Chapter VI of Code on Social Security, 2020.

You are therefore requested, to direct the employer to pay the amount to me/to set aside the discharge or dismissal done by the employer.

Signature or thumb impression of the Woman/
nominee/legal representative.

Date

Signature of an Attester in case the woman/
nominee/legal representative is
unable to sign and affixes thumb
impression. Full address of the
women/nominee/legal representative.

□ □ □ □ □

[See Rule 49(2) (b)]

To,

(Appointed under the Code on Social Security , 2020)

Sir,

***Feel aggrieved by the order of Inspector-cum-Facilitator under sub-section (2) of section 72 for the reasons attached hereto, prefer this appeal under sub-section (2) of section 68 and request that the said employer be ordered to pay the above-mentioned amount to me. A copy of the order of Inspector-cum-Facilitator in this behalf is enclosed ;**

*Shri , Inspector-cum-Facilitator, having directed under sub-section (2) of section 72 to pay the maternity benefit or other amount being (Nature of amount) to which (Name of woman) is said to be entitled/to set aside my discharge or dismissal during or on account of absence from work in accordance with the provisions of this Chapter V of the Code on Social Security, 2020 (*Strike out unnecessary portion*).

*Strike out unnecessary portion.

Date

Signature of an Attester in case
the woman is not able to sign
and affixes thumb impression.

□ □ □ □ □ □ □

FORM-XXV

(See Rule 53)

Notice Book

- 1. Name of the Establishment :
- 2. Postal Address :
- 3. Name of the Employer/Manager/Occupier :
(with full Particulars)

S. No.	Name of the Employee	Employee Code/No.	Time/ date of Injury/ accident	Place of Injury	Cause of Injury	Any other relevant information	Sign. of Employee/ a person acting <i>bona fide</i>
--------	----------------------	-------------------	--------------------------------	-----------------	-----------------	--------------------------------	---

(See Rule 55)

To,

.....

I have the honour to submit the following report of an Accident which occurred.....(date), at.....(here enter details of the premises).....and which resulted in the death of the employee/employees of whose particulars are given in the statement annexed.

(a) Time of the accident :

(b) Place where the accident occurred :

(c) Manner in which deceased was/were employed at the time :

(d) Cause of the accident :

(e) Any other relevant particulars (I have etc.)

Signature and designation of person
Making the report.

Name	Sex	Age	Name of Employment	Full Postal Address
1	2	3	4	5

□ □ □ □ □

FORM XXVII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of _____ previous for period of _____ months. The said employee has in receipt of half-monthly payments which have continued from the _____ day of 20____ until the day 20____ amounting to Rs _____ in all. The said employee's monthly wages are estimated at Rs _____. The employee is over the age of 15 years/will reach the age of 15 years on _____

It is further submitted that _____ the employer of the said employee, has agreed to pay and the said employee has agreed to accept, the sum of Rs. _____ in full settlement of all and every claim under the Chapter VII of the Code on Social Security, 2020 in respect of all disablement of temporary nature arising out of the said accident, whether now or hereafter to become a manifest, it is, therefore requested that this memorandum be duly recorded.

Dated _____ 20 _____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

Note :—An application to register an agreement can be presented under the signature of the one party, provided that the other party has agreed to the terms. But both signature should be appended whenever possible.

Receipt (To be filled in when the money has been actually paid).

In accordance with the above agreement, I have this day received the sum of Rs. _____

--

Employee

Dated _____ 20 _____

The money has been paid and this receipt signed in my presence.

_____ Witness.

(Note :—This form may be varied to suit special cases, e.g. injury by occupational diseases, agreement when employee is under legal disability, etc.).

FORM –XXVIII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of 20____ personal injury was caused to _____ residing at _____ by accident arising out of and in the course of his employment in _____. The said injury has resulted in permanent disablement to the said employee of the following nature, namely :—

The said employee monthly wages are estimated at Rs. _____. The employee is over the age of 15 years/will reach the age of 15 years on _____. The said employee has prior to the date of this agreement, received the following payment, namely :—

Rs. _____ on _____ Rs. _____ on _____

Rs. _____ on _____ Rs. _____ on _____

Rs. _____ on _____ Rs. _____ on _____

It is further submitted that _____ the employers of the said employee, has agreed to pay the said employee, has agreed to accept, the sum of Rs. _____ in full settlement of all and every claim under the Chapter VII of the Code on Social Security, 2020 in respect of the disablement started above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Dated _____ 20_____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

Note :—An application to registered and agreement can be presented under the signature of the one party, provided that the other party has agreed to the terms. But both signature should be appended whenever possible.

Receipt (To be filled in when the money has been actually paid).

In accordance with the above agreement, I have this day received the sum of Rs. _____

Employee

Dated _____ 20_____

The money has been paid and this receipt signed in my presence.

