

# MANIPUR



# GAZETTE

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**GOVERNMENT OF MANIPUR  
SECRETARIAT : SKILL, LABOUR, EMPLOYMENT &  
ENTREPRENEURSHIP DEPARTMENT**

## **NOTIFICATION**

Imphal, the 19<sup>th</sup> November, 2021

No. 5/44/2018-L&E(Pt): The following draft rules, which the Government of Manipur proposes to make in exercise of the powers conferred by sub-section (1) of sections 154, 156 and 158 of the Code on Social Security, 2020 (No. 36 of 2020) read with section 23 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the-

Manipur Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960

Manipur Payment of Gratuity Rules, 1982 and

Manipur Unorganized Workers Social Security Rules, 2016

made by the Government of Manipur in exercise of the powers conferred by the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959 (31 of 1939), the Payment of Gratuity Act, 1972 (39 of 1972) and the Unorganized Workers' Social Security Act, 2008 (33 of 2008), as the case may be, which are repealed by section 164 of the said Code on Social Security, except as respects things done or omitted to be done before such supersession, are hereby notified as required by section 158 of the said Code on Social Security, for information of all persons likely to be affected thereafter and the notice is hereby given that the said draft rules will be taken into consideration after the expiry for a period of forty-five days from the date on which the copies of the Official Gazette in which the rules is published are made available to the public;

Objections and suggestions, if any, may be addressed to the **Secretary (Skill, Labour, Employment & Entrepreneurship), Government of Manipur**, 2nd Floor, North Block (Western Wing), Manipur Secretariat, Imphal 795001 or by email: [bjohnt77@gmail.com](mailto:bjohnt77@gmail.com) / [support@manipurlabour.in](mailto:support@manipurlabour.in). The objections and suggestions should be sent in a Performa containing column (1) specifying the name and address of the person or 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 submitted and column (4) reasons thereof;

Objections and suggestions, which may be received from any person with respect to the said draft rules before the expiry of the period specified above will be considered by the Government of Manipur.

By orders & in the name of Governor,

**MAISNAM CHINGLEMBI LUWANG,**  
Under Secretary (Skill, Labour, Employment & Entrepreneurship),  
Government of Manipur.

# **THE CODE ON SOCIAL SECURITY (MANIPUR) RULES, 2021**

## **DRAFT RULES**

### **CHAPTER-I**

**1. Short title, extent and commencement:** (1) These rules may be called the Code on Social Security (Manipur) Rules, 2021.

(2) They shall extend to the whole of the state of Manipur.

(3) They shall come into force after the date of their final publication in the Official Gazette.

**2. Definitions:** In these rules, unless the subject or context otherwise requires;

(a) "Central Government" means the Government of India;

(b) "State Government" means the Government of Manipur;

(c) "Code" means the Code on Social Security, 2020(No. 36 of 2020);

(d) "Labour & Employment Department" means the Labour & Employment Department, Government of Manipur;

(e) "section" means section of the Code.

### **CHAPTER-II**

#### **STATE UNORGANIZED WORKERS' SOCIAL SECURITY BOARD**

**3. Terms and conditions of appointment and allowances of members of the State Unorganized Workers' Social Security Board:** The terms and conditions of appointment, allowance, cessation from membership, resignation, etc. of the members of the State Unorganized Workers' Social Security Board shall be as such as may be specified by the State Government in the constitution of the Board.

**4. Change of Address:** Change of address of the State Unorganized Workers' Social Security Board shall be notified by the member to the Member Secretary of the Board who shall thereupon enter the new address in the official records of the Board.

**5. Filling of Vacancies:** Where a vacancy occurs or is likely to occur in the membership of the State Unorganized Workers' Social Security Board, the Chairperson of the Board shall submit a report to the State Government and on receipt of such report the State Government may, by notification, nominate to fill the vacancy by making appointment from amongst the category of the persons to which the person vacating membership belonged and the person so nominated and appointed shall hold office for the remainder of the term of office of the member in whose place (s) he is appointed.

### CHAPTER-III

#### STATE BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE BOARD

**6. Terms of Office of Chairperson and Member.** (1) The chairperson of the State Building and Other Construction Workers' Welfare Board shall hold office for a period of three years from the date on which the appointment is notified in the Official Gazette.

Provided that he shall hold the office until the appointment of his successor is notified in the Official Gazette.

(2) A member of the Board shall hold office for a period of two years from the date on which his appointment is notified in the Official Gazette.

**7. Terms and conditions of appointment of Chairperson and the other members, salaries and allowance of Chairperson and other members of the State Building and Other Construction Workers' Welfare Board and the manner of filling of casual vacancies of the members of the Board:**

(1) The terms and conditions of appointment of the chairperson and other members of the State Building and other Construction Workers' Welfare Board shall be as such as the State Government, may by orders, specify.

(2) The Chairperson and other members of the Board shall be paid such salaries and allowance as may be specified by the State Government in the orders of their appointment.

(3) Notwithstanding anything contained above in sub-rule(2) of this rule, where a Government Servant is appointed as the chairperson or as member, the terms and conditions of the appointment shall be such as may be specified by the State Government from time to time.

**8. Resignation.** (1) The Chairperson of the State Building and Other Construction Workers' Welfare Board may resign from his office by a letter in writing to the State Government through the Secretary in the Labour & Employment Department. A member of the Board may resign from his office by a letter in writing to the State Government through the Secretary in the Labour & Employment Department with prior information to the Chairperson of the Board.

(2) The office of such Chairperson or member so resigned shall fall vacant from the date on which his resignation is accepted by the State Government or on the expiry of thirty days from the date of receipt of the letter resignation by the State Government, whichever is earlier.

**9. Cessation of membership.** If any member of the State Building and Other Construction Workers' Welfare Board, not being member representing the State Government, fails to attend three consecutive meetings of the Board without obtaining the leave of the Chairperson of the Board for such absences he shall cease to be a member of the Board:

Provided that the State Government 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.

**10. Filling vacancies in the Board.** When a vacancy occurs or is likely to occur in the membership of the State Building and Other Construction Workers' Board, the Chairperson of the Board shall submit a report to the State Government and on receipt of such report the State Government shall take steps to fill the vacancy by making appointment from amongst the category of the persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place (S) he is appointed.

