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LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 8th June, 2021

No.5131—LESI-LL1-AR-0015/2018/L&ESI.— The following draft of certain rules, which the State Government proposes to make in exercise of the powers conferred by Sections 154, 156 and 158 of the Code on Social Security, 2020 (36 of 2020) and in supersession of,—

- (i) the Odisha Workmen's Compensation Rules, 1923;
- (ii) the Odisha Employees' Insurance Court Rules, 1951;
- (iii) the Odisha Workmen's Compensation (Occupational Diseases) Rules, 1964;
- (iv) the Odisha Maternity Benefit Rules, 1966;
- (v) the Odisha Payment of Gratuity Rules, 1974;
- (vi) the Building and Other Construction Workers' Welfare Cess Rules, 1998 as adopted by the Government of Odisha and in its application to the State of Odisha; and
- (vii) the Odisha Unorganised Workers' Social Security Rules, 2010

except as respects things done or omitted to be done before such supersession, is hereby published, as required under sub-section (1) of section 154, sub-section (1) of section 156 and section 158 thereof for information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of a period of forty-five days from the date of publication of this notification in the *Odisha Gazette*;

Objection and suggestion, which may be received from any person in respect of the said draft before expiry of the period so specified above, will be considered by the State Government;

Objection and suggestion, if any, may be addressed to the Labour Commissioner, Odisha, Shrama Bhawan, Unit-III, Khavel Nagar, Bhubaneswar (labcom.orissa@gmail.com) and

the Principal Secretary to Government of Odisha, Labour & ESI Department, Kharavel Bhavan, Bhubaneswar, (labsec.or@gmail.com) and shall be sent in a proforma containing column (1) specifying the name and address of the person/organization, column (2) specifying the chapter and rule or sub-rule which is proposed to be modified, column (3) specifying the revised rule or sub-rule proposed to be substituted and column (4) reasons therefor.

Draft
CHAPTER-I
PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called “the Odisha Code on Social Security Rules, 2021”.

(2) They shall extend to the whole State of Odisha.

(3) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) “agency” means any corporation, body or institution, established under an Act of Parliament or State Legislature or Central or State Public Sector Undertaking or Special Purpose Vehicle as notified by the Central Government.

(b) “appeal” means an appeal preferred under sub-section (8) of Section 56 or sub-section(1) of Section 105, as the case may be;

(c) "appellate authority" means the State Government or the authority specified by the State Government under sub-section (8) of Section 56 or, as the case may be, an officer, senior in rank to the Assessing Officer for the purposes of Section 105, appointed by the State Government;

(d) “assessing Officer” means a Group- A Officer of the State Government or such other Officer appointed by the State Government for assessment of Cess under the Code;

(e) “authority” means the State Government or the authority specified by the State Government under sub-section (3) of Section 72;

(f) “average daily wages during a contribution period”, under chapter IV of the Code in respect of an employee, means the aggregate amount of wages payable to him during that period divided by the number of days for which such wages were payable;

(g) “Average daily wages during a wage period”, under chapter IV of the Code means —

(i) in respect of an employee who is employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;

(ii) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the Contribution period divided by the number of days in full or part for which he has worked for wages in that wage period :

Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 or 1 day(s) or day if the wage period be a month, a fortnight, a week or a day respectively.

Explanation. — Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the day worked as part of the day preceding;

- (h) “benefit period” means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the Regulations;
- (i) “beneficiary” means a building worker registered under section 106 or, as the case may be, an unorganised worker registered under section 113;
- (j) “cess collector” means an officer appointed by the State Government for collection of cess under the Code;
- (k) “Chairperson” means the Chairperson of the Odisha Unorganised Workers’ Social Security Board constituted under sub-section (9) of Section 6 or, as the case may be, the Odisha Building and Other Construction Workers’ Welfare Board constituted under sub-section (1) of Section 7;
- (l) “chartered engineer” means a person having an engineering degree and the corporate membership of Institute of Engineers India;
- (m) “Code” means the Code on Social Security, 2020 (36 of 2020);
- (n) “contribution period” means the period not exceeding six consecutive months, as may be specified in the Regulations;
- (o) “electronically” means any information submitted by digital mode or uploading on the designated portal or digital payment in any mode for the purpose of the Code;
- (p) “form” means a form appended to these rules;
- (q) “fund” means the Odisha Unorganised Workers’ Social Security Fund or, as the case may be, the Odisha Building and Other Construction Workers’ Welfare Fund;

- (r) "Government Securities" means Government Securities as defined in the Government Securities Act, 2006 (38 of 2006);
- (s) "immovable property" includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (t) "movable property" means property of every description except immovable property;
- (u) "nodal officer" means a person designated by Building and Other Construction Workers' Welfare Board or the State Government 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;
- (v) "nomination" means nomination made under section 55;
- (w) "Registered Medical Practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (i) of Section 2 of the Indian Medical Council Act, 1956 and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (l) of the said section;
- (x) "register of women employees" means a register of women employees maintained under rule 31;
- (y) "Schedule" means the Schedule of the Code;
- (z) "section" means the section of the Code;
- (za) "specified" means specified by an order of the Central Government or the State Government or any officer so authorised by such Government;
- (zb) "standard benefit rate" means average daily wages obtained by dividing the total wages paid during the Contribution period by the number of days for which these wages were paid ;
- (zc) "State Government" means the Government of Odisha;
- (zd) "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.

(ze) "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:

Provided that "year" for the purpose of validity of registration, renewal and grant of assistance under the Odisha Unorganised Workers' Social Security Board or Odisha Building and Other Construction Workers' Welfare Board constituted by the State Government shall mean 365 days successively counted from the date of registration as beneficiary, that is to say, commencing from the initial date of registration and ending with the date preceding the date of registration in the following year and so on.

(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 Organization

PART-A

Odisha Unorganized Workers Social Security Board

3. Constitution of the Odisha Unorganised Workers' Social Security Board.- (1) The State Board constituted under sub-section (9) of section 6 shall be called as the 'Odisha Unorganised Workers' Social Security Board'(hereinafter in this part referred to as the Board).

(2) A member, other than an *ex-officio* member, shall hold office for a period of three years from the date of his nomination.

(3) A member shall be eligible for re-nomination:

Provided that a member, other than an *ex-officio* member, shall not hold the office for more than two terms.

(4) The State Government shall nominate seven representatives of associations of unorganised sector workers and employers' associations of unorganised sector, in Odisha Unorganised Workers' Social Security Board, in the category of sub-clauses (i) and (ii) of clause (d) of sub-section (10) of Section 6 in such manner, as decided by the State Government.

(5) The State Government shall nominate two members of Odisha Legislative Assembly under sub-clause (iii) of clause (d) of sub-section (10) of Section 6.

- (6) The State Government shall nominate five persons under sub-clause (iv) of clause (d) of sub-section (10) of section 6 from amongst persons of eminence in the field of labour welfare, management, finance, law and administration.
- (7) The State Government shall nominate ten members under sub-clause (v) of clause (d) of sub-section (10) of Section 6 representing Departments of State Government, concerned with the matters related to the welfare of the unorganised sector workers.
- (8) A member nominated under sub-clauses (i), (ii) and (iii) of clause (d) of sub-section (10) of the Section 6, shall cease to be a member of the Board if he ceases to represent the category of interest from which he was so nominated.
- (9) Out of the persons nominated under sub-clause (i), (ii) and (iv) of sub-section (10) of the Section 6, one member each from the Scheduled Castes, the Scheduled Tribes, the Minorities and women shall be represented.
- (10) A member nominated under sub-clause (iii) of clause (d) of sub-section (10) of the Section 6 shall cease to be a member of the Board, if he ceases to be a member of the Odisha Legislative Assembly by which (s)he was so elected.
- (11) No person shall be chosen as, or continue to be, a member of the Board, if such person attracts any provision(s) of section 8.

