GOVERNMENT OF TELANGANA
ABSTRACT

RULES – Labour Employment Training & Factories Department – The Code on Social Security, 2020 (Central Act No.36 of 2020) – The Code on Social Security (Telangana) Rules, 2022 – Preliminary Notification – Orders – Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (LAB-I) DEPARTMENT

G.O.Rt.No. 24 Dated: 28-01-2022
Read the following:-

1. The Code on Social Security, 2020 (Central Act No.36 of 2020) notified by the Ministry of Labour & Employment, GOI, New Delhi in Gazette No.61, dt: 29.09.2020.
2. From the Commissioner of Labour, Telangana, Hyderabad, Lr.No.F1/5034/2019, dated: 02.11.2021.

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ORDER:-

The Ministry of Labour & Employment, Government of India, New Delhi has notified the Code on Social Security, 2020 (Central Act No.36 of 2020), an Act to amend and consolidate the laws relating to social security with the goal to extend social security to all employees and workers either in the organised or unorganised or any other sectors and for matters connected therewith or incidental thereto vide Gazette first read above.

2. The Commissioner of Labour, Telangana, Hyderabad, in his letter second read above, has furnished draft State rules on the Code on Social Security (Telangana) Rules, 2022, under the Code on Social Security, 2020 (Central Act No.36 of 2020) with a request to issue notification calling for objections and suggestions from general public and stakeholders in the matter.

3. Government, after careful examination of the matter, hereby decided to issue draft rules namely the Code on Social Security (Telangana State) Rules, 2022, which the State Government proposes to make, in exercise of the powers conferred under sections 154 and 156 of the Code on Social Security, 2020 (Central Act No.36 of 2020) read with section 24 of the General Clauses Act, 1987 (Central Act No.10 of 1987) by inviting objections and suggestions from general public and stakeholders in the matter.

4. Accordingly, the following notification shall be published in an extraordinary issue of Telangana Gazette dated: 31.01.2022.

PRELIMINARY NOTIFICATION

The following draft rules, which the State Government proposes to make in exercise of the powers under sections 154 and 156 of the Code on Social Security, 2020 (Central Act No.36 of 2020) read with section 24 of the General Clauses Act, 1987 (Central Act No.10 of 1987) and in supersession of the rules made by the State Government in exercise of the powers conferred by the Maternity Benefit Act, 1961 (Central Act.No.53 of 1961), the Payment of Gratuity Act, 1972 (Central Act.No.39 of 1972), the Building and Other Construction Workers' Welfare Cess Act, 1996 (Central Act.No.28 of 1996), the Un-organized Workers' Social Security Act, 2008(Central Act.No.33 of 2008), the Employment Exchanges (Compulsory Notification of vacancies) Act, 1959 (Central Act.No.31 of 1959), the Employees' Compensation Act, 1923 (Central Act.No.8 of 1923) and part of the Employees' State Insurance Act, 1948 (Central Act.No.34 of 1948), as the case may be, which are repealed by section 164 of the said Code on Social Security, 2020 except as respects things done or omitted to be done before such supersession, are notified, as required by section 158 for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of

forty five (45) days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

The objections and suggestions, if any, should be addressed to the Commissioner of Labour, T.Anjaiah Bhavan, RTC 'X' Roads, Hyderabad, Telangana by post or through email: col.labour.telangana@gmail.com & jcl.ts.hq@gmail.com. The objections and suggestions should be sent in a proforma containing column (1) specifying the name and address of the person/organization and column (2) specifying the chapter and rule or sub-rule which is proposed to be modified and column (3) specifying the revised rule or sub-rule proposed to be substituted and column (4) reasons therefor;

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

CODE ON SOCIAL SECURITY (TELANGANA) RULES, 2022

CHAPTER – I
PRELIMINARY

1. Short title, extent and commencement:–

(1) These rules may be called the Code on Social Security (Telangana) Rules, 2022.

(2) These Rules extend to the whole of the State of Telangana.

(3) They shall come into force after the date of their final publication in the Official Gazette, on the date of the commencement of the Code on Social Security, 2020 (Central Act.No.36 of 2020).

2. Definitions:-

(1) In these rules, unless the subject or context otherwise requires:

(a) "agency" means any corporation, body or institution, established under an Act of State Legislature or State Government Undertakings or Special Purpose Vehicle as notified by the State Government;

(b) "appeal" means an appeal preferred under sub-section (1) of section 23;

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

(d) "assessing Officer" means a Gazetted officer of a State Government or an officer of a local authority holding an equivalent post to a Gazetted officer of the State Government appointed by such 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) "career centre" means any office (including employment exchange, place or portal) established and maintained in the manner prescribed by the Central Government for providing such career services (including registration, collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode) as may be prescribed by the Central Government, which may,*inter alia*, relate generally or specifically to-

(a) persons who seek to employ employees;

(b) persons who seek employment;

(c) occurrence of vacancies; and

(d) persons who seek vocational guidance and career counseling or guidance to start self-employment.

(g) "cess collector" means an officer appointed by the State Government for collection of cess under the Code.

(h) "chairperson" means the Chairperson of the Corporation, the State Social Security Board, the State Un-organised Workers' Board, the Standing Committee, the Medical Benefit Committee or the Executive Committee, as the case maybe.

(i) "chartered engineer" means a person having an engineering degree and the corporate membership of Institute of Engineers India.

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

(k) "electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code.

(l) "establishment" means:-

(a) a place where any industry, trade, business, manufacture or occupation is carried on; or

(b) a factory, motor transport undertaking, newspaper establishment, audiovisual production, building and other construction work or plantation; or

(c) a mine, port or vicinity of port where dock work is carried out.

(m) "executive officer" means such officer of the appropriate Government as may be notified by that Government for the purposes of "*Chapter XIII - Employment Information and Monitoring of Gazette No.61*" of The Code on Social Security 2020 or an officer authorized in writing by such executive officer to discharge his duties under that Chapter.

(n) "form" means a form appended to these rules.

(o) "Government Securities" means Government Securities as defined in the Government Securities Act, 2006 (Central Act No.38 of 2016).

(p) "immovable property" includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth.

(q) "minor" means a person who has not attained the age of eighteen years.

(r) "movable property" means property of every description except immovable property.

(s) "nodal officer" means a person designated by Building and Other Construction Workers' Welfare Board or the State Government to facilitate the registration, renewal and up-dation 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.

(t) “nomination" means nomination made under section 55 of the Code.

(u) “schedule” means the schedule of the Code.

(v) “Section” Section means a section of the Code.

(w) “Specified” means specified by an order of the Central Government or the State Government or any officer so authorized by such Government.

(x) “State Government” means Government of Telangana.

(y) “Telangana State Portal” means portal of Labour Employment, Training and Factories Department of Telangana State.

(z) “Telangana State Employment Portal” means the portal owned and operated by Employment department of Telangana State (www.employment.telangana.gov.in).

(za) “turnover” of an aggregator as defined under sub-section (91) of section 2 of the Companies Act, 2013 (Central Act No.18 of 2013), means the gross amount of revenue recognized 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.

(zb) "vacancy", for the purposes of *“Chapter XIII - Employment Information and Monitoring of Gazette No.61”*, means an unoccupied post (including newly created post, post of trainee, post to be filled through apprentice or any unoccupied post created in an establishment by any other means) in a cadre or occupation for the purpose of employing a person and carrying remuneration;

(zc) “year” shall mean the financial year, that is to say, beginning from the first of April and ending with the thirty- first of March of the year following.

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

CHAPTER-II
Social Security Organisations

A. TELANGANA STATE SOCIAL SECURITY BOARD FOR UNORGANISED WORKERS

3. Manner of exercising the powers and performance of the functions by the Telangana State Social Security Board for Unorganised Workers under sub-section (9) of section 6, the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies under sub- section (12) and time, place and rules of procedure relating to the transaction of business under sub-section (14) and (15) of section 6:-

(1) Constitution of the Telangana State Social Security Board for Unorganised Workers:- The Board constituted under sub-section (9) of section 6 shall be called as ‘Telangana State Social Security Board for Unorganised Workers’.