**11. Terms and conditions of appointment of Secretary and other employees of the Board.**

(1) The Secretary of the State Building and Other Construction Workers' Welfare Board shall be appointed by the Board to an officer under the State Government as the Board may deem fit. The terms and conditions of appointment and services, salaries and allowance of the Secretary shall be such as may be specified in the appointment orders.

(2) The State Building and Other Construction Workers' Welfare Board may, by notification, issue standing order for appointment of officers and other employees of the Board specifying the rules for recruitment and appointment.

(3) The terms and conditions of appointment including salaries classification whether regular employment, casual employment, temporary employment or fixed termed employment, salaries, allowance, termination from employment, benefits on the termination of employment, control, appeal, etc. of the other officers and other employees of the Board shall be such as maybe specified in the offer of appointment to be issued to the selected person for appointment. The conditions of appointment specified in the offer of appointment shall be subject to the provisions of the Model Standing Orders of the Central Government under the Industrial Relations Code, 2020(No.35 of 2020) where the same is applicable to the officer or employee.

(4) The State Building and Other Construction Workers' Welfare Board may engage employee on deputation from the State Government or public sector undertaking of Central Government and their pensionary liabilities, if any, shall vest with such respective appointing authorities subject to the rules/regulations of the State Government applicable to such employee.

(5) The Secretary of the Board shall assist the Chairperson of the Board in convening meeting of the Board and may attend the meeting of the Board but shall not be entitled to vote in such meeting. The Secretary shall keep a record of the meeting of the Board and take necessary measures to carry out the decisions taken in the meeting of the Board.

(6) Notwithstanding anything contained in sub-rule (1), where a Government Servant is appointed as the Secretary, officer or employee of the Board, after consultation by the Board with the State Government and upon orders issued in this behalf by the State Government, the salaries and allowance and the terms and conditions of services of such Secretary, officer or employee shall be such as may be specified by the State Government from time to time.

**12. Functions of the Board under sub-section (6) of section 7.**(1) The functions of the State Building and Other Construction Workers' Welfare Board shall be as assigned under sub-section (6) of section 7 of the Code. There shall be framed Welfare Schemes by the Board, by a notification, to carry out its functions, namely:-

a) providing death and disability benefits to a beneficiary or his dependants .The amount of the benefit may be specified by the Board.

b) making payment of pension to the beneficiaries who have completed the age of sixty years. The amount of the benefit may be such as may be specified by the Board.

c) making payment of amount in connection with premium for Group Insurance Scheme of the beneficiaries as may be prescribed by the State Government,

d) framing educational schemes for the benefits of children of the beneficiaries as may be prescribed by the State Government.

e) meeting such medical expenses for treatment of major ailments of a beneficiary or such dependant , as may be prescribed by the State Government,

f) making payment of maternity benefits to the beneficiaries,

g) framing skill development and awareness schemes for the beneficiaries,

h) providing transit accommodation or hostel facility to the beneficiaries,

i) formulation of any other welfare scheme for the building worker beneficiaries by the State Government *in concurrence with the Central Government, and*

j) making provisions and improvement of such other welfare measures and facilities as may be prescribed by the State Government.

**13. Time of payment of cess under section 100:** (1) The employer undertaking building or other construction work employing ten or more workers during the preceding twelve months shall make payment of the cess payable by him under section 100 of the Code within thirty days of the completion of the project for the building or other construction work or within thirty days from the date on which assessment of cess payable is finalized, whichever is earlier.

#### CHAPTER-IV

##### TIME AND MANNER OF PREFERING SECOND APPEAL TO EMPLOYEES' INSURANCE COURT UNDER SECTION 37(7) (b)

**14. Time and manner of preferring second appeal to the Employees' Insurance Court under section 37(7)(b).** (1) The insured person or the Employees' State Insurance Corporation may prefer second appeal to the Employees' Insurance Court against the orders of the Medical Board within thirty days of the receipt of the orders of the Medical Board.

(2) The appeal shall contain the following information, namely:-

a) Name and address of the appellant,

b) Name and address of the respondent(s),

c) Particulars of the order including number and date, if any, against which the appeal is preferred,



- d) Brief facts leading to the appeal,
- e) Prayer or relief sought for,
- f) Grounds for the prayer or relief sought for.
- g) Verification by the appellant and
- h) Any other information which the Appellate Court may deem necessary for deciding the appeal.

(3) The appeal shall be accompanied by the following documents-

- a) Self-attested copies of the orders or documents against which the appeal is preferred.
- b) Self-attested copies of the documents relied upon by the appellant and referred to in the appeal,
- c) Any other documents which the Appellant Court may deem necessary for deciding the appeal and
- d) An index of documents referred to in the appeal.

**15. Powers and procedure of Employees' Insurance Court.** (1) The Employees' Insurance Court under the Code having the powers of a Civil Court under section 50(1) of the Code shall follow the procedure of a civil court under the Code of Civil Procedure, 1908 in the proceedings including proceedings for all costs before it under the Code.

(2) Where there is a question with respect to the procedure to be followed the same shall be referred to the State Government. The decision of the State Government shall be followed.

## CHAPTER-V

### GRATUITY

**16. Investment of amount of gratuity payable to minor.** The amount of share of gratuity payable to a minor under section 53(1) of the Code shall be invested by the competent authority under third proviso to the said section 53(1) for the benefit of such minor in term deposit with the State Bank of India or a Nationalized Bank under intimation to the guardian of the minor.

**Explanation.** Nationalized 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) or a corresponding new bank specified in the First Schedule to the Banking Companies Acquisition and Transfer of Undertakings) Act 1980 (40 of 1980).

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

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

ii) in the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily, within ninety days of the completion of one year of service:

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

(2) Within thirty days of the receipt of nomination in **Form-I** under sub-rule(1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified 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-I** duly attested either by the employer or a person authorized 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 recorded.

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

(4) A notice of modification of a nomination, including cases where a nominee predeceased an employee, shall be submitted in duplicate in **Form-II** to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis.