(Note :—This form may be varied to suit special cases, e.g. injury by occupational diseases, agreement when employee is under legal disability, etc.).

FORM-XXIX

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of 20____ personal injury was caused to ____ residing at _____ by accident arising out of and in the course of his employment in _____. The said injury has resulted in temporary disablement to the said employee—

Who is at present in receipt of wages amounting to Rs. _____ on wages per month.

The said employee monthly wages prior to the accident are estimated at Rs. _____. The employee is subject to a legal disability by reason of _____.

It is further submitted that _____ the employers of the employee, has agreed to pay and _____ on the behalf of the said employee, has agreed to accept half monthly payments @ of Rs. _____ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half monthly payments may be varied in accordance with the provision of the Chapter VII of the Code on Social Security, 2020, on account of an alternation in the earning of the said employee during disablement .It is further, stipulated that all rights of communication under section 80 of the code are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded. Dated _____ 20_____

Signature of the employer _____

Signature of the employee _____

Witness _____

Note :—An application to registered and agreement can be presented under the signature of the one party, provided that the other party has agreed to the terms. But both signature should be appended whenever possible.

Receipt (To be filled in when the money has been actually paid).

In accordance with the above agreement, I have this day received the sum of Rs. _____

--

Employee

Dated _____ 20_____

The money has been paid and this receipt signed in my presence.

(Note :—This form may be varied to suit special cases, e.g. injury by occupational diseases, etc.).

FORM –XXX

[See Rule 56 (2) (i)]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ has /have applied for registration of the agreement under section 89 of the Code on Social Security, 2020, notice is hereby given that the said agreement will be taken into consideration on _____ 20____ and that any objection to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intension to proceed to the registration of the agreement.

Dated _____ 20 _____

Competent Authority

FORM –XXXI

[See Rule 56 (2)(iii) & (3) (iv)]

Take notice that registration of the agreement to pay compensation said to have been reached between you _____ and _____ on the _____ 20____ have been refused for the following reasons namely

Dated _____ 20____

Competent Authority

FORM (XXXII)

[See Rule 56 (3) (ii)]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ has /have applied for registration of the agreement under section 89 of the Code on Social Security, 2020 and whereas it appears to me that the said agreement ought not to be registered for following reasons, namely:-.....

_____ an opportunity will be afforded to you of showing cause on _____ 20 _____ by the said agreement should be registered. If no adequate cause as shown on that date, registration of the agreement will be refused.

Competent Authority

FORM (XXXIII)

[See Rule 56 (3) (ii)]

Whereas an agreement to pay compensation is said to have been reached between _____ and _____ and whereas _____ has /have applied for registration of the agreement under section 89 of the Code on Social Security, 2020 and whereas it appears to me that the said agreement ought not to be registered for following reasons, namely _____ an opportunity will be afforded to the said _____ of showing cause on _____ 20 _____ by the said agreement should not be registered.

Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown the agreement may be registered.

Dated _____ 20 _____

Competent Authority

FORM (XXXIV)

(See Rule 60)

Register of agreements for the year _____ 20 _____

S. No.	Date of agreement	Date of registration	employer	Employee	Initial of Competent Authority	Reference order rectifying the register
1	2	3	4	5	6	7

FORM – XXXV

[See Rule 66 (1) (a)]

REGISTER OF WOMEN EMPLOYEES

Name of establishment

1. Serial Number.
2. Name of woman and her father's (or, if married, husband's) name.
3. Date of appointment.
4. Nature of work.
5. Dates with month and year in which she is employed, laid off and not employed.

Month	No. of days employed	No. of days laid off	No. of days not employed	Remark
a	b	c	d	e

6. Date on which the woman gives notice under section 62.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under section 62.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/tubectomy operation/death/adoption of child.
11. Date of production of proof of illness referred to in section 65.

12. Date with the amount of maternity benefit paid in advance of expected delivery.
 13. Date with the amount of subsequent payment of maternity benefit.
 14. Date with the amount of bonus, if paid, under section 64.
 15. Date with the amount of wages paid on account of leave under section 65(1) and 65(3).
 16. Date with the amount of wages paid on account of leave under section 65(2) and period of leave granted.
 17. Name of the person nominated by the woman under section 62.
 18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
 19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
 20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
 21. Remarks column for the use of the Inspector-cum-Facilitator.
-

FORM XXXVI

[See Rule 66 (3) (a) & (b)]

Unified Annual Return A. General Part :

- (a) Name of the establishment.....
 Address of the establishment: House No./Flat No.
 Street No./Plot No.t4321.....
 Town.....District.....State.....PIN code.....
- (b) Name of the employer.....
 Address of the employer :
 House No./Flat No.Street No./Plot No.
 Town.....District.....State.....PIN code.....
 E-mail ID.....Telephone Number.....Mobile number....
- (c) Name of the manager or person responsible for supervision and control of establishment.....
 Address:
 House No./Flat No.....Street No./Plot No.....
 Town.....District.....State.....PIN code.....
 E-mail ID.....Telephone Number.....Mobile number....