(2) The Board shall consist of Seven persons consisting of a Chairperson and such number of other members representing the Unorganized Workers, employers of unorganized workers, Members of Legislative Assembly, eminent persons from civil society and officials of the Government, having eminence in the fields of labour welfare, management, finance, law and administration, as the State Government may by order decide at the time of the constitution of the Board.

Provided that out of seven persons nominated one member each from the Scheduled Caste, the Scheduled Tribe, the Minorities and the Women shall be represented.

(3) An Officer not below the rank of Joint Commissioner of Labour shall be appointed as Secretary of the Board for performing executive functions, who may, but need not be a member of the Board.

(4) Term of office of members:–

(i) A member, other than an Ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.

(ii) A member nominated from Legislative Assembly under sub-rule (2) of rule 3 shall cease to be a member of the Board if he/she ceases to be a member of the Legislative Assembly.

(iii) A member nominated from other categories under sub-rule (2) of rule 3 shall cease to be a Member of the Board if he/she ceases to represent the category of interest from which he was so nominated.

(iv) A Member shall be eligible for re-nomination.

(5) Resignation:–

(i) A member of the Board, not being an ex-officio member, may resign from office by a letter in writing addressed to the Government.

(ii) The seat of such a member shall fall vacant 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.

(iii) The power to accept the resignation of a member shall vest in the Government, and on accepting the resignation, the Chairperson shall report to the Board at its next meeting.

(6) Address of the Members:-

(i) Every Member shall furnish his or her Address to the Secretary of the Board who shall thereupon enter his address in the official records.

(ii) If a Member changes address, he/she shall furnish new address to the Secretary of the Board who shall thereupon enter new address in the official records.

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

(7) Manner of filling vacancies:– When a vacancy occurs or is likely to occur on completion of the term of the member in the membership of the Board, the Secretary of the Board shall submit a report to the State Government and on receipt of such report, the Government may, by notification, nominate a person to fill the vacancy:

Provided, when a vacancy occurs or is likely to occur due to resignation of a member, the Secretary of the Board shall submit a report to the Government and on receipt of such report, the Government may, by notification, nominate a person to fill the vacancy and the person so nominated shall hold office for the remaining term of office of the member in whose place he/she is nominated.

(8) Allowances of members:–

(i) The travelling allowance of an official member of the Board shall be governed by the rules applicable for journey performed on official duties and shall be paid by the authority paying his salary.

(ii) The non-official members of the Board shall be entitled to the payment of travelling and daily allowance as per the provision of payment of travelling allowance to non- official members of a Committee, as per Telangana Travelling Allowances Rules.

(9) Disposal of business:– Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every member for opinion, and the matter shall be disposed of in accordance with the decision of the majority:

Provided that where there is no opinion of majority on a matter and the members of the Board are equally divided, the chairperson shall have the final word.

Explanation:- The expression "Chairperson" for the purpose of the above proviso shall include a member nominated or chosen under sub-rule (2) of rule 3 to preside over a meeting.

(10) Meetings:-

(i) The Board shall meet at such places and at such times as may be decided by the Chairperson and it shall meet at least once in three months.

(ii) The Chairperson shall preside over every meeting of the Board in which he/she is present and in his/her absence, he/she may nominate a member of the Board to preside over such meeting in his/her place and in the absence of such nomination by the Chairperson, the members of the Board present in such meeting may choose one member from amongst themselves to preside over the meeting.

(11) Vacancies etc., not to invalidate proceedings: No proceedings of the State Board shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the State Board.

(12) Notice of meetings and list of business:-

(i) Ordinarily, two weeks notice shall be given to the members of the Board of a proposed meeting:

Provided that the Chairperson, if satisfied that it is expedient so to do, may give notice of longer period not exceeding one month for such meeting.

(ii) No business except which is included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson.

(iii) The Chairperson may at any time call a special meeting of the Board in case of urgency, after informing the members in advance about the subject-matter of discussion and the reasons of urgency.

(13) Quorum:-

(i) No business shall be transacted at any meeting of the Board unless at least six members are present in that meeting which shall include at least one member of State Legislative Assembly:

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

(ii) The Government may prohibit any member other than ex-officio members, from taking part in the Meeting of the Board if:–

(a) he absents himself from three consecutive meetings of the Board without written information and consent of the Chairperson:

or

(b) in the view of the Government, such member has ceased to represent the interest which he purports to represent on the Board.

(14) Functions of the Board:-

(i) The State Board shall perform its functions in accordance with the provisions laid down in sub section (15) of section 6 of the Code.

(ii) The Board may also adopt such procedures, forms and registers etc., as are required for carrying out the said functions, schemes, procedure to be followed, forms and registers etc., as approved by the Government, before they are implemented.

(15) Staff of the Board:- The Government may sanction such number of posts for proper administration of the Board, based on the proposals received from the Secretary of the Board.

(16) Minutes of the Meeting:-

(i) The Secretary of the Board shall arrange for preparing the minutes of the proceedings of each meeting of the Board showing inter alia the names of the members present and shall forward a copy of such minutes to each member of the Board as soon as possible.

(ii) The minutes of the proceedings of each meeting shall be confirmed with such modification, if any, as may be decided upon at the next meeting of the Board and signed by the Chairperson at that meeting by way of authentication.

(iii) The minutes of the proceedings of each meeting of the Board authenticated by the Chairperson shall be kept in a separate minutes book and the Secretary of the Board shall send a copy of such authenticated minutes of the proceedings of each meeting to the Government, as early as possible, for information.

(iv) The minutes book shall be kept in safe custody of the Officer authorized by the Secretary of the Board who shall be responsible for recording the minutes of the meetings.

(17) Budget of the Board:– The Secretary of the Board shall cause the budget estimates of the fund containing estimated receipts and expenditure for every financial years, to be prepared and laid before the Board by 31st January every year and the Board will approve the budget before the 15th March. The details of all immovable and movable assets of the Board including the expenditure incurred on Welfare Schemes, administration and other sub-heads 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 as annexure to the Budget. Thereafter, the budget copies shall be forwarded to the Government.

(18) Operation of the Bank Account:-

(i) The Secretary of the Board shall open a Current Account in a Nationalized Bank for depositing the subscriptions, etc., after obtaining the prior permission of the Government.

(ii) The Accounts shall be operated by the Secretary of the Board.

(iii) The Accounts with each of the Bank shall be reconciled once in every quarter with the Cash Book of the Board. The consolidated debits and credits of Bank Accounts shall tally with the Income and Expenditure of the Fund. A Bank Reconciliation Statement shall be made available at the end of every quarter to explain inconsistencies between the fund Account maintained in the Board and the Bank Accounts.

(iv) In the contingency of non-availability of Secretary of the Board and in case of exigency, for reasons to be recorded in writing, the accounts may be operated by an officer not below the rank of Joint Commissioner of Labour approved by the Commissioner of Labour. However, such transactions shall be placed before the Board in its next meeting and shall obtain ratification of the Government.

(19) Maintenance and Audit of Accounts of the Fund:-

(i) The Board shall maintain proper accounts and other relevant records and prepare annual statement of accounts including statement of Income and Expenditure and balance sheet, in such form as may be notified by the Government in consultation with the Comptroller and Auditor General of India.

(ii) The accounts of the Board shall be balanced on the 31st March of each year.

(iii) The Accounts of the fund shall be maintained by the Secretary of the Board and shall be audited by the Comptroller and Auditor General of India.

(iv) The Government may, also at any time, order special audit of the accounts of the Board.

(v) The expenses for the audit shall be as may be approved by the Government.

(20) Annual report:-

(i) The Secretary of the Board shall prepare an Annual Report in a descriptive form explaining all the welfare and other activities of the Board during the Financial Year and submit the same to the Central and State Governments along with the Auditor's Report and Balance Sheet, duly approved by the Board, before the 15th July succeeding the Financial Year.

(ii) The State Government shall cause the Annual Report and Auditor's Report to be laid, as soon as may be after they are received, before the State Legislature.