4. Manner of exercising the powers and performance of the functions of the Odisha Unorganised Workers' Social Security Board.— (1) The Board, for discharging its functions as assigned to it, under sub-section (15) of Section 6, may constitute committee(s) to deliberate and recommend on the specific issue(s) as may be assigned to such committee(s).

(2) The committee(s) referred to in sub-rule(1) may co-opt members from the Board or outside as the case may be, from the field of the experts, on which the committee is required to deliberate.

5. Reconstitution of the Board.— (1) The State Government shall initiate the process for reconstitution of the Odisha Unorganised Workers' Social Security Board, prior to six months of expiry of the term of the Board.

(2) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging the functions of the Board as may be decided by the State Government, by notification, for the period till the new Board is constituted.

(3) All actions taken pursuant to the arrangement under sub-rule(2), shall have the same effect as if it has been carried out by the Board itself.

6. Resignation.— (1) A member of the Board, not being an *ex-officio* member, may resign by a letter in writing addressed to the State Government and his membership shall cease from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

(2) The power to accept the resignation of a member under sub-rule (1) shall vest with the State Government.

7. Change of Address.—If a member changes his address, (s)he shall notify his new address to the Member-Secretary of the Board who shall thereupon enter such new address in the official records:

Provided that if a member fails to notify such new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

8. Manner of filling vacancies.— When a vacancy occurs or is likely to occur in the membership of the Board, Member Secretary of the Board shall submit a report to the State Government and on receipt of such report, the State Government may, by notification, nominate a person to fill that vacancy and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

9. Procedure for removal of a member from the Odisha Unorganised Workers' Social Security Board.—(1) During the pendency of the proceeding, if any, under clauses (b) and (c) of sub-section (2) of Section 8 relating to removal of a member of the Board, such member shall not take part in the meeting of the Board.

(2) The decision of the State Government, on removal of any member under section 8, shall be final.

10. Manner of holding Meetings and list of business.— (1) The Chairperson shall preside over every meeting of the State Board in which he is present and in his absence, the Vice-Chairperson shall preside over such meeting.

(2) The Board shall, meet at least once in a quarter at such place and time as may be decided by the Chairperson.

(3) A notice of not less than 15 days from the date of its issue, containing the date, time and place of every ordinary meeting of the State Board, together with a list of business proposed to be transacted approved by the Chairperson shall be sent to every member of the State Board, through e-mail or registered post or speed post or by special messenger.

- (4) In case when the Chairperson calls an emergency meeting of the State Board for considering any matter which in his opinion is urgent, a notice with such reasonable time he may consider necessary, shall be deemed sufficient and shall be sent to every member through e-mail or by registered post or speed post or special messenger.
- (5) No business other than for which the meeting of the State Board has been convened shall be transacted at the meeting except with the permission of the Chairperson.

11. Quorum. — (1) No business shall be transacted at any meeting of the State Board without a quorum of eight members present in that meeting:

Provided that if at a meeting, less than eight 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 required quorum or not, and it shall thereupon be lawful to transact the business at the adjourned meeting irrespective of the number of members attending.

- (2) The Chairperson may debar any member, other than ex-officio members, from taking part in the Meeting of the Board if,-
 - (a) he remains absent in three consecutive meetings of the Board without written information to and permission of the Chairperson, or
 - (b) in the view of the State Government, such member has ceased to represent the interest which he purports to represent on the Board.

12. Disposal of Business.— Every question considered at a meeting of the State Board shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes, the Chairperson shall exercise an additional casting vote:

Provided that the Chairperson may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to members of the State Board and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of members received within the time-limit allowed and if the opinions are equally divided, the opinion of the Chairperson shall prevail:

Provided further that any member of the State Board may request that the question referred to members for written opinion be considered at a meeting of the State Board and thereupon the Chairperson may, if the request is made by not less than three members, direct that it be so considered.

13. Minutes of meetings.— (1) The minutes of each meeting showing *inter-alia* the names of the member present there, shall be forwarded to each member of the State Board and to the State Government as soon as possible and in any case not later than four weeks after the meeting.

(2) The minutes of each meeting of the State Board shall be signed by the Chairperson.

(3) The minutes of the meeting shall be confirmed, with such modification if any, at the next meeting.

(4) The minutes of a meeting of the State Board shall be kept in separate Book

14. Allowances of Members.— (1) 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.

(2) Members of the Board other than the Official Members shall be paid travelling allowance for attending the meeting of the Board at such rates as are admissible to Group-‘A’ Officer of the State Government and daily allowances shall be calculated at the maximum rate admissible to Group-‘A’ Officer of the State Government.

15. Officers and staff of the Board.— (1) The Member Secretary of the State Board shall be its Chief Executive Officer.

(2) The State Board may utilise the services of the officers and other staff of the State Labour Directorate (both at the Headquarters and in the field) for discharge of the functions under the Code, till regular arrangement of its staff is made.

(3) The salaries and other allowances of the officers and other staff of the State Board shall be such as may be decided by the State Government, from time to time.

(4) For smooth functioning of the Board, the Secretary and other officers and employees of the Board may visit to different States or districts and the expenditure incurred towards the said visit may be met from the funds of the Board within its administrative expenses.

(5) Subject to the financial capability, the Board may appoint its own staff and provide their salaries, allowances and other remuneration from its fund at such rate as may be decided by the Board from time to time.

(6) A senior officer belonging to Odisha Financial Service cadre may be deputed by the State Government to the Board to look after the financial matters of the Board.

(7) The Board may in consultation with the State Government, open or shift or close District and Regional Offices, as it may consider necessary for the purpose of

implementing the welfare schemes under the Code, taking into account the actual requirement of the such offices.

16. Constitution and administration of Fund under sub-section (5) of Section 141.—

(1) The Fund constituted by the State Government under sub-section (5) of section 141 shall be called as Odisha Unorganised Workers Social Security Fund to which there shall be credited the amount received from the following sources to, -

- (i) composition of offences under the code relating to the State Government;
- (ii) amount allotted under the budgetary provisions of the State Government for the establishment of the fund;
- (iii) amount of grant given by the Central Government;
- (iv) amount received for implementation of the scheme notified by the Central Government;
- (v) contribution or donation or any other financial support from employer, their association or from Corporate Social responsibility (CSR) Fund as determined by the State Government by general or special order.

(2) All fund received under clause (i) and (ii) of sub-section (5) of Section 141 shall be kept in a separate Bank Account in a Scheduled Bank and such fund shall be administered and transacted by the Board.

(3) The fund of the Board shall be expended for the implementation of the welfare schemes, for unorganised workers, of the State and Central Government and for meeting out the administrative expenses of the Board, but limit of the administrative expenses shall not be more than ten percent of expenditure on such Scheme.

17. Administrative and Financial Powers of the Member Secretary.—

(1) The Member Secretary shall, with the approval of the Chairperson, issue notice to convene meetings of the Board and keep record of minutes and shall take necessary steps for carrying out the decision of the Board.

(2) The Member Secretary shall open a Savings Bank Account in a Nationalized Bank in the name of Odisha Unorganized Workers' Social Security Board and shall operate the said Account.

(3) All administrative expenditure up to Rupees five lakhs at a time shall be sanctioned and drawn under the signature of the Member Secretary and such expenditure in excess of Rupees five lakhs at a time shall be approved by the Vice Chairperson prior to disbursement by the Member Secretary of the Board and such financial power of the Member Secretary and the Vice Chairperson shall be altered by the Board when felt necessary.