B. Employer's Registration/Licence number under the Codes mentioned in column (2) of the table below:

S. No.	Name	Registration	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Code on Occupational Safety Health and working condition code 2020.		
02.	The Code on Social Security 2020.		
03.	Any other Law for the time being in force.		

C. Details of Employer, Contractor and Contract Labour:

01.	Name of the employer in the case of a contractor's establishment.	
02.	Date of commencement of the establishment.	
03.	Number of Contractors engaged in the establishment during the year.	
04.	Total Number of days during the year on which Contract Labour was employed.	
05.	Total number of man-days worked by Contract Labour during the year.	
06.	Name of the Manager or Agent (in case of mines).	
07.	Address House No./Flat No. Street/Plot No. Town District State PIN Code E-mail ID Telephone Number Moblie Number	

D. Working hours and weekly rest day:

01.	Number of days worked during the year.	
02.	Number of mandays worked during the year.	
03.	Daily hours of work.	
04.	Weekly day of rest.	

E. Maximum number of persons employed in any day during the year:

Sl. No.	Males	Females	Adolescents (between the age of 14 to 18 years.)	Children (below 14 years of age.)	Total

Wage rates (Category-Wise):

Category	Rates of Wages	No. of workers							
		Regular				Contract			
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly Skilled									
Skilled									
Semiskilled									
Unskilled									

F. (a) Details of Payments:

Gross wages paid		Deductions			Net wages paid	
In cash	In kind	Fines	Deductions for damage or loss	Others	In cash	In kind

(b) Number of workers who were granted leave with wages during the year:

Sl. No.	During the year	Number of workers	Granted leave with wages

H. Details of various welfare amenities provided under the statutory schemes:

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)

I. Maternity Benefit under the Code on Social Security, 2020:

(a) Details of establishment, medical and para-medical staff:

01.	Date of opening of establishment	
02.	Date of closing, if closed	
03.	Name of Medical Officer	
03(i)	Qualification of Medical Officer	
03(ii)	Is Medical Officer at (the mines or circus) ?	
03(iii)	If a part time, how often does he/she pay visit to establishment ?	
03(iv)	Is there any Hospital?	
03(v)	If so, how many beds are provided?	
03(vi)	Is there a lady Doctor?	
03(vii)	If so, what is her qualification?	
03(viii)	Is there a qualified mid-wife?	
03(ix)	Has any crèche been provided?	

(b) Leave Granted under the Code on Social Security, 2020

01.	Total number of female employees in the establishment	
02.	Total number days of leave granted	
03.	Number of employees granted maternity leave/benefited by ESI	

Declaration

It is to certify that the above information is true and correct and also I certify that I have complied with the all provisions of Labour Laws applicable to my establishment.

Place

Date

Sign. Here

FORM-XXXVII

(See Rule 67)

Notice to the Employer who committed an offence for the first time for compounding of offence under subsection (1) of section 138 of the Code on Social Security, 2020

Notice No.....

Date:

On the basis of records and documents produced before me, the undersigned has reasons to believe that you, being the employer of the establishment..... (Registration No.....), have committed offence for the violation of provision of the Code or the Schemes or the Rules or the Regulations framed thereunder as per the details given below:-

PART – I

1.	Name of the Person:	
2.	Name and Address of the Establishment :	
3.	Registration No of the Establishment:	
4.	Particulars of the offence:	
5.	Provisions of the Code/Scheme/Rules/Regulations under which the offence is committed:	
6.	Compounding amount required to be paid towards composition of the offence:	
7.	Name and Details of Account for depositing the Amount specified in Column 6:	

PART –II

In view of the above, you have an option to pay the above-mentioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part–III of this notice. In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

(Signature of the Compounding Officer)

Date:

Place:

PART – III

**Application under sub-section (4) of section 138 for
compounding of offence**

Ref: Notice No.....

Date:

The undersigned has deposited the entire amount as specified in Column 6 of Part-I and the details of payment are given below with a request to compound the offences mentioned in Part-I :—

1. Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):
2. Details of the prosecution, if filed for the violation of above-mentioned offences may be given:
3. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence:
4. Any other information which the applicant desires to provide.

**Signature of the applicant
(Name and Designation)**

Dated:

Place:

PART – IV

Composition Certificate

Ref: Notice No.....