(21) Outsourcing of certain operations of the Board:- The Board may outsource the operations such as Maintenance of Beneficiary Accounts, Issuance of Identity Cards, Receipt of Contributions, Registration Fee, Cess, etc., and implementation of welfare measures, as a cost effective measure, taking proper care about the safety of funds, control over implementation and such other measures as are essential for effective implementation of the

provisions of the Code. However, such proposals shall be approved by the Government, before they are implemented.

(22) Government's Authority to investigate into the matters of the Board/ Funding:- The Government shall have power to investigate into the matters of the functioning of the Board and its funding at any time, as it deems necessary.

(23) If the Government on consideration of the report referred to in sub-rule (i) of rule 19 is of the opinion:-

(i) that the Board is unable to perform its functions; or

(ii) that the Board has persistently made default in the discharge of its functions or has exceeded or abused its powers, the Government may, by notification, supersede the Board in question and reconstitute it in the prescribed manner.

(iii) When the Board is superseded, the following consequences shall follow:-

(a) All the members of the Board shall, from the date of publication of the notification vacate their office.

(b) The Vehicle, furniture, stationery or other movable or immovable property under the control or custody of the Chairperson or Members of the Board shall immediately be restored to the Secretary under proper acknowledgement.

(24) Power of Government:- The Government may give directions to the Board as to the carrying into execution of any provisions of the Act and Rules, Schemes and Notifications issued and the Board shall be bound by such directions. The Government is competent to call for any records, reports or other particulars pertaining to the functioning of the Board and the Secretary shall furnish such information with reasonable diligence.

(25) Registration of beneficiaries:-

(i) The Government shall by notification, appoint any officer of the Labour Department, as Registering Authority for the purpose of Registration of the Unorganized Workers:

Provided that, the officers already authorized by different departments in the State for registration of beneficiaries in the unorganized sector falling under their departments under various welfare schemes shall continue to be the Registering Authorities and shall take up registration of beneficiaries under respective schemes.

(ii) If the Registering Authority is satisfied that, the registration was obtained by mis-representation, fraud or suppression of any material fact, the registering authority may be revoke, suspend or cancel the registration.

(iii) Renewal of the registration shall be done by the registration authority.

(iv) Every unorganized worker who has completed fourteen years of age, but has not completed sixty years of age, and who has been engaged in any unorganized sector work shall be eligible for registration as a beneficiary under the Code / Rules.

(v) An application for registration shall be made in **Form-I** to the Officer as notified by the Government in this behalf.

(vi) The fee for registration of worker shall be Rs.30/- and fee for renewal shall be Rs.20/- and fee for any change of nominations and for issue of duplicate Identity Cards shall be Rs.10/- (excluding Photo of the beneficiary). Provided that an application for registration/ renewal shall not be rejected

without giving the applicant an opportunity of being heard. The application for renewal shall be in **Form–II.**

(vii) If the Registering Authority is satisfied that the applicant has complied with the provisions of the Act/Code and Rules made there under, he shall register the name of the unorganized worker as a beneficiary under the Act.

(viii) Every registration made under sub-rule (v) shall be renewed for a period of one year or for such number of years as may be prescribed commencing from the date of its expiry.

(ix) Every application under sub-rule (v) and (vi) shall be accompanied by such documents.

(26) Identity Cards:-

(i) The Registering Authority shall issue Identity Cards in **Form–V** to every unorganized worker/beneficiary with his/her photograph duly affixed thereon.

(ii) A beneficiary who has been issued an identity card under this rule shall produce the same whenever demanded by any Authorized officer of the Government.

(iii) In case of loss of identity card, destroyed or defaced by the worker a duplicate identity card will be issued in **Form–VI** by the issuing Officer on an application made to him by the registered unorganized worker on payment of such fee as may be prescribed.

(27) Register of beneficiaries: - The authority of issuing Identity Cards shall cause to maintain a register in such form as may be prescribed showing the particulars of the beneficiaries in **Form-IV**.

(28) Nomination:-

(i) Every unorganized worker shall at the time of making the application for his/her registration with the Department, make a nomination, for the purpose of handover of benefits in case of death of the worker in **Form-III**.

(ii) An Unorganized worker may, in his/her nomination, distribute the amount payable under the Code amongst one or more dependents.

(iii) If an unorganized worker has a family at the time of making a nomination, the nomination shall be made in favour of one or more members of his family, and any nomination made by such unorganized worker in favour of a person who is not a member of his/her family shall be void.

(iv) Dependents shall have the same meaning assigned to it under section 2 (1) (d) of the Workmen's Compensation Act, 1923 (Central Act No.8 of 1923). When there are no dependents to the unorganized worker, others may be nominated.

(v) A nomination may be modified by an unorganized worker in **Form-III** at any time after giving a written notice of his/her intention to do so to the concerned Notified Officer of the area.

(vi) If a nominee predeceases the unorganized worker, shall submit a fresh nomination in **Form-III**.

All the departments concerned implementing welfare measures to the Unorganized Workers falling under their departments, shall suitably modify the forms prescribed in the rules in tune with the provisions of the Code and these Rules, to have uniformity.

(29) Dual Membership and Dual Benefits:-

(i) No unorganized worker shall be entitled to more than one same or similar benefit under this Code, Rules or the Scheme or any other Act conferring the same or similar benefit.

(ii) The unorganized worker shall be entitled to continue as a beneficiary under one Scheme only depending upon his/her prime occupation. However, he/she may transfer his membership from one Scheme to the other and the contribution so remitted along with employer's matching contribution, if any, should also be transferred to the latter Scheme.

(30) Scheme Implementing Machinery:-

(i) Each department/agency implementing a Social Security Scheme for a particular segment of Unorganised Sector shall continue to implement such scheme for such workers.

(ii) The Labour Department shall deal with the matters of registration of the workers and implementation of the Social Security Scheme to those segments who are not covered by any other department.

(iii) The respective Administrative Department shall issue notifications for registration of the workers and implementation of the Social Security Schemes for effective implementation of the law as and when funds are provided by the respective departments/agencies.

(31) Appointment of Chief Inspector and Inspectors:- The Government may, by notification, appoint a Chief Inspector and such number of Inspectors as may be necessary for the purposes of this Code and fix the local limits of their jurisdiction.

(32) Power and duties of Chief Inspectors:- The Chief Inspector may exercise and perform in addition to the powers and duties conferred and imposed on him by or under this Code, all the powers and duties of an Inspector under this Code. The Chief Inspector and every Inspector shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code (Central Act No.45 of 1860).

(33) Powers and duties of Inspectors:- An Inspector may within the local limits, for which he is appointed:-

(i) Enter at all reasonable hours in to any premises / place where workers in the Organized / Unorganized Sector are engaged.

(ii) Exercise such other powers as may be necessary for carrying out of the purposes of the Code.

(iii) Ensure inspection of the premises and record the names of unorganized workers on the spot or otherwise evidence of such persons, as he may deem necessary in the manner prescribed.

(34) Penalty for obstructing Inspector etc:- Any person who will fully obstructs an Inspector in the exercise of any power conferred on him by or under this Act or any person lawfully assisting such inspector in the exercise of such power, or who fails to comply with any lawful direction made by such Inspector, shall be punishable with fine as may be prescribed and/or imprisonment for a term which may extend to three months or with both.

(35) Procedure for trial of offence:- No court shall take cognizance of a complaint against any person for an offence under rule–35 on a complaint made by or with the previous sanction in writing of an Inspector under this Code within six months from the date on which the offence or contravention is alleged to have been committed.

(36) Administrative departments/agencies shall adopt relevant Rules:-These rules shall be adopted by all the administrative departments / agencies which are implementing the Social Security Schemes to the Unorganized Sector Workers.

(37) Powers to remove difficulties:- If any difficulty arises in giving effect to the rules of this Code, the State Government may, by order published in the Official Gazette, make such rules, not inconsistent with the provisions of this Code, as may appear to it to be necessary for removing the difficulty.