- (4) The Member Secretary may also exercise such other administrative and financial powers, as may be delegated to him, from time to time, by the Board on recommendation of the Chairperson.
- (5) The Member Secretary shall ensure opening of an account at the district level which shall be operated jointly by the District Collector and the District Labour Officer.
- (6) All expenditure including distribution of benefits under the Board shall be sanctioned by the District Collector and expenditure up to Rupees five thousand and all expenditure in excess of Rupees five thousand at a time shall be made by the District Collector and the District Labour Officer, jointly.
- (7) The Board may, from time to time, delegate, subject to such conditions as it may deem fit, administrative and financial powers to any other Officer under the control and supervision of the Board to such extent, for such purpose and subject to such conditions as may be specified in the delegation, for its efficient functioning.
- (8) The accounts of the bank shall be reconciled once in every quarter with the Cash Book of the Board. The consolidated debits and credits of bank account shall tally with the income and expenditure of the fund. A bank reconciliation statement shall be made at the end of every quarter to explain inconsistencies between the fund account maintained in the Board and the bank accounts.
- (9) The Member Secretary shall ensure that, —
 - (i) the accounts of the Board on all income and expenditure shall be maintained annually as per the provision of section 115;
 - (ii) the income and expenditure of the Board shall be audited annually as per the provision of section 116;
 - (iii) the budget of the Board shall be framed annually and submitted to the State Government as per the provision of section 117; and
 - (iv) the annual report on the works and activities of the Board shall be prepared annually and submitted to the State Government as per the provision of Section 118.

18. Budget of the Board.— The budget estimate of the Board containing estimated receipt and expenditure for every financial year shall be prepared and laid before the Board by 31st January of every year and the Board shall approve the budget before the 31st March for which the details of all immovable and movable assets of the Board including the bank deposits, expenditure incurred on welfare schemes, administration and other subheads against the current year's approved budget and a detailed progress report on the functioning of the Board during the current year, shall be placed before the Board for consideration after which the budget shall be submitted to the State Government for its approval.

PART-B

Odisha Building and Other Construction Workers' Welfare Board

19. Constitution of the Odisha Building and Other Construction Workers' Welfare Board.—

(1) The "Board" constituted under sub-section (1) of Section 7 shall be called as the 'Odisha Building and Other Construction Workers' Welfare Board'(hereinafter in this part referred to as the Board).

(2) The Odisha Building and Other Construction Workers' Welfare Board shall consist of the following members, namely:—

- (i) A Chairperson to be nominated by the State Government.
- (ii) A member to be nominated by the Central Government.
- (iii) Five members representing the building and other construction workers to be nominated by the State Government.
- (iv) Five members from among the employers of building and other construction workers to be nominated by the State Government.
- (v) Five members representing the State Government connected with the activities covered under these Acts, to be appointed by the State Government.

(3) At least one of the members of the Board nominated under clauses (iii) (iv) and (v) of sub-rule (2) shall be a woman.

20. Terms of office of the Board.—(1) 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 or as the case may be nomination.

(2) The State Government shall initiate the process for reconstitution of the Odisha Building and Other Construction Workers' Welfare Board, prior to six months of expiry of the term of the Board.

(3) If the new Board is not re-constituted after completion of the term of the Board, the Chairman shall be deemed to have vacated his office and the State Government may by notification direct that the Secretary of the Board may function as the Chairperson till the new Board is constituted:

Provided that the members may continue to officiate till their successors are appointed. (4) All actions taken during the interim period shall have the same effect as if it has been carried out by the Board itself.

21. Resignation.— A member of the Board, not being an ex-officio member, may resign by a letter in writing, addressed to the Chairperson and his membership shall cease from the date on which his resignation is accepted by the Board or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

22. Filling of casual vacancies.— When a vacancy occurs in the nominated members of the Board due to death, resignation or otherwise, the State Government may, by notification nominate one more person to fill such casual vacancy and the person so nominated shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

23. Cessation of Membership.— If any member of the Board, not being an ex-officio member, fails to attend three consecutive meetings of the Board without obtaining the leave of the Chairperson for such absence, he shall cease to be a member of the Board:

Provided that the Board may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Board.

24. Fees and Allowances.— (1) The Chairperson shall be paid an honorarium and other allowances and facilities as may be fixed by the State Government, from time to time.

(2) Every non-official member of the Board shall be paid a sitting allowance of Rs.2000/- or an amount as may be fixed by the State Government, from time to time, for attending the meeting of the Board.

(3) Every non-official member shall be allowed travelling allowance and daily allowance for attending a meeting of the Board at such rate as admissible to Group 'A' officers of the State Government.

(4) All such expenditures shall be met from the funds of the Board within its administrative expenses.

(5) The travelling allowance and daily allowance of an official member shall be governed by the rules applicable to him for journey performed on official duties and shall be paid by the respective Department.

25. Appointment of Secretary and other Officers.—(1) The Board may, with prior approval of the State Government, appoint an Officer from the Directorate of Labour not below the rank of Joint Labour Commissioner on deputation as Secretary of the Board who shall receive his pay and other allowances from the budget provisions of the Labour Department of the Government.

(2) The Board shall utilize the services of the officers and other staff of the State Labour Directorate for due discharge of its functions, both at the Headquarters and in the field, in addition to their own duties who shall receive their pay and other allowances from the budget provisions of the Labour Department of the Government.

- (3) For smooth functioning of the Board, the Secretary and other officers and employees of the Board may visit to different States or districts and the expenditure incurred towards the said visit shall be met from the funds of the Board within its administrative expenses.
- (4) Subject to the financial capability, the Board may appoint its own staff and provide their salaries, allowances and other remuneration from the funds of the Welfare Board at such rate as may be decided by the Board from time to time.
- (5) A senior officer belonging to Odisha Financial Service cadre may be deputed to the Welfare Board to look after the financial matters of the Board.
- (6) The Board may in consultation with the State Government, open or shift or close District and Regional Offices, as it may consider necessary for the purpose of implementing the welfare schemes under the Code, taking into account its financial condition and the actual requirement of the such offices.

26. Administrative and Financial Powers of the Secretary.— (1) The Secretary of the Board shall be its Chief Executive Officer.

- (2) The Secretary shall, with the approval of the Chairperson, issue notice to convene meetings of the Board and keep record of minutes of the meeting and shall take necessary steps for carrying out the decision of the Board.
- (3) The Secretary of the Board may, with the approval of the Chairperson, sanction funds and allow expenditure for contingencies upto a limit to be authorized, from time to time, by the Welfare Board:

Provided that, the Secretary may incur expenditure up to Rupees One lakh to meet unforeseen exigencies without being authorized by the Board but with the approval of the Chairperson.

- (4) The Secretary may also exercise such other administrative and financial powers other than those specified in sub-rule (3), as may be delegated to him, from time to time, by the Welfare Board on recommendation of the Chairperson.
- (5) The Board may, from time to time, delegate, subject to such conditions as it may deem fit, administrative and financial powers to any other Officer under the control and supervision of the Board to the extent considered necessary for its efficient functioning.
- (6) The Board may, with the prior approval of the Government, delegate financial powers to the Collector of the district and other officers of the State Government to such extent, for such purpose and subject to such conditions as may be specified in the delegation.

27. Amount in connection with premium for Group Insurance Scheme of the beneficiaries under clause (c), the educational schemes for the benefit of children of the beneficiaries under clause (d) and the medical expenses for treatment of major ailments of a beneficiary or, such dependant under clause (e) of sub-section (6) of Section 7.— The Odisha Building and Other Construction Workers' Welfare Board shall,-

- (i) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries;
 - (ii) frame educational schemes for the benefit of children of the beneficiaries; and
 - (iii) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant,
- as may be notified by the State Government from time to time.