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

**18. Time within which and the form in which a written application shall be made under sub-section(1) of section 56 and the form of application to the competent authority under clause (b) of sub-section (5) of section 56.**

(1) **Application for gratuity:** (a) An employee who is eligible for payment of gratuity under the Code or any person authorized in writing, to act on his behalf, shall apply, ordinarily, within thirty days from the date on which the gratuity become payable in **Form-III** in duplicate to the employer.

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

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

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

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

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

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

(e) An application for payment of gratuity submitted after the expiry of the period specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient causes 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 the claim application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision.

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

(2) **Notice for payment of gratuity:** (a) Within fifteen day of the receipt of the application under sub-rule (1) for payment of gratuity the employer shall:-

(i) if the claim is found admissible on verification, issue a notice in **Form-III** 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 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-III** to the applicant employee or legal heir, as the case may be, specifying the reasons why the claim is not considered admissible.

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

(b) In case payment of gratuity is due to be made in the office of the employer, the date fixed for the purpose in the notice in **Form-III** under sub-clause (i) of clause (a) 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.

(c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be, the time limit specified for issuance of notices under clause (a) of sub-rule (1) shall be operative with effect from the date on which such witness or evidence, as the case may be, called for by the employer is furnished to the employer.



(d) A notice in **Form-III** shall be served on the applicant, either by person service after taking Receipt or by registered post with acknowledgement due or electronically.

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

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

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

(4) **Application to the competent authority for direction under clause (b) of sub-section (5) of section 56.** (a) If an employer:-

(i) refuses to accept a nomination under rule 17 or to entertain an application filed under sub-rule (1), or

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

(iii) having received any claim application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may within one hundred eighty days of the occurrence of the cause of the claim application, apply in **Form-IV** 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 received after the expiry of specified period on sufficient cause being shown by the applicant.

(b) Application under clause (a) of sub-rule (4) and other documents referred to such an application shall be presented in person to the competent authority or shall be sent by registered post with acknowledgement due or electronically.

**(5) Procedure for dealing with application or direction:**

(a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in **Form-V**, by electronically or registered post with acknowledgement 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 authorized representative together with all relevant documents and witnesses, if any.

(b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement containing his interest in the matter and praying for permission so to act. The competent authority shall record thereon an order recording his approval or specifying in the case of refusal to grant the permission prayed for, the reasons for the refusal.

(c) A party appearing by an authorized representative shall be bound by the act of the representative.

(d) After completion of the hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.

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

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

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

(7) **Administration of oath:** The competent authority may authorise an officer of his office to administer oaths for the purpose of making affidavit.

(8) **Summoning and attendance of witness:** 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 summon to any person in **Form-VI** either to give evidence or to produce documents or for both purposes on a specified date, time and place.

(9) **Service of summons or notice :** (a). Subject to the provisions of Clause (b), any notice, summons, process or order issued by the competent authority may be served by either personally or by registered post with acknowledgement due or electronically or in other manner as prescribed under the Code of Civil Procedure, 1908(5 of 1908).

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

(10) **Maintenance of records of cases by the competent authority:** (a) The competent authority shall record the proceedings of such case under section 56 and at the time of passing orders be sign and date the particulars so recorded.

(b) The competent authority shall, while passing orders in each case also record the finding on the merits of case and file it together with the memorandum of evidence with the note sheet.

(c) Any record other than a record of any order of direction, which is required by these rules to be signed by the competent authority, may be signed by on behalf and under the direction of the

competent authority by any subordinate officer appointed in writing for this purposes by the competent authority.

**(11) Direction for payment of gratuity:** If a finding is recorded under clause(d) of sub-rule (5) that the applicant is entitled to the payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in **Form-VII** 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 same by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

**(12) Appeal:** (a) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person, under registered post acknowledgement due or electronically.

(b) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought for.

(c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.

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

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

(f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties in the appeal by electronically, registered post or in person and a copy thereof shall be sent to the competent authority returning his records of the case.

(g) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him.

(h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer in **Form-VII** specifying the modified amount of gratuity 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. A copy of the notice shall be endorsed to the appellant employee, nominee or legal heir, as the case may be and to the appellate authority.

**(13) 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 sub-rule (11) or sub-rule (12), 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-VIII** for recovery thereof under section 129 of the Code.

**19. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) section 58.** An officer under the State Government who may be appointed to be the competent authority under sub-section (1) of section 58 of the Code shall be a Gazetted Officer for not less than five years having educational qualifications and experiences in personnel management, human resource development, industrial relations or legal affairs, or a member of State Judicial Service under the State Government for not less than 10 years.

## **CHAPTER-VI**

### **EMPLOYEES' COMPENSATION**

**20. Review of half-monthly payment of compensation under section 79:** Application for review of a half-monthly payment of compensation 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 in fraud or undue influence or other improper means, and

(v) by either employer or the employee, on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

**21. Maintenance of Notice Book:** Every employer of the establishment which is registered under section 3 of the Code shall maintain at their respective premise at which employees are employed a Notice-Book in **Form-IX** which shall be readily accessible at all reasonable times to any injured employee employed at the premise and to any person acting *bona fide* on his behalf.

**22. Statement of employer regarding fatal accident:** The competent authority shall require under sub-section (1) of section 88 of the Code the employer to submit to him a statement in **Form- X** regarding fatal accident to the employee employed by the employer.

**23. Registration of agreement under section 89:**

(1)The memorandum of agreement, if any, sent to the competent authority by the employer under sub-section (1) of section 89 of the Code shall be recorded by the competent authority in **Form-XI** after communicating in writing such memorandum of agreement to the injured employee or the dependent of the deceased employee, as the case may be, for furnishing objection or suggestion to such memorandum of agreement.

(2) A memorandum of agreement obtained by fraud, undue influence or other improper means shall not be accepted and registered by the competent authority.

(3) An agreement for payment of compensation under the Code which has been registered under sub-rule (1) shall be enforceable under the Code notwithstanding anything contained in the Indian Contract Act, 1872 (9 of 1872) or in any other law for the time being.