B. TELANGANA BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD

4. The terms and conditions of appointment and the salaries and other allowances payable to the Chairperson and the other members of the Building and Other Construction Workers Welfare Board and the manner of filling of casual vacancies of such members, there terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the said Board under clause (c) of sub-section (5) of section 7.-

(1) The Government may, by notification, constitute a Board to be known as Telangana Building and Other Construction Welfare Board under sub-section (1) section 7 of the Code.

(2) Constitution of the Board: The Board shall consists of the following members:

(a) A member nominated by the State Government as Chairperson;

(b) fifteen other members as nominated by the State Government and out of them;

(i) A member nominated by the Central Government from Ministry of Labour;

(ii) Secretary to Government, Labour, Employment, Training and Factories Department, *Ex-officio* Member;

(iii) Commissioner of Labour, *Ex-officio* Member;

(iv) Director/ Commissioner, Municipal Administration, Department;

(v) Director, Town Planning Department;

(vi) Engineer-in Chief, Roads & Buildings Department;

(vii) Secretary of the Board and Chief Executive Officer Member – Convener;

(viii) Four persons representing the employers nominated by the Government in consultation with employers' organizations in the State;

(ix) Four persons representing the Building workers nominated by the Government in consultation with the Organizations of the employees functioning in the State; and

(x) Provided that at least one member of the Board shall be a woman.

(3) Term of the Board: The term of the Board shall be three years from the date of notification and on competition of three years, the said Board shall cease to be in existence.

Provided that the Secretary/Chief Executive Officers of the Board shall submit necessary proposals to the Government well in advance of six months.

(4) Appointment of Secretary and other members:

(i) The State Building Workers Welfare Board shall appoint a Secretary who shall be Chief Executive Officer of the Board as prescribed under sub-section (5) of section 7 of the Code.

(ii) Casual vacancies of the members of the Board shall be filled in by the Government in the same manner as the regular non-official members are appointed.

(5) Procedure regarding Board meeting:-

(i) The Board shall meet as often as may be necessary but not less than once in every three months commencing from the first meeting convened.

(ii) The Secretary/ CEO shall in consultation with the Chairperson to fix a date time and place as well as agenda for, each meeting of the Board and give not less than seven days notice thereof to each member.

Provided that seven days notice shall not be necessary where in the opinion of the Chairperson, that the Business to be transacted at the meeting is of very urgent nature requiring immediate attention and members are informed accordingly.

(iii) The Chairperson shall preside over all the meetings of the Board and matter other than those included in the Agenda shall be discussed at any meeting except with the permission of the Chairperson.

(iv) No Business shall be transacted in any meeting of the Board unless there is quorum of not less once third of the numbers of members of the Board:

Provided that if a meeting adjourned by the Chairperson for lack of quorum even after waiting for not less than thirty minutes from the appointed time, the Secretary shall, with the same agenda as fixed for the original meeting, fix a date not earlier than seven days from the date of that meeting and give notice in this behalf to all members and it shall there upon be lawful to dispose off the business included in the Agenda in their meeting irrespective of members present.

(v) All matters at the meeting of the Board shall be decided by majority of votes of members present and voting;

Provided that in case of equality of votes the chairperson shall have a casting vote or a second vote.

(vi) Votes on any issue shall be taken by show of hands at the meeting of the Board and the name of the persons voting in favour and against on any proposal be recorded only if any member requires the chairman to do so.

(6) Minutes of the meeting:-

(i) The Secretary-Chief Executive Officer shall arrange for preparing the minutes of the proceedings of each meeting of the Board showing *inter-alia* the names of the members present and shall forward a copy of such minutes to each members of the Board, within three days from the date of Board meeting.

(ii) The minutes of the proceedings of each meeting shall be confirmed in the next meeting and the same be forward to the Government from time to time.

(7) Salaries and Allowances of Chairperson and Members:-

(i) Travelling allowance and daily allowance of an official member shall be governing by rules applicable for journey performed by him on official duties and shall be paid by the authority paying his salary, as per the instructions of the Government in force.

(ii) Chairperson and each non-official member of the Board shall be entitled to salaries and other allowances as prescribed by the Government.

(8) Budget of the Board:- The Secretary/CEO of the Board shall prepare the Budget estimates of the Board for every financial year to be prepared and laid before the Board by 31st January every year which shall be approved by the Board before the end of the Financial year.

(9) Maintenance and Audit of Accounts of the Fund:-

(i) The Board shall prepare annual statement of accounts in such form as may be prescribed by the Government from time to time in consultation with the Comptroller and Auditor General of India.

(ii) The Accounts of the Board shall be maintained by the Secretary/CEO of the Board and shall be audited by the Comptroller and Auditor General of India as per procedures laid-down the Comptroller General of India.

(iii) The Accounts of the Board shall be balance on the 31st March of every year for which, the Secretary/CEO is responsible.

(10) Annual Report:-

(i) The Secretary / CEO of the Board shall prepare an Annual Report in a descriptive from explain all the welfare and other activities of the Board during the Financial Year and submit the same to the Government along with the Auditors Report, and Balance Sheet, duly approved by the Board, before 15th of April succeeding the Financial Year.

(ii) The State Government shall cause the Annual Report and Comptroller General Audit Report to be laid, as soon as may be after they are received, before the State Legislature.

(11) Appointment of Secretary, other Officers, Clerical and other staff by the Board and their services conditions:-

(i) The Board may, create all posts with prior approval of the Government and appoint from the existing officers and staff of the Labour Department of the State Government on deputation terms of the Government from time to time in force.

(ii) The Secretary / CEO of the Board shall be not below the rank of Joint Commissioner of Labour.

(iii) The staff covered under Ministerial Service Rules up to the cadre of Superintendents shall be drawn from the Office of the Commissioner of Labour on deputation basis for carrying out the functions of the Board in its Head office level:

Provided that If any Ministerial staff are created in the field level, they shall be drawn from the respective Zones/Districts within the ambit of the provisions of the Presidential Order, 2018.

(iv) The Government shall notify officers of the Labour Department for carrying out the functions of the Board vis-à-vis Code.

(v) If any field officers posts or at the Head Office level in the cadre of Assistant Commissioner of Labour and above are created, the Secretary/CEO of the Board, shall send a requisition to the Commissioner of Labour who will take necessary action to depute them to the respective places within the in the ambit of Presidential Order, 2018, Special governing the post and per the deputation terms from time to time.

(vi) The out sourcing staff /contract staff are created if any, the Secretary of the Board may take necessary action to fill them as per the orders of the Government in force from time to time.

(vii) The Commissioner of Labour shall have the administrative control over the Secretary/CEO and other officers appointed in the Board. He is competent to call for any records, report or other particulars pertaining to the functioning of the Board and the Secretary shall furnish such information with reasonable diligence.

(viii) (a) The Board may open Accounts in the State Bank of India or any Nationalized Banks to operate the transactions pertain to the Building Workers Welfare Board.

(b) The Accounts of the Board shall be operated by the Secretary/CEO, of the Board.

(c) The Accounts with each of the Bank shall be reconciled once in every quarter with the Cash Book of the Board. The consolidated debits and credits of Bank Accounts shall tally with the income and expenditure of the Fund. A Bank reconciliation Statement shall be made at the end of every quarter of the final year to identify the in consistencies if any between the fund Account maintained in the Board and the Bank Accounts. If any inconsistency identified, it may be placed below Board and recommend to the Government and seek further instructions thereon.

(12) (a) No person shall be chosen as or continue to be, a member of the Board, who:-

(i) is an officer of the Board; or

(ii) is or at any time has been adjudged insolvent; or

(iii) is found to be a lunatic or unsound mind; or

(iv) is or has been convicted of any offence involving moral turpitude.

(b) The Government may remove from office any member who:-

(i) is or has become subject to any of the disqualifications specified in sub-section (10) or

(ii) is absent without leave of the Board for more than three consecutive meetings of the Board.

(13) Any member of the Board may at any time resign from office by writing under his/her hand addressed to the Government, and his office shall, on acceptance of resignation by the Government, become vacant.