CHAPTER-III

Employees Insurance Court

28. 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.— (1) The Insured Person or the Corporation may appeal to the Employees' Insurance Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

Provided that the Employees' Insurance Court may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application for appeal within the said period.

(2) The application to the Employees' Insurance Court, shall be in **Form-I**.

29. 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.— (1) The State Government, by notification, shall constitute an Employees' Insurance Court under section 48, for such local area as may be specified in the notification.

(2) An Application under section 49 shall be presented in triplicate in Form-II and shall contain the following particular, namely:-

(a) The Name of the Court in which Application is brought.

(b) Full name description including age, occupation and

(c) 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 full postal address of his or her guardian, next-of-kin, or any other person authorized to act on his or her behalf.

(d) The fact constituting the cause of action and the date when it arose.

(e) The facts showing that court has jurisdiction.

(f) The relief which the applicant claims.

(3) Every application shall be verified in the same manner as a pleading in a Civil Court.

(4) All documents on which the application is based or has desired by applicant shall be appended to application with an accurate list thereof;

(5) All applications shall be entered in a register in Form-III to be maintained by the Court.

(6) Every application to the Court shall be brought within three years on which the cause of action arose or as the case may be, the claim becomes due;

(7) Where at any stage it appears to the Court that the application should be presented to another Court, or should be entertain by the another Court, the first mention Court shall transfer the application along with the file of the case to the Court empowered to deal with it and shall inform the applicant and the opposite party accordingly and the Court to which the application along with the file is transferred shall continue the proceedings as if the previous proceedings or any part of it had been taken before it.

(8) The Court shall follow the rules of Code of Civil Procedure (5 of 1908) in respect of summoning of the parties, service of summon, procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.

(9) The fee payable on an application in respect of any matter referred to in Section 49 shall be Rs. 100/- (rupees one hundred), however, the State Government may enhance the fees by notification, from time to time.

(10) The fee and costs payable in respect of any other matters shall be such as is prescribed by the relevant laws for the time being in force.

(11) All fees and costs referred to in this rule shall be collected by way of Court fee stamps.

CHAPTER-IV

GRATUITY

30. 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 by the employer for the benefit of such minor in term deposit with the State Bank of India or any Nationalised Bank.

Explanation.— "Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) with reference to section 3 of that Act or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) with reference to Section 3 of that Act.

31. 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 under sub-section (1) of Section 55 shall be in Form-IV 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.

(2) 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, he shall submit the same within ninety days from the date of such commencement and in the case of an employee who completes one year of service after the date of commencement of these rules, he shall submit the same within thirty days of the completion of one year of service:

Provided that nomination in **Form-IV** 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) Within thirty days of the receipt of nomination in **Form-IV** under sub-rule (1), the employer shall verify the service particulars of the employee, as mentioned in the form of nomination, or caused to verify with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in **Form-IV** duly attested either by the employer or an officer authorised in

this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be retained.

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

(5) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in **Form-IV** to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (3) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(6) 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 left thumb impression and shall be submitted by the employee electronically or by registered post acknowledgement due.

(7) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

32. Time within which and the form in which a written application shall be made under sub-section (1) of Section 56.-

(1) An employee who is eligible for 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-IV 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 at least one year and for subsequent period in excess of six months and above, but less than one year, shall be rounded off to one additional year.

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

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

- (3) A legal heir of an employee who is eligible for gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within one year from the date the gratuity became payable to him, in **Form-V** to the employer.
- (4) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in sub-rules (1), (2) and (3) shall be deemed to be operative from the date of such commencement.
- (5) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period and any dispute in this regard shall be referred to the competent authority for his decision.
- (6) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

33. Notice for payment of gratuity.- (1) Within fifteen days of the receipt of an application under sub-rule (1) of rule 32 for payment of gratuity, the employer shall,-

- (i) if the claim is found admissible on verification, issue a notice in **Form-VI** to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof, or
 - (ii) if the claim for gratuity is not found admissible, issue a notice in **Form-VI** to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible.
- (2) A copy of the notice in Form-VI referred to in sub-rule (1) shall be endorsed to the competent authority.
 - (3) 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-VI** under sub-clause (i) of sub-rule (1) 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.

(4) 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 and in that case, the time limit specified for issuance of notices under sub-rule (1) 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.

(5) A notice in **Form-VI** shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.

(6) A notice under sub-section (2) of section 56 shall be in **Form-VI**.

34. 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.

35. Form of Application to competent authority for direction under clause (b) of sub-section (5) of section 56.— (1) If an employer-

- (i) refuses to accept a nomination under sub-rule (2) of rule 32 or to entertain an application sought to be filed under sub-rule (1) of rule 32, or
- (ii) issues a notice under sub-rule (1) of rule 33 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) of rule 32 fails to issue notice as required under rule 33 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-VII** to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:

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.

(2) An application under sub-rule (1) and other documents relevant to such an application shall be presented in person to the competent authority or shall be sent by registered post acknowledgement due or electronically.

36. Procedure for dealing with application for direction.— (1) On receipt of an application under sub-rule (1) of rule 35, the competent authority shall, by issuing a notice in **Form-VIII**, 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.

(2) 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 and 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.

(3) A party appearing by an authorised representative shall be bound by the acts of the representative.

(4) After completion of hearing on the date fixed under sub-rule (1), 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 and such finding shall be given to each of the parties.

(5) 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 and 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 this sub-rule may, on good cause being shown within thirty days of receipt of the said order, be reviewed and the application shall be re-heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

37. 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.

38. Administration of oath.— The competent authority may authorise a clerk of his office to administer oaths for the purpose of making affidavits.

39. 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-VIII** either to give evidence or to produce documents or for both purposes on a specified date, time and place.

40. Service of summons or notice.— (1) Subject to the provisions of sub-rule (2), 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).

(2) 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 authorized 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 authorized person shall be deemed to be the service on such persons.

41. Maintenance of records of cases by the competent authority.—(1) The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and put the date on the particulars so recorded.

(2) 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.

(3) 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.

42. Direction for payment of gratuity.— If a finding is recorded under rule 41 and the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in **Form-IX** electronically or registered post acknowledgement 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 and a copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

43. Appeal.— (1) 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.

(2) 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.

(3) 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.

(4) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.

(5) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments on each paragraph of the Memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.

(6) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard and a copy of the said 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.

(7) 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.

(8) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in **Form-IX** specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer and a copy of the said notice shall be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.

44. Application for recovery of gratuity.— Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under rule 41 or sub-rule (8) of rule 43, as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in Form-X for recovery thereof under section 129.

45. Manner of registration of an establishment by the employer under sub-section (3) and the manner of composition of the Board of Trustees of the approved gratuity fund and the manner in which the competent authority may recover the amount of the gratuity payable to an employee from the insurer under sub-section (4) of Section 57.-

(1) The State government shall notify the manner of registration of an establishment by the employer under sub-section (3) of Section 57.

(2) The composition of the Board of Trustees of the approved gratuity fund shall be notified by State Government.

(3) All registration shall be done electronically in Form-XI.

(4) Any amount directed to be paid under section 57 shall be recoverable as an arrear of land revenue.

46. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of Section 58.- The qualification and experience of the officer to be appointed as the competent authority shall be notified by the State Government.

CHAPTER-V

MATERNITY BENEFIT

47. Complaint and Appeal under sub-section (1) section 72.- (1) A complaint under sub-section (1) of section 72 shall be made in writing in Form-XII.