(4) The competent authority may, after giving prior notice in this behalf to the parties for thirty days, rectify the registered memorandum of agreement where the agreement is not found conformity to the relevant provisions of the Code.

**24. Time limit for disposal of application under section 93:** An application to the competent authority under section 93 of the Code shall be disposed of within three months within a period of three months from the date of receipt of the application by the competent authority. The decision of the competent authority in such application shall be intimated to the parties in the applicant within the said period.

## **CHAPTER -VII**

### **CESS IN RESPECT OF BUILDING AND OTHER CONSTRUCTION WORKERS**

**25. Time of payment of cess:** The cess levied under sub-section (1) of section 100 of the Code shall be paid by an employer within thirty days of completion of the building or construction project or within thirty days of the date on which assessment of cess payable is finalised, whichever is earlier to the State Building and Other Construction Workers' Welfare Board:

Provided that such cess may be paid in advance on the basis of his self-assessment duly certified by a Chartered Engineer at the time of approval or before the commencement of the work subject to the final payment on the completion of the building or construction work on the basis of assessment made by the Assessing Officer, as the case may be.

## **CHAPTER-VIII**

### **FINANCE AND ACCOUNTS**

**26: Holding of property, etc. by Social Security Organization under section 120:**

**(1) Acquisition of property :** Subject to the conditions of sub-section (3) and such conditions as may, from time to time, be laid down by the social security organization constituted by the State Government the chairperson of such social security organization may, for the purposes of the Code, acquire on behalf of such social security organization, movable or immovable property:

Provided that sanction of such social security organization shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding thirty six months or for the acceptance of any gift or bequest of property burdened on an obligation.

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1923

1924



**(2) Disposal of property:** Subject to the conditions of sub-section(3) and such conditions as may be laid down by such social security organization from time to time the chairperson may:-

(a) dispose of by sale or exchange any movable property belonging to such social security organization, the value of which does not exceed rupees one crore in each case, or grant for any term not exceeding twelve months lease of any immovable property belonging to such social security organization.

(b) with the sanction of such social security organization. Lease, sale or otherwise dispose of any movable property belonging to such social security organization.

**27. Manner of investment of social security fund or any other money:**

(1) The social security organization constituted by the State Government under this Code shall invest the fund vested in it within the ambit of the guidelines issued by the State Government. Such organization may open as many accounts as it may consider necessary for effective administration of the investment scheme.

(2) All expenses incurred in respect of, and loss, if any arising from any investment shall be charged in the fund vested in such social security organization and the profit, if any, from the sale of any of the investment shall also accrue to the Social Security Fund.

(3) Any investment made under this rule may, subject to the provision of sub-rule (1), be varied, transposed or realised from time to time.

**28. Raising of loan:** (1) The social security organization constituted by the State Government under the Code may, in pursuance of a resolution passed at a meeting of such social security organization, and with the previous sanction of the State Government, raise loans and take measures for discharging such loan for the purposes of the Code.

(2) All loans under sub-rule (1) shall be obtained:-

(i) from the Central Government on such rate of interest and such terms as to the time and method of repayment as the Central Government may specify, or

(ii) with the approval of State Government from such bank or banks from which loans may be obtained by the Employees' State Insurance Corporation constituted under the Code.

**29. Constitution of provident or other benefit fund for the officers and employees of social security organization:** The social security organization constituted by the State Government under the Code may, as contemplated by sub-section (4) of section 120 of the Code, constitute provident or other benefit fund for the benefit of those officers and employees of such social security organization, who are not covered by the provident fund and insurance fund under the Code, by making schemes for the provident fund and insurance fund under a resolution passed at a meeting of such social security organization.

**30. Writing off losses under section 121:** Under a resolution passed at a meeting of social security organization constituted by the State Government under the Code in the case placed before the meeting in this behalf the Chairperson of such social security organization may, by an order passed in this behalf in **Form-XII**, accord sanction under section 123 of the Code to the writing off the amount of contribution, cess, interest and damages to such social security

organization which is, in the opinion of such social security organization, irrecoverable. The details of losses so written off in pursuance of the sanction accorded by the chairperson shall be recorded by such social security organization.

## **CHAPTER-IX**

### **AUTHORITIES, ASSIGNMENT, COMPLIANCE AND RECOVERY**

**31. Powers of Inspector-cum-facilitator:** (1) An Inspector-cum-Facilitator may, at a premise of an establishment to which the Code applies within local limit for which he is appointed:-

(i) examine such premises, site or place used or to be used for operation of the activities of the establishment,

(ii) take on the spot or otherwise such evidence of any person which he may deem necessary for the purposes of any examination or enquiry connected with the establishment directly or indirectly,

Provided that such person shall not be compelled to answer any question or give any evidence tending to incriminate him.

(iii) take photography, video clips, sample weight or measure or record or make such sketches as he may consider necessary for the purposes of any examination or enquiry under these rules.

(iv) hold any enquiry into the cause of any accident, dangerous occurrence which he has reasons to believe the result of any operation connected with or incidental to such establishment or non-compliance with any of the provisions of the Code or these rules.

(2) An Inspector-cum-facilitator may, within the local limits for which he is appointed, issue show-cause notice or warning to employer or employees or workers, as the case may be, regarding the non-compliance with the provisions of social security of the employee under the Code or these rules,

**32. issuing memorandum of inspection by Inspector-cum-Facilitator:** Subject to the provisions of inspection scheme, if any, for the inspection by the inspector-cum-Facilitator under the Code, an inspector-cum-Facilitator shall, after the completion of his inspection, issue a memorandum of inspection in Form-XIII to the employer of the establishment under inspection for rectification of their regularities detected in the inspection or furnishing the reasons as to why the irregularities detected should not be offences under the Code, within thirty days of receipt of the memorandum of inspection.

**33. Forms and manner for maintenance of records and registers and other particulars and details under clause (a), manner and forms for display of notices at the workplaces of the employer under clause(b) and manner and period of submitting returns to the officer or authority under clause(d) of section 123.**

(1) **Register of employees:** (a) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in Form-XIV electronically or in hard copy and shall enter therein particulars of all women employees in the establishment.