(14) In the event of any vacancy in the office of member of Board on account of death, resignation, disqualification or removal or otherwise, the Board shall forthwith communicate the occurrence to the Government and the vacancy shall be filled not later than thirty days from the date of the occurrence of the vacancy, and the person so nominated to fill the vacancy shall held office so long as the member in whose place he is nominated would have held it if the vacancy had not occurred:

Provided that during any such vacancy, the continuing member may act as such members, if no vacancy has occurred.

(15) The Government may at any time appoint any person to investigate or enquire into the working of the Board or any scheme and submit a report to the Government in that behalf:

Provided that any person appointed to investigate or inquire into the working of any Board or scheme may also exercise all the powers of an Inspector appointed under the Code.

(16) (i) If the Government, on consideration of the report referred to in sub-rule 13 is of the opinion, that,-

(a) the Board is unable to perform its functions; or

(b) the Board has persistently made default in the discharge of its functions; or has exceeded or abused its powers; and

(c) the Government may, by notification, supersede the Board in question and re-constitute it in the prescribed manner.

(ii) When the Board is superseded, the following consequences shall be follows:

(a) All the members of the Board shall, from the date of publication of the notification vacate their office.

(b) The Vehicle, furniture, stationery or other movable or immovable property under the control or custody of the Chairperson or Members of the Board shall immediately be restored to the Secretary/ CEO under proper acknowledgement.

(17) The Government may give directions to the Board as to the carrying into execution of any provisions of the Code and Rules, schemes and notifications issued and the Board shall be bound by such directions.

(18) The Board shall perform its functions as specified under sub-section (6) of section 7 of the Code.

(19) The State Government may, by notification, constitute with effect from such date as may be specified therein one or more advisory Committees to advise the State Government as specified under sub-section (7) of section 7 of the Code.

(20) 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 dependent under clause (e) of sub-section (6) of section 7:-Notwithstanding the welfare schemes mentioned in the sub-section (6) of the section 7 of the Code, the State Building and Other Construction Workers' Welfare Board shall also formulate following scheme(s) for the Building workers as may be specified by the State Government:

(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 dependent.

(21) Other welfare measures and facilities under clause (j) of sub-section (6) of section 7:- If in the opinion of the State Government, it is established that for improvement in the well being of the Building workers, it is necessary to formulate a new welfare scheme(s) in a State(s), Central Government may formulate such scheme(s) as notified by that Government from time to time.

CHAPTER-III

Employees State Insurance Court

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

(1) Constitution of the Presiding Officer of Industrial Tribunal as an Employees Insurance Court:– (1) The Telangana State Government may constitute the Presiding Officer of the Industrial Tribunal constituted under Industrial Relations Code as an Employees Insurance Court for the Territorial Jurisdiction of Telangana State and such Presiding Officer shall thereupon discharge the functions of the Employees Insurance Court in addition to his own duties.

(2) Fixing of time of sitting:

(i) The Court shall appoint the time at which it shall sit at Telangana State for holding proceedings under the provisions of this code;

(ii) The Court shall publicize the timing so fixed well in advance for the convenience of stakeholders.

(3) A court shall be subject to the administrative control and superintendence of the High court and shall,-

(a) Keep such registers, books and accounts as the High Court may, from time to time, direct;

(b) Comply with such requisitions as may be made by the High Court or the Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs; and

(c) A Court shall keep a seal of such size, dimensions and design as the Government may direct.

(4) Appeal:- The Insured Person or the Corporation may file an second appeal to the Employees' Insurance Court by presenting an application within ninety days from the date of receipt of the copy of order of the Medical Appellate Tribunal:

Provided that the Employees' Insurance Court may entertain the appeal after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the appeal within the prescribed period. The applications to the Employees' Insurance Court shall be in **Form-VII**.

(5) Procedure and fees:- (1) The procedure for filing appeal to the Employee Insurance Court:-

(i) an Appeal under section 49 shall be presented in triplicate in **Form -VIII** and shall contain the following particulars, namely:-

(a) the name of the Court in which an appeal is filed;

(b) full name, description including age, occupation and full postal address of applicant and the opposite party;

(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;

(i) every appeal shall be verified in the same manner as a pleading in a Civil Court;

(ii) all the documents on which the appeal is based or has desired by applicant shall be appended to appeal with an accurate list thereof;

(iii) all appeals shall be entered in a register in **Form- IX** to be maintained by the Court.

(2) Proceeding of Employees Insurance Court:-

(i) Every appeal to the Court shall be filed within three years on which the cause of action arose or as the case may be, the claim become due;

(ii) Where at any stage it appears to the Court that the appeal should be presented to another Court, or should be entertained by another Court, the first Court shall send the appeal or 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 appeal or file is transferred shall continue the proceedings as if the previous proceedings or any part of it had been taken before it.

(iii) The Court shall follow the rules of the Code of Civil Procedure, 1908 (Central Act No.5 of 1908) in respect of summoning of the parties, service of summons, procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.

(3) Fees:-

(i) The fee payable on an appeal in respect of any matter referred to in section 49 shall be hundred rupees.

(ii) The fee and costs payable in respect of any other matter shall be such as may be prescribed for the time being in force.

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

CHAPTER-IV

Gratuity

6. **Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of section 53:-** In the case of nominee, or an heir, who is minor, the competent

authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or Nationalized Bank.

Explanation:- "Nationalized Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act No.5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act No.40 of 1980).

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

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

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

Provided that nomination in **Form-X** 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.

(2) Within thirty days of the receipt of nomination in **Form-X** 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-X** 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 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-X** to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in **Form-X** 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.

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

7A. Compulsory Insurance:- (1) Every employer other than an employer of an establishment belonging to, or under the control of, the Central Government or a State Government, shall subject to provisions under section 57 of the Code, obtain an insurance in the manner prescribed under sub-section (1) of section 57 of the code for his liability for payment towards the gratuity under this code, from any insurance company regulated by the Authority as defined under

clause (b) of sub-section (*l)* of section 2 of the Insurance Regulatory and Development Authority Act, 1999 (Central Act No.41 of 1999).

(2) The Competent Authority appointed under this chapter is authorized to recover the amount of the Gratuity payable to an employee, as decided by the employer under sub-section (2) of section 56 of the code or in case of a dispute, as decided by the Competent Authority under sub-section (5) (c) of section 56 of the code, from any Insurance company with whom an Insurance has been taken under sub-section (1) of section 57 of the code or as the case may be, the Board of Trustees of the "Approved Gratuity Fund" constituted in accordance with sub-section (5) of section 2 of the Income Tax Act, 1961 (Central Act No.43 of 1961).

(3) Such board of trustees should include equal number of representatives of the employer and the employees of the establishments.

(4) Every employer of an establishment covered by the code shall get his establishment registered with the Competent Authority of the area in **Form-XIII (B),** within 30 days from the notification of the compulsory insurance provided under section 57 of the Code, along with details of employees of the establishment, to be furnished in **Form-XIII (D).**

(5) Every employer shall furnish the details of the employees insured, to the controlling authority in **Form-XIII (D)** at the time of registration of the establishment with the controlling authority and thereafter whenever there is a change in the employees insured.

(6) Every employer of an establishment covered under the Code, who had already established an Approved Gratuity Fund in respect of his employees and who desires to continue such arrangement, and every employer employing five hundred or more persons who establishes an Approved Gratuity Fund in accordance with sub-section (5) of section 2 of the Income Tax Act, 1961 may opt to continue / adopt such arrangement by submitting an option in **Form-XIII (C),** provided such existing Approved Gratuity Fund covers the entire liability of all the employees of the establishment, under the Act.

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

(1) Application for Gratuity.

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

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

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

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

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

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

(e) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained 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. 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 by electronic or personal service or by registered post acknowledgement due.

(2) Notice for payment of gratuity: (a) Within fifteen days of the receipt of an 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-XII** 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-XII** 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.