(2) When a complaint referred to in sub-section (1) of 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 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 by order, 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 such period mentioned in the said order:

Provided that the time limit for disposal of the complaint shall not exceed 90 days from the date of filing of complaint and in case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the complaint.

(3) Any person aggrieved by the order of the Inspector-cum-Facilitator under sub-rule (2) shall file an appeal to the Competent Authority.

(4) The appeal shall be in writing to the competent Authority in **Form-XIII** which shall be with the supporting documents.

(5) When an appeal is received, the competent Authority shall call from the Inspector-cum-Facilitator before a fixed date, the record of the case and he shall, if necessary, also record the statements of the aggrieved person, and of the Inspector-cum-Facilitator and seek clarification, if any, is required.

(6) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the competent Authority shall give his decision within a period of ninety days from the date of filing of the appeal before him and in case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.

CHAPTER-VI

EMPLOYEES COMPENSATION

48. Amount to be deposited towards the 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 employee results in death, the employer shall in addition to compensation under the Code, deposit with competent authority a sum of Fifteen thousand rupees for payment of the same to the eldest surviving dependents 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.

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

(i) by the employer, on the ground that since the right to compensation was determined, the employee's wages have increased;

(ii) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;

(iii) by the employee, on the ground that the employer, having commenced to 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;

(iv) either by the employer or by the employee, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;

(v) 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 face of the record.

50. Class of employers and the form of notice-book under sub-section (4) of section 82.—Every employer to which the Code applies shall maintain a notice book in accordance with sub-section (4) of Section 82 in Form-XIV.

51. Interval for medical examination under the proviso to sub-section (1) of section 84.— 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.

52. Form of statement to be submitted by the employer under sub-section (1) of section 88.— The statement required under sub section (1) of section 88 shall be in Form-XV.

53. Manner of recording the memorandum in a register by the competent authority under sub-section (1) of section 89.— (1) The 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 circumstances of the case admit with, Form XVI, or Form XVII, or Form XVIII, as the case may be.

(2) On receiving a memorandum of agreement, the Competent authority shall, for taking decision to record memorandum or refusing to record, shall issue notice to parties to agreement in Form-XIX fixing the date and place of hearing that in default of objections he proposes to record the memorandum on the date so fixed and the notice under this sub-rule may be sent personally or through registered post or speed post or electronically:

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

(3) On the date so fixed, the Competent Authority, after hearing the parties to agreement shall take decision to record or refuse to record the memorandum:

Provided that the issue of a notice under sub-rule (2) shall not be deemed to prevent the Competent authority from refusing to record the memorandum on the date so fixed even if no objection is made by any party concerned.

(4) If on such date the Competent authority decides that the memorandum ought not to be recorded, he shall inform his decision to the parties

present and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send information to that party.

(5) In recording a memorandum of agreement, the Competent authority shall cause the same to be entered in a register in Form-XX and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following terms, namely:-

“The memorandum of agreement bearing Serial No. _____ of 20
in the register has been recorded this _____ day _____ of 20 _____.

(Signature)

Competent Authority”

54. Other experience and qualifications for appointment as a competent authority

under sub-section (1) of section 91.— The State Government may, by notification, appoint any Group-A officer of the Labour and Employee’s State Insurance Department, Odisha not below the rank of Divisional Labour Commissioner having educational qualification as determined for the post by the State Government to be the Competent Authority for employee’s compensation within defined jurisdiction.

55. Manner in which matters may be dealt with by or before a competent authority

under sub-section (1) of section 92.—When the application for relief is based upon a document, the document shall be appended to the application.

Provided that with the prior permission of the competent authority, documents may be submitted during hearing of application.

56. Time-limit for disposal of application and costs incidental to the proceedings

under sub-section (4) of section 93.— (1) The competent authority shall dispose of the matter relating to compensation under this Act within a period of three months from the date of reference and intimate the decision in respect thereof within the said period to the employee.

(2) Cost.— All costs, incidental to any proceedings before a competent Authority , shall, subject to rules made under this Act, be in the discretion of the Commissioner.

Provided that with the prior permission of the competent authority, documents may be submitted during hearing of application.

57. Application presented to wrong competent authority. — (1) If it appears to the

Competent authority on receiving application that it should be presented to another Competent authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and designation of the competent authority to whom it should be presented.

(2) If at any stage of case it appears to competent authority the application should be entertained by another competent authority, he shall send file of the case to that authority and who has the jurisdiction, and inform to applicant and other parties.

(3) The competent authority to whom the case has been transferred, shall continue to proceed as if the previous proceedings were done before him, if he is satisfied that it will not adversely affect the interest of parties.

(3) Summary dismissal of application.— (1) The Competent authority may after considering the application and the result of any examination of the applicant, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

Provided that dismissal of the application shall not preclude the applicant from presenting a fresh application for the settlement of the same matter.

(2) If the application is not summarily dismissed by the competent authority, he shall issue notice to opposite party or parties against whom relief is sought together with copy of application and other documents appended.

(3) The opposite party, if desires to contest the claim, may file a written statement accompanied with documents, and if no written statement has been filed, the competent authority shall proceed to examine him upon the claim, and shall reduce the result of such examination to writing.

(4) If the opposite party files the written statement, the applicant may file rejoinder with documents.

59. Framing of issues.— (1) After considering any written statement and the result of any examination of the parties, the Competent authority may frame issues for decision of the case, if he thinks necessary.

(2) Where the issues of law and of facts are framed and if authority is of opinion that the case may be decided on issues of law, he shall proceed to hear on those issues and after decision on the issues of law, hearing on issues of facts shall be proceeded.

60. Diary. — The Competent authority shall cause to be maintain a brief diary of the proceedings on an application filed before him.

61. Special Provision relating to trial and disposal of application under the Code—

(1) Every application under the Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the application on the opposite party.

(2) In the cases, where the period of six months has been expired, hearing shall be conducted day by day.

62. Evidence.— (1) After framing of issues, parties may submit their evidence on affidavit, on which opposite party shall have right to cross examination.

(2) On application by any party to the proceedings and on deposit of fees and expenses fixed by the competent authority, the competent authority may summon any witness whose evidence, he thinks necessary for just decision of the case.

(3) The evidence of all witnesses shall be recorded in the presence of competent authority and shall be authenticated by his signature and seal.

63. Scale of Fee.— Fees relating to proceedings of the case shall be such as determined by State Government from time to time provided if in any matter the applicant for any reason is unable to pay the fee in advance, the competent authority may proceed without deposit of advance fee and may direct that payment of the fee shall be due after final decision in the case.

64. Incidental Costs.— (1) Any party to the dispute who desires to get certified copies of decision, decree, or other document may get decision, decree, or other document on payment of cost at the following rate, namely:-

(i) The cost for the copies of any document of record or statement or order or decree shall be Rs. 2/- per page along with Rs. 10/- for the application for the copies.

(ii) The cost of service or summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as it may specify therefore

(iii) The court may, whenever it finds either on applications of applicant or otherwise that the applicant is unable to pay the cost it may exempt the applicant from the payment of cost.

(iv) Any person who is not a party to dispute, may get the certify copy of decision, decree or other documents except the confidential documents, on payment of the fees prescribed in this rule.

65. Procedure in connected cases.—(1) Where two or more cases pending before a Competent authority arise out of the same accident and any issue involved in common to two or more such cases, such cases may so far as the evidence bearing on such issue is concerned, be heard simultaneously.

(2) Where action is taken under sub-rule (1) the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Competent authority shall certify under his hand on the record of any such other case the extent to which the

evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present, they shall have the right of cross examining the witnesses.