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

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

**(2) Records:** Record kept under the provision of Chapter-V of the Code and the rules framed thereunder shall be reserved for a period of two years from the date of preparation.

**(3) Collection of Labour Statistics and Annual Returns:** (a) For the purpose of any provisions made under this rule the appropriate government shall mean the office of the Director General, Labour Bureau in the collection or extraction of annual statistical information on any matter under this Code in the specified form electronically.

(b) The employer to whom the provisions of Chapter-V of the Code applies, on or before, the 1<sup>st</sup> day of February in each year shall upload annual return in **Form-XV** online on the web portal of the State Government/Central Government 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, registers 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(2 of 2000).

(c) If the employer to whom the Code applies sells, abandons, or discontinue the working of the establishment, then he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online on the web portal of the State Government /Central Government in the Ministry of Labour & Employment, a further unified returns in **Form-XV** referred to in clause(a) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuation.

## CHAPTER-X

### OFFENCE AND PENALTIES

**34. Compounding of offence under section 138:** Application for compounding of offence under the Code shall be made by the offending person in **Form-XVI** In duplicate to such officer authorized by the State Government under sub-section (1) of section 138 to carry out the compounding of offence under the Code. The application shall be made within one month of the receipt of the memorandum of inspection of the Inspector-cum-facilitator alleging the offence. The application shall be accompanied by one self-attested copy of memorandum of inspection on the basis of which the application is made.

## CHAPTER-XI

### EMPLOYMENT, INFORMATION AND RECOVERY

**35. Reporting of vacancies to Career Centre under section 139:** (1) After the commencement of the Code the employer in every establishment in public sector to which the Code applies shall, subject to the exclusion from the application of the Chapter-XII under section 140 of the Code, report to the career centre specified by the State Government under sub-section (1) of section 139 of the Code and having jurisdiction over the area where such establishment is operating, the vacancy in any employment in such establishment before filling up such vacancy.

(2) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall before filling up any vacancy in any employment in such establishment, report that vacancy to the career centre specified by the State Government under sub-section (1) of section 139 of the Code and having jurisdiction over the area where such establishment is operating before filling up any vacancy in any employment in such establishment.

(3) The State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career centres to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to all the employers in writing through e-mail or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of report of vacancy.

**Explanations-** (a) Establishment in "Public Sector" means an establishment owned, controlled or managed by :

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

(b) Establishment in "Private Sector" means an establishment which is not an establishment in Public Sector and with ordinarily 50 or more employees of such number of employees as may be notified by the State Government.

(4) The State Government is the appropriate government for the Career Centre (Regional) and the Career Centres (State). The State Government may, by notification, require reporting of vacancies by employers of the establishments in an area thereof to the digital portal or the career centre of the Central Government where the State Government has no its own career centre or digital portal.

**(5) Type of vacancies and respecting career centre for reporting of vacancies:**

(a) All vacancies in posts of technical and Scientific nature carrying a minimum pay or pay level of both as notified by the State Government, occurring in establishment in respect of which the State Government is the appropriate government under the Code; and

(b) Vacancies which an employer may desire to be circulated to the career centre outside the state or union territory in which the established is situated shall be reported to such career centre (Regional) and career centre (State) as may be specified by the State Government.

(6) Vacancies which have been reported to the career centre (Regional) and for which recruitment is to be made on state or inter-state or all India basis, shall also be reported to the career centre (Central) or upload on a digital portal as specified by the State Government by notification.

**(7) Form and manner of reporting vacancies:** (a) The vacancy shall be reported in writing or through valid official mail or digitally to the career centre specified by the State Government.

(b) The vacancies shall be reported in the **Form-XVII** furnishing as many details as practicable separately in respect of each type of vacancy.

(c) Any change in the particulars already furnished to the career centre shall be reported in writing or through official email or digitally as the case may be, to the career centre to which the vacancies are already reported under this rule.

**(8) Time limit of reporting vacancies:**

(a) Vacancies required to be reported to the career centre (Regional), shall be reported at least thirty days before the last day of receipt of the prospective candidates for the purpose of recruitment or taking interview or test against the vacancy reported.

(b) Vacancies required to be reported to the career centre (State), shall be reported at least thirty days before the last date of receipt of the application of the prospective candidates for the purpose of recruitment or taking interview or test against the vacancy reported.

**(9) Maintenance of records:** (a) After the commencement of the Code the employer in every establishment in public sector to which the Code applies shall maintain records manually or electronically or digitally about:-

(i) Total number of employees (irregular contractual or fixed termed employment on 31<sup>st</sup> March of every year.

(ii) Persons recruited during the year ending 31<sup>st</sup> March, 20.....

(iii) Occupational details of employees on 31<sup>st</sup> March, 20.....

(iv) Vacancies for which suitable candidates were not available during the year ending 2<sup>nd</sup> March.

(v) Approximate number of vacancies likely to occurs during the next year.



(10) The State Government may, by notification, require that from such date as may be specified in the notification the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector, shall maintain records manually or electronically or digitally about:-

- (i) Total number of employees (irregular contractual or fixed termed employment on 31<sup>st</sup> March of every year.
- (ii) Persons recruited during the year ending 31<sup>st</sup> March, 20.....
- (iii) Occupational details of employees on 31<sup>st</sup> March, 20.....
- (iv) Vacancies for which suitable candidates were not available during the year ending 31<sup>st</sup> March, 20.....
- (v) Approximate number of vacancies likely to occurs during the next year.

(11) **Submission of returns:** An employer shall furnish to the concerned career centre (State) yearly Employment Returns in **Form-XVIII** Yearly returns shall be furnished manually or electronically or digitally, as the case may be, as specified by the State Government by notification within thirty days of the due date namely, 31st March of the year.

(12) **Declaration of Executive Officer(a):** The Director of Employment or officials of equivalent or above rank controlling the work of career centres(State) will declare in writing as officer looking after the work of the career centre(State) as "Executive Officer" for each district for the purpose of enforcement/implementation of Chapter-XIII (Employment Information and Monitoring) of the Code .He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code or authorise any person in writing to exercise those rights and perform duties.