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

(b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in **Form-XII** under sub-clause (i) of clause (a) of sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

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

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

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

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

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

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

(a) If an employer,-

(i) refuses to accept a nomination under sub-rule (4) of rule 7 or to entertain an application sought to be filed under sub rule (1) of this rule; or

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

(iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in **Form-XIII (A)** to the competent authority for issuing a direction under sub-section (5) of section 56:

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.

(b) Application under clause (a) of sub-rule (4) 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.

(5) Procedure for dealing with application for direction:- (a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in **Form-XIV**, by electronically or registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.

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

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

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

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

Provided that an order under clause (e) of sub-rule (5) may, on good cause being shown within thirty days of the said order, be reviewed and the

application re-heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

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

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

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

(9) Service of summons or notice:-

(a) Subject to the provisions of clause (b), any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (Central Act No.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 not on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association, or on the authorised person shall be deemed to be service on such persons.

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

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

(c) Any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

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

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

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

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

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

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

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

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

(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 concerned in **Form-XV** 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. A copy of the notice 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-XVI** for recovery thereof under section 129 of the Code.

9. Appointment of Competent Authority: The competent authority shall be appointed by the State Government by notification as required under sub-section (1) of Section 58 of the code.

CHAPTER-V

MATERNITY BENEFIT

10. Authority to whom an appeal may be preferred under sub-section (3) of section 72:-

(1) Complaint under section 72:- (a) A complaint under sub-section (1) of section 72 shall be made in writing in **Form-XVII** as the case may be.

(b) When a complaint referred to in section 72 is received by an Inspector-cum-Facilitator, he/she shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he/she is satisfied that the maternity benefit or the amount has been improperly withheld, he/she shall direct the employer to make the payment to the woman or to the person claiming the payment under section 63, as the case may be, immediately or within a specified period.

(2) Appeal under section 72:- (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the Competent Authority.

(b) The aggrieved person shall prefer an appeal in writing to the prescribed Authority in **Form-XVIII** and file other supporting documents.

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

(d) Taking into account the documents, the evidence produced before him / her and the facts presented or ascertained by him/her, the prescribed Authority shall give decision.

CHAPTER-VI

Employees Compensation

11. The manner of deposit of funeral expenses to the fatal /Injury of the employees resulted in death under sub-section (7) of section 76 of the Code:-

(1) If the injury of the employee results in death, the employer shall, in addition to the compensation under sub-section (1) extend the following:

(a) The employer shall deposit with the competent authority a sum of not less than twenty five thousand rupees, within twelve hours of such incident towards funeral expenses of such funeral of the deceased workman to the eldest surviving dependents of the employee who met with fatal /injury employee resulted in death excluding the transport charges of the body:

Provided that the competent authority shall calculate the actual transport charges from the place of death/accident/Hospital to the native place of the deceased worker or to the place where the dependents of the deceased desired to perform the rituals and pass an order to that extent and the employer shall deposit the same with the competent authority within twelve hours of the death:

Provided that where the workman did not have dependent or not living with his dependents at the time of his death, funeral expenses and transport charges shall be paid who actually incurred the said expenses:

Provided that such funeral expenses and transport charges prescribed, shall be in addition to the compensation under sub-section (1) of section 76.

(b) Conditions when application for Review is made or employee with medical certificate of a Medical Practitioner under sub-section of (1) section 79:

(2) The employer or employee may make an application with substantial grounds to the competent authority without medical certificate for review of half monthly payment under sub- section (1) of section 79.

(a) By the employer on the ground that since the right to compensation was determined the workmen's wages have increased.

(b) By the workman, on the ground that since the right to compensation was determined his wages have diminished;

(c) By the workman, 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 workmen conditions such as to warrant such cessation;

(d) Either by the employer or by the workman, 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;

(e) Either by the employer or by the workman on the ground that in the determination of compensation there is mistake or error apparent on the face of the record.

(3) Procedure on application for review:-

(a) The competent authority on receipt of such review application shall examine and admit subject to payment of half monthly wages till further orders on review application.

(b) The competent authority shall dispose that review application within a month on or before the due date of half monthly payment being paid.

Provided that if competent authority is of the opinion, he may refer to the Medical Practitioner within the premises of the employer and obtain such report within the time limit of application disposal as stipulated above.

(c) If, on examining the application for review by an employer, in which the reduction or discontinuance of half-monthly payment is sought it appears to the Competent authority that is a reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may any time issue an order after giving the employee likely to be affected thereby an opportunity of being heard for withholding the half monthly payments in whole or in part pending his decision on the application.

(4) Procedure on application for commutation:-

(a) Where application is made to the Competent Authority under section 80 for redemption of a right to receive half-monthly payments by the payment of a lump-sum, the Competent Authority shall form an estimate of the probable duration of the disablement, and shall not a sum equivalent to the total of half-monthly payments would be payable for the period during which he estimated the disablement will continue, less one-half per cent, of that total for each month comprised in that period:

Provided that fractions of a rupee included in the sum so computed shall be disregarded.

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

12. Class of employers and the form of notice book under sub section (4) of section 82:- The appropriate Government may require that any class of employers as may be prescribed by that government shall maintain at their premises at which employees are employed, a notice book, in **Form–XIX** which shall be readily accessible at all reasonable times to any injured employee employed on the premises and to any person acting *bonafide* on his behalf.

13. The frequent interval for medical examination under the proviso to sub section (1) of section 84:-

(1) Workman not to be required to submit to medical examination save in accordance with rules:- A workman who is required by sub-section (1) of section 84 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part and not otherwise.

(2) Examination when workman and medical practitioner both are available at premises. When each workman is present at the employer's premises and reasonable times to any injured employee employed on the premises and the employer offers to have him examined free of charge by a qualified medical

practitioner who is so present, the workman shall submit himself for examination forthwith.

(3) Examination in other cases:- In cases to which the rule 13 does not apply the employer may,-

(a) send the medical practitioner to the place where the workman is residing for the time being, in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner; or

(b) send to the workman any offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the workman shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified:

Provided that:

(i) the time so specified shall not, save with the express consent of the workman, be between the hours of 7 p.m. and 6 a.m.; and

(ii) in case where the workman's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

(4) Restriction on number of examinations:- A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

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

(6) Examination of women:-

(i) No woman shall without her consent be medically examined by a male practitioner save in the presence of another woman.

(ii) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

14. The statement to be submitted by the employer in the prescribed form under sub section (1) of section 88:-

(i) The notice to be sent by a Competent Authority under sub-section (1) of section 88 of the code shall be in **Form-XX** and shall be accompanied by a blank copy of **Form-XXI.**

(ii) The statement to be submitted by an employer under section 88 shall be in **Form-XXI.**

(iii) The report in respect of an accident under sub-section (1) of section 88 may be sent to the authority to whom the notice of such accident is required to be given.

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

(1) Form of Memorandum:- Memorandum of agreement sent to the Competent Authority under sub-section (1) of Section 89 shall, unless the Competent Authority otherwise directs be in duplicate and shall be in as close conformity as the circumstances of the case admit with **Form-XXII** or **Form-XXIII** or **Form-XXIV**, as the case may be.

(2) Procedure where Competent Authority does not consider that he should refuse to record memorandum:-

(i) On receiving a memorandum of agreement, the Competent Authority shall, unless he/she considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in **Form-XXV** to the parties concerned that in default of objections he/she proposes to record the memorandum on the date so fixed:

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

(ii) On the date so fixed, the Competent Authority shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:

Provided that the issue of a notice under sub- rule (1) shall not be deemed to prevent the Competent Authority from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(iii) If on such date, the Competent Authority decides that the memorandum ought not to be recorded, he/she shall inform the parties present of his decision and of the reasons therefore, and if any party desiring the memorandum to be recorded is not present, he/she shall send information to that party in **Form-XXVI**.

(3) Procedure where Competent Authority considers he / she should refuse to record memorandum:-

(i) If, on receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same, he/she shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the Grounds on which he considers that the memorandum should not be recorded.

(ii) If the parties informed are not present, a written notice shall be sent to them in **Form-XXVII** or **Form-XXVIII**, as the case may be, and the date in such notice shall be not less than seven days after the date of the issue of the same.