66. Manner of authentication of memorandum under section 97.— The method of recording evidence, examination of witness and memorandum shall be authenticated under the hand of the Competent Authority and the Competent Authority shall follow the procedure under the Code of in discharging the said functions.

CHAPTER-VII

SOCIAL SECURITY AND CESS IN RESPECT OF BUILDING AND OTHER CONSTRUCTION WORKERS

67. Time limit to pay the amount of cess under section 101.— (1) Date of payment of cess 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, as the case may be, as required under section 100 and the rules made by the Central Government in this regard.

(2) If any employer fails to pay any amount of cess payable under section -100, within such time as may be specified in the assessment order, or 30days from the date of issue of the assessment order, whichever is earlier, such employer shall be liable to pay interest on the amount of cess to be paid, at the rate of 1% for every month or part of a month comprised in the period from the date on which such payment was due till such amount is actually paid.

68. Fees for appeal under sub-section (2) of Section 105.— An employer aggrieved by an order of the assessment may file an appeal against such order, to the Appellate Authority as notified by the State Government in this regard with a non-refundable fee equivalent to one-half percent, 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

69. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to 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.- In case of social security organisations in the State like the Odisha Unorganised Workers' Social Security Board and the Odisha Building and Other Construction Workers' Welfare Board constituted by the State Government, such matters under sub-section (1), (2), (3) and (4) of Section 120 may be as notified by the State Government, from time to time.

70. Conditions and manner of writing off irrecoverable dues under section 121.—

(1)Where the Social Security Organisations in the State like the Odisha Unorganised Workers' Social Security Board and Odisha Building and the Other Construction Workers' Welfare Board constituted by the State Government is of the opinion that the amount of contribution, cess, interest and damages due to the said Boards has become irrecoverable, the said Boards or any other officer authorised by it 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;

(ii) decree obtained by the said Boards could not be executed successfully for want of sufficient assets of the defaulting employer; or

(iii) claim for contribution is not fully met by,-

(a) the Official Liquidator in the event of factories or establishments having gone into liquidation; or

(b) the Commissioner of payments in the event of unit being nationalised or taken over by the Government.

CHAPTER-IX

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

71. Other powers of Inspector-cum-Facilitator under clause (e) of sub-section (6) of section 122.— In addition to powers under sub-section (6) of Section 122, the Inspector-cum- Facilitator may exercise such other powers and shall perform such other duties as may be assigned by State Government by general or special order.

72. Form and manner for maintenance of records and registers and other particulars and details under clause (a), manner and form for display of notices at the work places of the employees under clause (b) and the manner and period of filing returns to the officers or authority under clause (d) of Section 123.- (1)The employer of every establishment shall maintain,-

(i) Register of employees in Form-XXI;

- (ii) Register of attendance-cum-muster roll in Form-XXII;
- (iii) Register of wages, over time and deduction in Form-XXIII;
- (iv) Register of women employees in Form-XXIV.

(2) Registers under this chapter shall be maintained electronically or otherwise.

(3) Entries in the registers shall be made in English and Odia language.

(4) Every employer shall produce records and registers, on demand before the Inspector cum-Facilitator or any person authorized in that behalf by the State Government.

(5) All the registers and other records shall be preserved in original for a period of five calendar years from the date of last entry made therein.

(6) Every employer shall issue wage slips, electronically or otherwise to the employees under clause (c) of section 123 before 24 hours of payment of wages in Form-XXV.

(7) In respect of establishment which are required to maintain register under the rules framed under the Code on Wages, 2019 or the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020), the following registers and wage slip required to be maintained by the employer of the establishment under those codes and the rules made thereunder shall be deemed to be maintained by the employer under these rules, namely:-

- (i) Register of employees.
- (ii) Register of Attendance-cum-Muster Roll.
- (iii) Register of Wages, over time and deductions.
- (iv) Wage slip.

(8) All registers and other records required to be maintained under this Code and under this Rules shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a place within a radius of three kilometers.

(9) The employer to which the provisions of Chapter V and Chapter VI of the Code applies, on or before the 28th or 29th day of February in each year, file a unified annual return in **Form-XXVI** electronically or upload through online mode on the designated web portal of the State Government in the Labour and Employee's State Insurance Department 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).

(10) If the employer to which the provisions of Chapter V and Chapter VI of the Code applies, sells, abandons or discontinues the working of the establishment, then, he shall, within one month from the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, file electronically or upload through online mode on the designated web portal of the State Government in the Labour and Employee’s State Insurance Department, a further unified return in Form-XXVI referred to in sub-rule (9) 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

73. Manner of compounding of offences by the authorized officer and Form and manner of application for compounding of an offence under sub-section (4) of section 138.— (1) The officer authorized by the State Government by notification for the purposes of compounding of offences under sub-section (1) of Section 138 shall issue electronically or by registered post or speed post a notice for compounding the offences in Form-XXVII which are compoundable under section 138.

(2) The person to whom the notice under sub-rule (1) is issued, he may apply in Part III of the **Form-XXVII** to the officer electronically or by registered post or speed post and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

(3) The authorized Officer shall issue a composition certificate in Part IV of **Form-XXVII** electronically or by registered post or speed post within ten days of receipt of the composition amount, to such person from whom such amount has been received in compliance of the composition notice.

(4) If a person to whom the notice is issued, 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.

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

CHAPTER-XI
MISCELLANEOUS

74. Such other sources of funding and the manner of administering and expending of the fund under sub-section (5) of section 141.— (1) There shall be established a Social Security Fund by the State Government for the welfare of the Unorganised Workers under sub-section (5) of Section 141 and shall be named as Odisha Unorganised Workers' Social Security Fund.

(2) In addition to source of fund mentioned in clause (i) sub-section (5) of Section 141, the amount received from the following sources shall be credited to this fund, namely:-

(i) Amount given by the State Government for the establishment of the fund.

(ii) The amount of grant given by the Central Government, the State Government and other authorities and statutory bodies.

(iii) Amount received for registration or renewal of beneficiaries and their contribution.

(iv) Amount received for implementation of the scheme notified by the Central Government.

(v) Amount received for implementation of the scheme notified by the State Government.

(vi) Contribution or donation or any other financial support from employer, their association or from Corporate Social Responsibility (CSR) Fund as determined by the State Government by general or special order.

(vii) Funds received under sub-section (1) Section 115 of the Occupation Safety, Health and Working Conditions Code, 2020 relating to the State Government.

(viii) Any other source which is approved by the State Government through notification.

(3) The State Government shall identify other sources for funding or replenishing the Social Security Fund, from time to time.

(4) The fund shall be administered by the State Government through Odisha Unorganised Workers' Social Security Board.

(5) The Odisha Unorganised Workers' Social Security Board may also engage any institution for the administration of the fund, in the manner, as notified by the State Government and in such case directions of the State Government, if any, shall be complied by such institution for the administration of the Social Security Fund.

(6) The statement of accounts of Social Security Fund shall be maintained by the Odisha Unorganised Workers' Social Security Board or the institution engaged by the Odisha Unorganised Workers' Social Security Board, as the case may be, in the form and manner as specified by the State Government and shall be submitted to the State Government from time to time.

(7) The accounts of the Social Security Fund shall be audited by the Accountant General, Odisha.

76. Manner of determining the misuse of any benefit by an establishment or by any other person under section 148.— On recommendation of the Authority or Competent Authority or Social Security Organisation, if the State Government is satisfied that any establishment or any person has misused any benefit provided to him under this Code or these rules, then the State Government may by notification, deprive such establishments 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 order shall be passed unless an opportunity of being heard is given to such establishment or other person, as the case may be.