Date:

This is to certify that the offence under sub-section of section 133 of the Code in respect of which Notice No. _____ Dated: _____ was issued to Sh..... (Applicant), the employer of (name and Registration Number of establishment) has been compounded on account of remission of full amount of Rs (Rupees _____) towards the composition of offences to the satisfaction of the said Notice.

(Signature)

Name and Designation of the Officer

Date:

Place:

FORM-XXXVIII

[See Rule 68 (4) (b)]

Form for Reporting Vacancies to Career Centres

(Separate forms to be used for each type of posts)

1	Particulars of the employer: Name: Address with pin code: Telephone No. : Mobile No.: Email address : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment under Code: Economic activity details:	
2.	Particulars of the indenting Officer: Name: Designation: Telephone No. : Mobile No.: Email address :	
3.	Particulars of vacancy(ies): (a) Designation/nomenclature of the vacancy(ies) to be filled (b) Description of duties of the post (job role/functional role)	

	(c) Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/Preferable
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience		
	(d) Age Limits, if any (Age as on last date of application)		
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc.) if any		
	(f) duration of employment (i) 3-6 months	Number of posts	
	(ii) 6-12 months (iii) 12 months and more		
4.	Whether there is any obligation for arrangement for giving reservation/preference to any category of persons such as Scheduled Caste(SC), ScheduledTribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC),Ex-serviceman and persons with disabilities (pwd) , etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others (specify)	Total	*By Priority candidates *(Applicable for Jammu and Kashmir Government vacancies)

6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details, if any For others: Mention minimum total emoluments per month with other details, if any.	
7.	Place of work (Name of the town/village and district, pin code ,etc. in which it is situated)	
8.	Mode of Application(email, online, in writing, etc) and Last date for receipt of applications.	
9.	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address , telephone No., website address in case of online)	
10	Mode of Recruitment {Through Career Centre, Placement Agency , self management, any other mode(specify) }	
11	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No
12	Any other relevant information	

Signature, Name and Designation of Authorised Signatory of establishment/
employer with seal and date

(For Official Use- to be filled by Career Centre)

13.	Name, address, email id of the Career Centre	
14.	Date of receipt of Vacancies	
15.	NIC Code of the establishment/	
16.	NCO Code of the post	
17.	Unique Vacancy ID (number)	

Signature, Name and Designation of
 Authorised Signatory of Career
 Centre with seal and date

NOTE:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.
2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.
3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official email or digitally (including through a portal) as the case may be, to the appropriate Career Centre.

FORM-XXXIX

[See Rule 68 (7)]

Form EIR (Employment Information Return)

Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....

The following information is required to be submitted under the Code on Social Security (Chapter XIII – Employment Information and Monitoring) 2020.

Name and Address of the Employer		
Whether – Head Office		
Branch Office Type of Establishment (Public /Private Sector)		
Nature of business/Principal activity		
Establishment Registration No. under the Code		
1. (a) EMPLOYMENT Total number of <i>manpower of establishment</i> including working proprietors/partners//contingent paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid).		
Category	On the last working day of the previous Year	On the last working day of the Year under report
MEN WOMEN Other (Transgender) TOTAL : PWD (persons with disabilities) out of above total		

EIR-continued

2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year				
Occurred	Reported		Filled	Source (Career Centre/NCS Portal/Govt. Recruiting Agencies/Private Placement Organisations/other
	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

*As per provisions of Code on Social Security, 2020 (Chapter XIII) and Rules made thereunder,

3. MANPOWER SHORTAGES:

Vacancies/posts remained unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the post	Number of unfilled vacancies/posts		
	Skill/qualifications (educational /technical/ experience) prescribed	Essential	Desirable
1	2	3	4

(Please list any other occupations also for which this establishment had any difficulty in obtaining suitable applicants recently.)

4. Estimated Manpower Requirement by Occupational Classification during the next calendar year (Please give below the number of employees in each occupation separately).

Occupation	Number of employees
	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/ expansion or re-organisation.

Description	Men	Women	Others (transgender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
*					
Total :					

* In the column (description) -Use exact terms such as Engineer (Mechanical), Assistant Director (Metallurgist); Research Officer (Economist); Supervisor (Tailoring), Inspector (Sanitary), Superintendent (Office), Manager (Sales), Manager (Accounts), Executive (Marketing), Data Entry Operator.....so on.

Signature, Name & Designation of Authorised Signatory
of establishment/ employer with seal & date

To

The Career Centre,

.....

Note :—

1. This return is to be rendered to the Career Centre (Regional) within 30 days after the end of the *financial year* concerned by establishments/ employers vide their obligation under the Code on Social Security, 2020 (Chapter XIII-Employment Information and Monitoring).
2. The main purpose in obtaining the information from employers is to know—
 - (i) the vacancies/employment opportunities available;
 - (ii) type of personnel who are in short supply ; and
 - (iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.