(iii) If, on the date fixed under sub-rule (1), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Competent Authority may, if information has already been given to all the parties concerned, recorded the agreement. If, information has not been given 'to all such parties, he shall proceed in accordance with rule 20 (2).

(iv) If, or the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in **Form-XXVI** to any party who did not receive information under sub-rule (1).

(4) Procedure on refusal to record memorandum:-

(i) If, in any case, the Competent Authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.

If, the Competent Authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show-cause why it should not be paid.

Where the agreement is for the redemption of half monthly payments by the payment of lump-sum, and the Competent Authority considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.

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

"This memorandum of agreement bearing serial No.....of.....20.....in the register has been recorded this day.....of.....20.....

Signature of Competent Authority"

16. Such other experience and qualification for appointment as a competent authority under sub-section (1) of section 91:-

Eligibility of the Competent Authority:-

(i) Member of State Judicial service who is serving for a period of not less than five years; or

(ii) Advocate with at least five years of practice; or

(iii) Gazetted officer with service not less than five years having educational qualification and experience in personnel management, human resource development, Industrial relation and legal affairs; Or

(iv) officer of the Labour Department not below the rank of Assistant Labour Commissioner / Deputy Director, Industrial Health and safety.

17. **The manner of the notice under sub-section (1) and the manner of transmitting money under sub section (3) of section 92:-**

(1) Transfer for report:-

(a) A Competent Authority transferring any matter to another Competent Authority for report in accordance with sub-section (2) of section 92 shall, along with the documents referred to in that sub- section, transmit to such other Competent Authority a concise statement, in the form of questions for answer, of the matter on which report is required.

(b) A Competent Authority to whom a case is so transferred for report shall not be required to report on any question of law.

(2) Transmission of money:-

Money transmitted by one Competent Authority to another in accordance with sub-section (2) of section 92 shall be transmitted either by remittance transfer receipt, or by money order, or by messenger, as the Competent Authority transmitting the money may direct.

18. The form, manner and fee for application for claim or settlement under sub-section (3) and Time limit for disposal of application and cost incidental to the proceedings under sub-section (4) of section 93:-

Procedure:-

(1) Introductory:- Save as otherwise provided in these rules, the procedure to be followed by Competent Authorities in the disposal of cases under the Code or these rules and by the parties in such eases shall be regulated in accordance with the rules contained in this.

(2) Applications:- Any application of the nature referred to in section 93 may be sent to the Competent Authority by registered post or may be presented to him or to any of his subordinate authorised by him in this behalf and, if so sent or presented, shall unless the Competent Authority otherwise directs, be made in duplicate in the appropriate form, if any, and shall be signed and verified by the applicant in the manner prescribed by Order VI Rule 15 of the Code of Civil Procedure 1908 (Central Act No.5 of 1908). Relevant Forms are **Form-XXX**, **Form-XXXI**, **Form-XXXII**.

(3) Production of documents:-

(i) When the application for relief is based upon a document, the document shall be appended to the application.

(ii) Any other document which the applicant desires to tender in evidence shall be produced at or before the first hearing.

(iii) Any document which is not produced at or within the time specified in sub-rule (1) or sub-rule (3) as the case may be, shall not, without the sanction of the Competent Authority be received in evidence on behalf of the applicant.

(iv) Nothing in this rule applied to any document which is produced for the purposes of cross-examining a witness or is handed to a witness to refresh his memory.

(4) Application presented to another Competent Authority (erroneously):-

(i) If it appears to the Competent Authority on receiving the 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 the designation of the Competent Authority to whom it should be presented.

(ii) It appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant (and the opposite party) if he has received a copy of the application under the rule 8, accordingly.

(iii) The Competent Authority to whom an application is transferred under clause (ii) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interest of the parties will not thereby be prejudiced.

(5) Examination of applicant:-

(i) On receiving the application of the nature referred to in section 93, the Competent Authority may examine the applicant on oath or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority.

(ii) The substance of any examination made under clause (i) shall be recorded in the manner provided for the recording of evidence in section 97.

(6) Summary dismissal of application:-

(i) The Competent Authority may, after considering application and the result of any examination of the applicant under sub-rule (5) summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(ii) The dismissal of the application under sub-rule (1) shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

(7) Preliminary inquiry into application:- If the application is not dismissed under sub-rule (6), the Competent Authority may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and if upon considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

(8) Notice to opposite party:- If the Competent Authority does not dismiss the application under sub-rule (6) or sub-rule (7), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party), a copy of the application, together with a notice of date on which he will dispose of the application and may call upon the parties to produce upon that date any evidence which they may wish to tender.

(9) Appearance and examination of opposite party:-

(i) The opposite party may, and if so required by the Competent Authority, shall, at or before the first hearing or within such time as the Competent Authority may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record.

(ii) If the opposite party contests the claim, the Competent Authority may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.

(10) Framing of issues:-

(i) After considering the written statement and the result of any examination of the parties, the Competent Authority shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(ii) In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.

(11) Power to postpone trial of issues of fact where issues of law arise:- When issues both of law and of fact arise in the same case, and the Competent Authority is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit,

postpone the settlement of the issues of fact until after the issues of law have been determined.

(12) Diary:- The Competent Authority shall maintain under his hand a brief diary of the proceedings on an application.

(13) Judgment:-

(i) The Competent Authority in passing orders, shall record concisely a judgment, and his finding on each of the issues framed and his reasons for such finding.

(ii) The Competent Authority, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

(14) Summoning of witnesses:-If an application is presented by any party to the proceedings for the citation of witnesses, the Competent Authority shall on payment of the prescribed expenses issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the decision of the case.

(15) Right of entry for local inspection:- A Competent Authority before whom proceeding relating to an injury by accident is pending may at any lime enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:

Provided that the Competent Authority shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment save with the permission of the employer or of me person directly responsible to him for the management of the establishment.

(16) Procedure in connection with local inspection:-

(i) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties their or representative notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(ii) Such notice may be given orally or in writing, and, in the case of an employer may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 88, or to the representatives of any such person.

(iii) Any party, or the representative of any party, may accompany the Competent Authority at a local inspection.

(iv) The Competent Authority, after making local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fees, shall supply any party with a copy thereof.

(v) The memorandum shall form part of the record.

(17) Powers of Summary examination:-

(i) The Competent Authority during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such case,

whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

(ii) No oath shall be administered to examine under clause (i).

(iii) Statements made by persons examined under clause (i), if reduced to writing, shall not be signed by the person making the statement, nor shall they except as hereinafter provided, be incorporated in the record or utilized by the Competent Authority for the purpose of arriving at a decision in the case.

(iv) If a witness who has been examined under clause (i) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Competent Authority may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.

(v) Any statement or part of a statement which is furnished to the parties under clause (iv) shall be incorporated in the record.

(vi) Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under clause (i), and may utilize such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

(18) Agreement/decision to abide by Competent Authority's decision:-

(i) If a party states in writing his/her willingness to abide by the decision of the Competent Authority, the Competent Authority shall inquire whether the other party is willing to abide by his/her decision.

(ii) If the other party agrees to abide by the Competent Authority's decision, the fact of his agreement shall be recorded in writing and signed by him/her.

(iii) If the other party does not agree to abide by the Competent Authority's decision, the first party shall not remain under an obligation so to abide.

(19) Procedure where indemnity claimed under section 85 (2):-

(i) Where the opposite party claims that if compensation is recovered, he/she will be entitled under sub-section (2) of section 85 to be indemnified by a person not being a party to the case, he/she shall, when first called upon to answer the application, present a notice of such claim to the Competent Authority accompanied by the prescribed fee, and the Competent Authority shall thereupon issue notice to such person in **Form-XXXIII.**

(ii) If any person served with a notice under clause (i) desires to contest the applicant's claim for compensation, or the opposite party's claim to be indemnified, he shall appear before the Competent Authority on the date fixed for the hearing of the case or on any date to which the case may be adjourned and if he/she so appears, shall have all the rights of a party to the proceedings; and in default of so appearing he/she shall be deemed to admit the validity of any award made against the opposite party and to admit its own liability to indemnify the opposite party for any compensation recovered from him/her:

Provided that, if any person so served appears subsequently and satisfies the Competent Authority that he/she was prevented by any sufficient cause from appearing, the Competent Authority shall, after giving notice to the aforesaid opposite party, hear such person and may set-aside or vary any award made against such person under this rule upon such terms as may be just and reasonable.