77. Adoption of procedure prescribed by Central Government.— Notwithstanding anything contained in these rules, wherein the State Government is the appropriate Government, but the Central Government has been empowered to prescribe any procedure under the Code, the State Government shall adopt the same procedure as prescribed by the Central Government.

FORM-I
[See rule 28 (2)]
APPEAL TO EMPLOYEES' INSURANCE COURT

To,
The Authority,
(Appointed under the Code on Social Security, 2020)
.....(Address)

Sir,
I....., the undersigned, employee of
..... (Name and full address of the establishment) feel
aggrieved by the order of under sub section 7(a) of
section 37 for the reasons attached hereto, prefer this second appeal under sub-section
7(b) of section 37 and request that the said be ordered
.....

A copy of the order of in this behalf is
enclosed.

**Signature or thumb impression
of the Aggrieved person**

Date

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

FORM-II
[See rule 29 (2)]
APPLICATION TO EMPLOYEES' INSURANCE COURT

In the Employees, Insurance Court at

.....
.....
.....
Applicant

(add description and residence) Against

.....
Opposite Party (add description and residence) Other Particulars of Application specified
in rule 8(2)
.....
.....

Signature of Applicant

Date

(Verification by the Applicant)

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

Date

.....
Signature

FORM-IV

[See rule 31]

NOMINATION/FRESH NOMINATION/MODIFICATION OF NOMINATION

(Strike out the words not applicable)

To.....

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

I, Shri/Shrimati/Kumari.....(Name in full here)whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/ have acquired a family within the meaning of clause (33) of section 2 of Code on Social Security, 2020 with effect from the(date here) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

or

I, Shri/Shrimati/Kumari.....(Name in full here) whose particulars are given in the statement below, hereby give notice that the nomination filled by me on date and recorded under your reference No.....dated..... shall stand modified in the following manner:-

**Strike out unnecessary portion.*

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.

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)

Sl. 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..... Post-Office..... Thana..... Sub-Division..... District..... State.....
 Pin-Code..... 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-IV** filed by me and duly certified by the employer.

Date:

Signature of the Employee

FORM-V

[See rule 32 (2) and (3)]

APPLICATION FOR GRATUITY BY AN EMPLOYEE/NOMINEE/LEGAL HEIR

(Strike out the words not applicable)

To

.....
(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), want 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 while in service with effect from the.....or;
- (c) death of aforesaid employee of your establishment while in service/superannuation on.....(date) without making any nomination after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in 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,

Place:

Date:

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

FORM-VI
[See rule 33]
NOTICE FOR PAYMENT/REJECTING CLAIM OF GRATUITY
(Strike out the words not applicable)

To

.....
.....

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

You are hereby informed that

(a) *as required under sub-clause (ii) of clause (a) of sub-rule (2) of rule 12 of the Odisha Social Security Rules, 2021, that your claim for payments of gratuity as indicated on your application in **FORM-V** under the said rules is not admissible for the reasons stated below:

Reasons(Here specify the reasons); or

(b) *as required under sub-clause (i) of clause (a) of sub-rule (2) of rule 12 of the Odisha Social Security Rules, 2021 that a sum of Rs. (Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made byon and.....recorded in thisas 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 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 having jurisdiction.

FORM-VII

[See rule 35 (1)]

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)

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 Odisha Social Security Rules, 2021 on thebut the above-mentioned employer refused to entertain it/issued a notice dated the..... under clauseof sub-rule of ruleoffering 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.

Place:

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-VIII

[See rules 36 (1) and 39]

NOTICE FOR APPEARANCE BEFORE THE COMPETENT AUTHORITY/SUMMON

(Strike out the words not applicable)

To,

(Name and address of the employer/applicant)

Whereas Shrian employee under you/a nominee(s)/legal heir(s) of Shri.....an employee under

the above-mentioned employer, has/have filed an application under sub-rule (4) of rule 35 of the Odisha Social Security Rules, 2021 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 of20..... 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 in the case arising out of the claim for gratuity by..... Form..... 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 day of20..... at '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, thisday of20.....

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-IX

[See rules 42 and 43 (8)]

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.....
an employee (address) under you/a
nominee(s)/legal heir(s) of latean 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 onrequiring 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, thisday 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)*

FORM-X
[See rule 44]
APPLICATION FOR RECOVERY OF GRATUITY

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/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 latean employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated theunder sub-rule (11) or sub-rule (12) of rule 35 of the Odisha Social Security Rules, 2021 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 129for 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-XI

[See rule 45 (3)]

**APPLICATION FOR REGISTRATION OF AN ESTABLISHMENT
UNDER SUB-SECTION (3) OF SECTION 57 (3).**

A. Establishment Details.

1. Retrieve details of Establishment through LIN/Registration Number:
2. Name of Establishment:
3. Location and Address of the Establishment:
4. Others details of Establishment:
 - a. Total Number of employees engaged directly in the establishment:
 - b. Total Number of the contract employees engaged:
 - c. Total Number of Inter-State Migrant workers employed:
5. Ownership Type/Sector:
6. Activity as per National Industrial Classification (NIC):
7. Details of Selected NIC Code:
8. Identification of the establishment e-sign/ digital sign of employer/ representative:

B. Details of Employer:-

1. Name & Address of Employer / Occupier / Owner/Agent/ Chief Executive-
2. Designation:
3. Father's/ Husband's Name of the Employer:
4. Email Address, Telephone& Mobile No:

C. Manager/ Agent Details

1. Full name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment;
2. Address of Manager/ Agent:
3. Email Address, Telephone& Mobile No :

D. Details of Approved Gratuity Fund/Insurance obtained for liability of payment towards the Gratuity;

E. Others Details:-

Signature/ E-sign/digital sign of employer

Dated:-

Place:-

FORM–XII

[See rule 47 (4)]

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.

FORM-XIII
[See rule 47 (4)]
APPEAL

To

The Authority,
(Appointed under the Code on Social Security, 2020)
..... (Address)

Sir,

I....., the undersigned, woman employee of..... (name and full address of the establishment)

*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 cum Facilitator in this behalf is enclosed;

or

*Shri....., Inspector-cum-Facilitator, having directed under subsection (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*).

I prefer this appeal under sub-section (3) of section 72. In view of the facts mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is not entitled to the maternity benefit or the said amount and hence the order of the Inspector-cum-Facilitator in the copy of which is enclosed, may be set aside.

**Strike out unnecessary portion.*

Signature or thumb impression of the Women
/Aggrieved person

Date.....

*Signature of an Attester in case the woman is
not able to sign and affixes thumb impression.
Full address of the nominee/legal representative*

FORM-XIV
(NOTICE BOOK OF THE ACCIDENTS)
[See rule 50]

Name of the Establishment.....
Nature of Business

Date of opening.....
Registration no (if any)-

Name of the employer/occupier.....

Date of accidents	Short detail of Accident	Name of the injured person	Whether accident result in death	Whether accident result in partial disablement	Whether accident result in partial disablement	Whether accident result in Temporary disablement	Amount of Compensation paid to employee or his dependent	Amount of Compensation deposited to Competent	Date of payment or deposit of Compensation
1	2	3	4	5	6	7	8	9	10

FORM-XV
[See rule 52]
STATEMENT OF FATAL ACCIDENTS

To
The Competent Authority,
.....

Sir,

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

(2). The circumstances relating to the death of the employee/employees were as under: -
a. Time of 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.

(3). I am responsible for payment of compensation.

(4). Details of employee
a. Name of the employee
b. Age of the employee
c. Wages of the employee

(5). The establishment is not responsible for payment of compensation due to reasons mentioned below

*(Signature and designation
of person making the statement)*

FORM-XVI

[See rule 53 (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 workman of the following nature, namely:-

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 The said employee has, prior to the date of the agreement, received the following payments, namely: --

Rs. on Rs. on
Rs. on Rs. on
Rs. on Rs. 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 Code on Social Security, 2020 in receipt of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated20.....
Witness

Signature of employer Witness

Signature or employee

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

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

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

Dated20.....