(13) **Levy of penalty under the Chapter-XIII of the Code:** The Director of Employment or an officer of equivalent or above rank controlling the work of the career centre (State) and career centre (Regional) shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

(14) **Implementation of guidelines:** The State Government shall implement the guidelines issued by the Central Government for the implementation of the provisions of Chapter-XIII of the Code. The guidelines may be supplemented by the State Government further as per local needs.

## CHAPTER- XII MISCELLANEOUS

**36. Establishment of Secretariat of State Unorganized Workers' Social Security Board;** (1) The State Unorganized Workers' Social Security Board constituted by the State Government may, by an orders specifying the conditions of engagement of officers and employees therein, establish a secretariat which shall be responsible for day to day management of activities of such board and assisting the member-secretary of the board in the discharging of his duties and functions under the Code.

(2) Such board may sue or may be sued in the name of the board or of such member shall as, in reference to the matter concerned be appointed by the board for the occasion.

**37. Amount for funeral expenditure to be deposited by employer under sub-section (7) section 76.** An employer shall deposit with the competent authority an amount of fifteen thousand rupees towards the expenditure of funeral of the deceased employee under sub-section (7) of section 76 of the Code unless he has made payment of any amount to the dependent of the deceased employee towards such expenditure at the time of death of the employee.

**38. Other sources of social security fund for unorganized workers:** The State Government shall, by a simple notification specifying the other sources of the fund thereof, establish a social security fund for unorganized workers in which there shall be credited the amount received from the compounding of offence under the Code relating to the State Government as contemplated under sub-section (5) section 141 of the Code. The State Government may, by a notification, modify the other sources of the fund from time to time.

**39. Residuary provisions:** (a) Matters or questions relating to the conditions of services of the Chairperson, Members, Secretary, other officers and employees of any social security organization or any advisory committee constituted by the State Government under the Code with respect to which no expressed provision is made in these rules, shall be referred by such social security organization or advisory committee, as the case may be, to the State Government for its decision and the decision of the State Government shall be binding on such matters.

(b) Such matters, with respect to which no expressed provision is made in these rules, shall be referred by the social security organization or advisory committee, as the case may be, to the State Government for its decision and the decision of the State Government shall be binding on such matters.

(c) Such decisions taken by the State Government on any matter under clause (a) or clause (b) of this rule shall be notified in the Official Gazette.

**40. Change in Forms:** The State Government may, by issuing a notification, amend, add or delete any form in these rules as the State Government may think necessary.

## **Statement in respect of the Draft Code on Social Security (Manipur) Rules, 2021**

The Draft Code on Social Security (Manipur) Rules, 2021 under its rules 1 to 40 provide for anything to be prescribed by the State Government under the Code on Social Security, 2020 (No.36 of 2020) and the matters under section 154, 156 & 158 of the Code. The provisions in the said rules are not more or less than the provisions in the corresponding rules of the Code of Social Security (Central) Rules and other laws applicable to matters under section 154, 156 & 158 of the Code.

2. The rule 39 of the Draft Rules provide for the residuary provisions for the matters or question relating to the terms and conditions of service of chairperson, secretary, other officers and employees of any social security organization constituted by the State Government under the Code and the matters for which no expressed provision is made in the Draft Rules so that any shortage in the Draft Rules may be added or removed by the State Government from time to time.
3. The rule 40 of the Draft Rules empowers the State Government to amend, add or delete any form in the Draft Rules.
4. The Draft Rules has no provision creating financial involvement of the State Government.

**FORM -I**

{See sub-rule (1), (3) and (4) of rule 17}

**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/Smt/Kumari ..... (Name in full here) whose particulars are given in the statement below, hereby nominate the parson(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/ Smt/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.

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 depend 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..... Thana..... Sub-Division.....  
Post-Office.....

Pin-Code.....District..... State.....  
Email ID..... Mobile no. ....

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 the establishment.

Employer's Reference No., if any

Signature of the employer/Officer authorized  
Designation

Name and address of the establishment or  
rubber stamp thereof

Date:

**Acknowledgement by the employee**

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

Date.....

Signature of Employee

**FORM-II**  
(See sub-rule (4) of rule 17)

**Application for Gratuity by an Employee/Nominee/Legal Heir**

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), beg to apply for payment of gratuity to which I am entitled under sub-section(1) of section 53 of the Code on Social Security,2020 on account of-

- (a) my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/ on termination of contract period under fixed term employment with effect from the.....or,  
(b) death of the aforesaid employee while in service/superannuation on..... after completion of .....years of service/total disablement of the aforesaid employee due to accident or disease 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 of.....years 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 employee  
4. Post held by employee  
5. Date of appointment  
6. Date and cause of termination of service  
7. Date of death  
8. Total period of service of the employee  
9. Total wages last drawn by the employee  
10. Total gratuity payable to the employee/share of gratuity claimed by a nominee/legal heir.  
11. Payment may please be made by crossed bank cheque/credit in my bank account no.  
.....

Yours faithfully,

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



**FORM-III**

(See sub-rule (1)(a) and sub-rule (2) of rule 18)

**Notice for Payment/Rejecting Claim for Gratuity**

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 35 of the Code on Social Security (Central) Rule, 2020, that your claim for payments of gratuity as indicated on your application in **FORM-IV** 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 35 the Code on Social Security (Central) Rules, 2020 that a sum of Rs. ....(Rupees.....) is payable to you as gratuity as your share of gratuity in terms of nomination made by .....on .....and.....recorded in this ..... as a legal heir of .....as 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/ Authorized officer.

Name or description of establishment  
or rubber stamp thereof

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

Copy also to: Office of DG Labour Bureau, Ministry of Labour and Employment, Chandigarh.

**FORM-IV**  
(See sub-rule (1)(b) and sub-rule(4) of rule 18)

**Application for Direction**

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

Application No.....

Date.....

**BETWEEN**

(Name in full of the applicant with full address)

**AND**

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

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

Date:

Signature/Thumb Impression of the applicant

**ANNEXURE**

1. Name in full of applicant with full address
2. Basis of claim (Death/Superannuation/Retirement/Disablement of Employee/Completion of contract period under Fixed Term Employment)
3. Name and address in full of the employee
4. Marital status of employee (unmarried/married/widow/widower)
5. Name and Address in full of the employee
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 clause 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.