Employee

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 disease, agreement when employee is under legal disability, etc.

FORM-XVII

[See rule 53 (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 said in the course of 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. per month/no wages.

The said employee's 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 employer of the employee has agreed to pay and on behalf of the said employee has agreed to accept half-monthly payments at the rate 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 provisions of the said Act on account of an alteration in the earnings of the said employee during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are unaffected by this agreement it is therefore requested that this memorandum be duly recorded.

Dated 20.... .

Signature of employer

Witness

Signature of employee

Witness

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

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

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

Dated20 .

Employee

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 disease, etc.

FORM-XVIII

[See Rule 53 (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 death to the said workman.

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

The said employee has, prior to the date of the agreement, received the following payments, namely: --

Rs. on Rs. on

Rs..... on Rs. on

Rs.on Rs on

It is further submitted that the employer of the said employee has agreed to pay, and dependent(s) of the said employee has agreed to accept, the sum of Rs. in full settlement of all and every claim under the Code on Social Security, 2020 in receipt of death stated above. It is therefore requested that this memorandum be duly recorded.

Dated20..... .

Signature of employer

Witness

Witness

Signature or dependant(s)

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

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

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

Dated20.... .

Dependant(s)

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

Witness

FORM-XIX

[See rule 53 (2)]

REGISTER OF MEMORANDUM OF AGREEMENT

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 of Social Security, 2020 notice is hereby given that said agreement will be taken into consideration on 20 and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections it is my intention to proceed to the registration of the agreement.

Dated20

Competent Authority

FORM-XX

[See rule 53 (5)]

REGISTER OF AGREEMENT FOR YEAR 20.....

Sl. No.	Date of agreement	Date of registration	Employer	Employee	Initial of Competent Authority	Reference to orders rectifying the register

FORM-XXI**[See rule 72 (1)]****EMPLOYEE REGISTER**

(The register can also be maintained electronically capturing, inter-alia the following details)

Name of Establishment:		
Name of the Employer/owner:		
Labour Identification Number (LIN)/Registration Number of Establishment		
To be maintained for all employees of the establishments		
1.	Employee Code	
2.	Name	
3.	Surname	
4.	Gender	
5.	Father's/Spouse's Name	
6.	Date of Birth	
7.	Place of Birth	
8.	Nationality	
9.	Education level	
10.	Date of Joining	
11.	Designation	
12.	Category (unskilled, semi-skilled, skilled or highly skilled)	
13.	Type of employees / worker	
14.	Mobile Number	
15.	Universal Account Number (UAN)	
16.	PAN	
17.	PPF No.	
18.	Nominee	
19.	EPS/NPS	
20.	Details of Family	

21.	Details of Posting	
22.	Scale of Pay	
23.	Promotion	
24.	ESIC Insurance No.	
25.	Aadhaar number	
26.	Bank A/c No.	
27.	Bank	
28.	Branch(IFSC)	
29.	Present address	
30.	Permanent address	
31.	Service Book No.	
32.	Date of Exit	
33.	Reason for Exit	
34.	Mark of Identification	
35.	Photo	
36.	Specimen Signature/Thumb Impression	
37.	Remarks	

FORM-XXII

[See rule 72 (1)]

ATTENDANCE REGISTER-CUM-MUSTER ROLL

(The attendance register-cum-muster roll can also be maintained electronically capturing, inter-alia the following details)

		For the Month of , year 20.....
Name of Establishment:		
Name of the Employer/owner:		
Labour Identification Number (LIN)/Registration Number of Establishment		
1.	Serial Number	
2.	Employee Code	
3.	Name	

4.	Designation															
5.	Shift or relay															
6.	Place of work/department/section															
7.	Date and timings of In and Out															
	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
8.	Total number of days worked															
9.	Total number of extra hours worked															
10.	In case of tour or assignments outside the work place suitable entries may be made															
11.	Signature of Register keeper															

FORM-XXIII

[See rule 72 (1)]

REGISTER FOR WAGES, OVERTIME AND DEDUCTIONS

(The register can also be maintained in electronically capturing, inter-alia the following details)

Name of Establishment:		
Name of the Employer/owner:		
Labour Identification Number (LIN)/Registration Number of Establishment		
Wage Period from dd/mm/yyyy to dd/mm/yyyy (Monthly/Fortnightly/Weekly/Daily/Piece Rated)		
1.	Serial Number	
2.	Employee Code Number	
3.	Name	
4.	Designation	
5.	Rate of Wage	
	a)Basic	

	b)DA	
	c)Other allowance	
	d)Total	
6.	No. of days worked	
7.	Overtime hours worked	
8.	Amount of Wages Earned	
	a)Basic	
	b)DA	
	c)Other allowance	
	d)Payment of overtime	
	e)Total wages earned	
9.	Deductions	
	a)EPF	
	b)ESIC	
	c)Society	
	d)Income Tax	
	e)Insurance	
	f)Others	
	g)Recovery of Fine	
	h)Recovery of Damaged/Losses	
	Total Deductions	
10.	Net Payment	
11.	Receipt by Employees/Bank Transaction ID	
12.	Date of Payment	
13.	Initials of Employer/Representative	
14.	Remarks	

FORM-XXIV

[See rule 72 (1)]

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) & 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-XXV

[See rule 72 (6)]

Wage slip

Name of the Establishment				
Address:..... ...			Period:..... ..	
1.	Name of the Employee:			
2.	Father's/Spouse's Name:			
3.	Designation:			
4.	UAN:			
5.	Bank Account Number:			
6.	Wage period:			
7.	Rate of wages payable	a) Basic	b) D.A.	c) other allowances
8.	Total attendance/unit of work done:			
9.	Overtime wages			
10.	Gross wages payable			
11.	Total deductions	a) PF	b) ESI	c) Others
12.	Net wages paid			

FORM XXVI

[See rule 72 (9) and (10)]

Unified Annual Return

A. General Part:

(a) Name of the establishment.....

Address of the establishment:

House No./Flat No.....Street No./Plot No.....

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	Whether Registration obtained (Yes/No)		If yes (Registration No.)
(1)	(2)	(3)		(4)
1.	The Code on Occupational Safety Health and working condition code 2020.			
2.	The Code on Social Security 2020.			
3.	Any other State Labour Law for the time being in force that requires registration.			

Semi-skilled									
Unskilled									

G. (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:

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

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

1.	Total number of female employees in the establishment	
2.	Total number days of leave granted	
3.	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-XXVII

[See rule 73 (1)]

Notice to the Employer for an offence committed under the provisions of the Code for the first time for compounding of offences under sub-section (1) of section 138

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 entire amount mentioned in column 6 in Part-I 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)

(Name and designation of Officer)

Date:
Place:

To:

.....(Employer/Establishment)
.....(Name and registration number)
.....(Address)

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.

8. Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):

9. Details of the prosecution, if filed for the violation of above-mentioned offences may be given:

10. 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:

11. Any other information which the applicant desires to provide:

Signature of the applicant
(Name and Designation)

Date:

Place:

To:

.....(Employer/Establishment)
.....(Name and registration number)
.....(Address)

PART – IV
Composition Certificate

Ref: Notice No.....

Date:

This is to certify that the offence under sub-section of section 133—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:

To:

.....(Employer/Establishment)
.....(Name and registration number)
.....(Address)

By order of the Governor
CHITHRA ARUMUGAM
Principal Secretary to Government