**FORM-V**  
(see sub-rule(5) of rule 18)

**Notice for Appearance before the Competent Authority**

To

(Name and address of the employer/applicant)

Whereas Shri..... an 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 Code on Social Security (Central) Rules, 2020 alleging that\_

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

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at answering all material questions relating to the application on the .....day of ..... 20 .....at ..... 'O' clock in the forenoon/afternoon in support of/to answer the allegation, and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/ defense.

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 evidenced 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 Society, 2020, you are hereby summoned to appear personally before this Authority on the ..... day of .....20.....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, this..... day of.....20.....

Competent Authority  
under the Code on Social Security Code 2020

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

2. The portion not applicable to be deleted.

3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by person 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-VI**  
(See sub- rule (8) of rule 18)

**Summons**

Before the Competent Authority under section of the Code on Social Security, 2020 (No. 36 of 2020)

To

(Name and address)

Whereas your attendance is required to give evidence/ you are required to produce the documents mentioned in the list below, on behalf of ..... in the case arising out of the claim for gratuity by ..... from ..... and referred to the Authority by an application under section 56 ( ) of the Code on Social Security, 2020 (No. 36 of 2020), you are, hereby, summoned to appear personally before this Authority on the ..... day of....., 202..... at ..... 'O' Clock in the forenoon/afternoon and to bring with you or to send to this Authority, the Said documents.

List of Documents

- 1.....
- 2.....
- 3.....
- 4.....

Competent Authority

Dated, the.....day of .....,20.....

.....

Notes: 1. The portion not applicable to be deleted.

2. The summons shall be issued in duplicate. The duplicate is to be signed and returned by person served before the date fixed.

3. 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-VII**  
(See sub-rule (11) of rule 18)

**Notice for Payment of Gratuity as Determined by Competent Authority**

(Strike out the words not applicable)

To

.....

(Name and address of employer)

1) Whereas Shri/Smt/Kumari ..... of .....  
.. an employee ..... (address) under you/a nominee(s)/legal heir(s) of  
late

..... an employee under you, filed an application under Section 56  
of the Code on Social Security, 2020 before me; or

Whereas a notice was given to you on ..... requiring you to make payment of

Rs. .... to Shri/Smt/Kumari ..... as gratuity under the Code on  
Social Security, 2020.

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

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

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

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

Competent Authority  
Under the Code on Social Security Code, 2020.

Copy to:-

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

**Note :-** (Strike out paragraphs if not applicable)

**FORM – VIII**  
(See sub-rule (13) of rule 18)

**Application for Recovery of Gratuity**

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

Application No. ....

Date .....

BETWEEN

(Name in full of the applicant with full address)

AND

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

1) The applicant is an employee of the above-mentioned employer/a nominee of late .....

.. / .., ..... an employee of the above mentioned employer/a legal heir of late ..... an employee of the above – mentioned employer, and you were pleased to direct the said employer in your notice dated the ..... under Sub-Rule (11) or Sub-Rule (12) of rule 35 of Code on Social Security (Central) Rules, 2020 for payment of a sum Rs. .... as gratuity payable under the Code on Social Security, 2020.

2) The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.

3) The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs. .... due to me as gratuity in term of your direction.

Signature/Thump-impression of applicant.

Place .....

Date .....

**Note :-** Strike out the words not applicable.

**FORM – IX**  
(See rule 21)

**Notice Book**

Name and address of establishment: .....

Name and address of the employer .....

Sl. No	Name of premises of the establishment	Name of the injured employee/ worker	Nature of injury	Payment of compensation made	Medical examination carried out	Remarks

Signature of employer maintaining the Notice Book

**FORM - X**  
(See rule 22)

**Statement of Fatal Accident**

To

The Competent Authority, .....

Sir,

I have the honour to submit that an accident to the employee, namely .....  
..... is occurred on ..... (date) at ..... (details of premise) which resulted in the  
death of the employee/worker of whom particulars are given in the statement annexed.

2) The circumstances attending the death of the employee/worker were as under :-

a) Time of the accident. ....

b) Place where the accident occurred. ....

c) Manner in which the deceased  
employed/worker was employed  
at the time of the accident. ....

d) Cause of the accident ....

e) Any other relevant particulars .....

Date .....

Signature and designation of person making report

**STATEMENT**

Name	Sex	Age	Nature of employment	Full postal address



**FORM – XI**  
(See sub-rule (1) of rule 23)

**Register of Registration of Agreements for the year . . . . .**

Sl. No.	Date of agreement	Date of registration	Name of employer in the agreement	Name of the employee/ dependant in the agreement	Initial of competent authority	Reference to the orders rectifying the agreement in the register

**FORM – XII**  
(See rule 30)  
**Model Section Orders Writing Off Losses**

No. . . . . In pursuance of the resolution adopted by the (name of social security organization.....) in the meeting held on ..... and the powers conferred on under section 121(1) of the code on social security, 2020(No. 36 of 2020) read with rule 33 made thereunder the Chairperson is pleased to accord sanction to the writing off an amount of Rs..... (Rupee ..... ) only on account of contribution/ cess/ interest/ damages due to the (name of social security organization) under the said Code, which is irrecoverable.

Ordered that the amount written off with its details shall be recorded accounts of the (name of social security organization).

Chairperson,  
State Social Security Organization concerned

**Form-XIII**  
(See rule 32)  
**Memorandum of inspection**

**Date.....**

**Time.....**

Name, address and contact number of the inspecting officer-

Name.....

Address.....

Contact Number .....

1. Particulars of establishment inspected.

a. Name and address of the establishment .....

b. Date of commencement of the establishment.....

c. No. and date of registration of the establishment under any central labour law.

d. Name, address and contact number of employer of the establishment.

i) Name.....

ii) Age.....

iii) Spouse's name .....

iv) Contact no. ....

e. Number of employees employed on any employment in the establishment.

i) Male employee .....

ii) Female employee .....

f. Number of migrant employees employed in the establishment.

2. Irregularities detected in the inspection.

a. Contravention of provisions of section of the Code on Social Security, 2020 while the establishment was not registered under section 3 of the Code, while is an offence punishable with .....under section..... of the said Code.

b. Contravention of provisions of section of the Code on Social Security, 2020 while register of women employed is not maintained by the employer, while is an offence punishable with ..... under section..... of the said Code.

c. Contravention of provisions of section of the Code on Social Security, 2020 while the employer failed to pay cess payable by him under section 100of the Code, while is an offence punishable with ..... under section..... of the said Code.

d. Contravention of provisions of section of the Code on Social Security, 2020 while register of women employed in the establishment was not maintained by the employer, while is an offence punishable with ..... under section..... of the said Code.

3. Direction given to the employer:

The employer is directed to rectify the irregularities detected and to furnish the reasons as to why he is not liable for the offences under the Code arising out of the irregularities detected by the inspection within thirty days of the receipt of this memorandum of inspection.

Signature of inspecting Officer

**Form-XIV**  
(See sub-rule (1) of rule 33)  
**Register of women employees to be maintained by employer**

1. Name and address of the establishment.....

2. Name and address of the employer.....

Particulars of women employees employed in the establishment:

Sl. No.	Name	Age	Date of commencement of employment	Designation	Signature of employee

Signature of employer

**Form-XV**  
(See sub-rule(3) of rule 33)  
**Annual Returns**

**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 no.....Mobile no.....

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 no.....Mobile no.....

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

Sl. No.	Name	Registration		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 Law for the time being in force			

**C. Details of Employer, Contractor and Contract Labour:**

1	Name of the employer in the case of a contractor's establishment			
2	Date of commencement of the establishment			
3	No. of Contractors engaged in the establishment during the year.			
4	Total no. of days during the year on which Contract Labour was employed			
5	Total no. of man-days worked by Contrast Labour during the year.			
6	Name of the Manager or Agent(in case of mines)			
7	Address House No./Flat No.	Street/Plot No.		
	District	State	Pin Code	
	E-mail ID	Telephone no	Mobile no	

**D. Working hours and weekly rest day:**

1	Number of days worked during the year	
2	Number of mandays worked during the year	
3	Daily hours of work	
4	Weekly day of rest	

**E. Maximum no. of persons employed in any day during the years:**

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

**F. Wage rate (Category Wise):**

Category	Rates of Wages	No. of Workers							
		Regular				Contract			
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly									
Skilled									
Skilled									
Semiskill ed									
Unskilled									

**G. (a) Details of Payment :**

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

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

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

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

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

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

**a. Details of establishment, medical and para-medical staff:**

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

**b. Leave Granted under the Code on Social Security,2020**

1	Total no. of female employees in the establishment	
2	Total no. days of leave granted	
3	No. 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-XVI**  
**(See rule 34)**  
**Application for Compounding of Offence**

To

The Authorized Officer,.....

Subject: Compounding of offence under section 138(1) of the Code on Social Security, 2020 (No 36 of 2020)

Sir,

I have accepted the offence charged against me under the Memorandum of Inspection dated..... of which a copy is enclosed herewith. Therefore, you are, hereby, requested that the said offence be compounded under section 138(1) of the Code on Social Security, 2020(No. 36 of 2020).

Yours Faithfully,

(Name of applicant)

Copy to:

The Inspector-um-Facilitator concerned.



**Form-XVII**

(See clause (b) of sub-rule 7 of rule 35

**Report of vacancies in any employment in the establishment.**

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

1	<b>Particulars of the employer:</b> Name Address with pin code Telephone No. Mobile No. Email address Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc.) Registration of Establishment under Code Economic activity details		
2	<b>Particulars of the Indenting Officer:</b> Name Designation Telephone No. Mobile No. Email address		
3	<b>Particulars of Vacancy(ies)</b>  Designation/nomenclature of the vacancy(ies) to be filled  Description of duties of the post (job role/functional role)		
	Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/ Preferable
	i. Educational Qualifications ii. Technical Qualifications iii. Skills iv. Experience		
	d. Age Limits, if any (age as on last date application)		
	e. Preferences (such as Ex-Servicemen, persons with disabilities, women, etc.) if any		
	f. duration of employment i. 3-6 months ii. 6-12 months iii. 12 months and more	No. of posts	

4	<b>Whether there is any obligation for arrangement for giving reservation/preference to any category of person such as Scheduled Caste(SC), Scheduled Tribes(ST), Economically Weaker Sections (EWS). Other Backward Classes (OBC). Ex-servicemen and persons with disabilities (pwd), etc. in filling up the vacancies: Yes/No</b>		
5	Category	No. of vacancies to be filled	
		Total	*By Priority Candidates *(Applicable for Central Govt. Vacancies)
	a. Scheduled Caste b. Scheduled Tribes c. OBC d. EWS e. Ex-Servicemen f. Persons with disabilities(pwd) g. women h. Others(specify)		

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

Signature, Name & Designation of Authorized Signatory  
of establishment/ employer with seal & date  
(For Official Use-to be filled by Career Centre)S

**FORM – XVIII**  
(See sub-rule (11) of rule 35)  
**Yearly Employment Return**

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

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

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

(EIR-continued)

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

\*As per provisions of Code on Social security, 2020 (Chapter XIII) and Rules made there under.

### 3. MANPOWER SHORTAGES:

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

Name of the occupation or designation of the post	No. of unfilled vacancies/posts		
	Skill/ qualifications (educational/ technical/ experiences) prescribed	Essential	Desirable
1	2	3	4

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

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

Occupation	No. of employees Please give as far as possible approximate no. of vacancies to each occupation you are likely to fill during the next financial year due to retirement/expansion or re-organization.				
Description	Men	Women	Others (transgender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
*					
Total					

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

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

To

The Career Centre,  
.....

Note: 1. The return is to be rendered to the Career Centre (Regional) within 30 days after the end of the financial year concerned by establishments/employers vide their obligation under the Code on Social Security, 2020 (Chapter XIII-Employment Information and Monitoring)

2. The main purpose in obtaining the information from employers is known (i) the vacancies/employment opportunities available; (ii) type of personnel who are in short supply; and (iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.

.....  
.....