(iii) If any person served with a notice under clause (i), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he/she is a principal and is entitled to be indemnified by a person standing to him/her in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under clause (i) present a notice of such claim to the Competent Authority accompanied by the prescribed fee and the Competent Authority shall thereupon issue notice to such person in **Form-XXXIV.**

(iv) If any person served with a notice under clause (iii) desires to contest the applicant's claim for compensation, or the claim under clause (iii) to be indemnified he/she shall appear before the Competent Authority on the date fixed in the notice in **Form-XXXIV** or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under clause (i) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person, so served appears subsequently and satisfies the Competent Authority that he/she was prevented by any sufficient cause from appearing, the Competent Authority shall, after giving notice to all parties on the record, hear such person, and may set-aside or vary any award made against such person under this rule upon such terms as may be just.

(v) In any proceeding in which a notice has been served on any person under clause (i) or clause (iii), the Competent Authority shall award compensation, record in judgement a finding in respect of each of such persons whether he/she is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he/she is liable to indemnify.

(20) Procedure in connected cases:-

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

(ii) Where action is taken under clause (i), 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 records 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 of cross examining the witnesses.

(21) Certain provisions of Code of Civil Procedure, 1908 (Central Act No.5 of 1908) to apply:- Save as otherwise expressly provided in the Code or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908. namely, those contained in Order V Rules 9 to 13 and 15 to 30, Order IX. Order XII Rules 3 to 10, Order XVI Rules 2 to 21, Order XVII, Order XVIII Rules 1 and 2 shall apply to proceedings before Competent Authorities, in so far they may be applicable thereto:

Provided that:-

(a) For the purpose of facilitating the application of the said provisions, the Competent Authority may construe them with such alterations not affecting the substantive nature as may be necessary or proper to adopt them to the matter before him/her;

(b) The Competent Authority may, for sufficient reasons, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.

(22) Provisions regarding signature of forms:- Any form, other than a receipt for compensation, which is by these rules required to be signed by a Competent Authority may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

(23) Apportionment of compensation among dependents:- The provisions of this part except those contained in Rules (8), (9) and (21) shall as far as may be apply in the case of any proceedings relating to the apportionment of compensation among dependents of deceased workman.

(24) Reasons for postponement to be recorded:- If the Competent Authority finds it impossible to dispose of an application at one hearing he/she shall record the reasons which necessitated the postponement.

(25) Exemption from payment of costs:- If the Competent Authority is satisfied that the applicant is unable, by reason of poverty, to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which, they had not been remitted, would have been due to be paid, may be added to the cost of the case and recovered in such manner as the Competent Authority in his/her order regarding costs may direct.

19. The manner of authentication of memorandum under section 97:- Examination of applicant:-

(1) On receiving the application of the nature referred to in section 93, the Competent Authority may examine the applicant on oath or may send the application to any officer authorized by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority.

(2) The substance of any examination made under clause (i) shall be recorded in the manner provided for the recording of evidence in section 97.

CHAPTER-VII

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

20. Manner and time of collection of cess under sub-section (2), manner of deposit of the cess so collected under sub-section (3), and the uniform rate or rates of advance cess under sub-section (4) of section 100 and manner of self-assessment of cess under sub-section (1) of section 103 as may be prescribed by the Central Government:-

(1) Information to be furnished by the employer:-

(a) Every employer, within sixty days of commencement of his/her work or payment of cess, as the case may be, furnish to the Assessing Officer, information in **Form-XXXV**.

(b) Any change or modification in the information furnished under clause (a) shall be communicated to the Assessing Officer in **Form-XXXV** incorporating details of such modification(s) immediately but not later than thirty days from the date of affecting the modification or change.

(2) Time and manner of collection of Cess:-

(a) The cess levied under sub-section (1) of section 100 of the Code shall be paid by an employer in advance, on the basis of his self-assessment duly

certified by Chartered Engineer at the time of approval or before the commencement of the work.

(b) For the purpose of self-assessment of cost of construction, the employer shall calculate the cost of construction work on the uniform rate or rates of construction as specified by respective State's Public Works Department or the Central Public Works Department or as per return or document submitted to the Real Estate Regulatory Authority, applicable for that particular year in which the commencement of building and other construction work took place in **Form-XXXVI:**

Provided, if there is any such type of construction activity involved for which neither State Public Works Department nor Central Public Works Department or Real Estate Regulatory Authority has specified any rate(s), the employer will calculate the cost of construction, based on the documents to be produced by him along with his assessment statement in **Form-XXXVI** within sixty days on completion of his/her each building and other construction work or project, to the assessing officer.

(c) Notwithstanding the provisions clauses (a) and (b) , where the approval of a construction work by a local authority or such other authority notified by the Central Government or the State Government as the case may be, is required, every application for such approval shall be accompanied by a proof of online payment made in favour of the State Building and Other Construction Workers' Welfare Board for an amount of cess payable on the basis of self assessment duly certified by the Chartered Engineer:

Provided that if the duration of the project is likely to exceed one year, the amount of cess payment may be for the amount of cess payable on cost of construction self-assessed to be incurred during one year from the date of commencement and further payments of due cess shall be made as per the provisions of clause (b) of sub-rule (2) of this rule.

(d) Notwithstanding the provisions of clauses (a) and (b), where the levy of cess pertains to building and other construction work of a Government or of a Public Sector Undertaking, such Government or the Public Sector Undertaking shall deduct or cause to be deducted the cess payable at the notified rates from the bills paid for such works. This deducted cess shall be deposited with the respective State Building and Other Construction Workers' Welfare Board within a period of thirty days from the date of such deduction made along with the details of the construction work to the Assessing Officer of the area concerned.

(e) In case, there is any stoppage or reduction of Building or construction work, employer shall furnish the information in **Form-XXXVII,** to the Assessing officer within sixty days of such stoppage or reduction of building or other construction.

(f) Every employer on completion of building or other construction work, shall be required to submit a return in **Form-XXXVIII**, to the Assessing officer within sixty days of each of his completed work.

(g) Advance cess paid as above shall be adjusted in the final assessment order made by Assessing Officer.

(3) Transfer of the proceeds of the cess to the Board:-

(a) The proceeds of the cess collected under sub-rule (2), shall be transferred by such Central or State Government office, as the case may be, Public Sector Undertaking, local authority or such other authority notified by the State Government, or assessing officer, in the Bank account of the State Building Workers' Welfare Board, electronically through online payment system.

(b) The amount collected shall be transferred to the Board's fund within thirty days of its collection through online payment system.

(c) The State Building and Other Construction Workers' Welfare Board shall periodically reconcile the amount of cess collected, with the concerned authorities of the State Government or Central Government or Public Sector Undertaking of the State Government or the Central Government or any such other authority, as specified by the appropriate Government.

(d) The State Building and Other Construction Workers' Welfare Board shall submit half-yearly report, to the State Government with a copy to the Central Government, on the amount of cess collected, cumulative and during the period, expenditure incurred during the period, number of live building and other construction workers, or for such period and with such details, as specified by the Central Government.

(4) Assessment:-

(a)The Assessing Officer, on receipt of information of return and cess paid in **Form-XXXVI** from an employer shall make a scrutiny of such information furnished and, if he/she is satisfied about the correctness of the particulars so furnished, he shall make an order of assessment within a period not exceeding ninety days from the date of receipt of such information, indicating the amount of cess payable by the employer and endorse a copy thereof to the employer and to the cess-collector and to the Building and Other Construction Workers Welfare Board and dispatch such order within five days of the date on which such order is made.

(b) The order shall inter-alia specify the amount of cess due, cess already paid by the employer or deducted at source and the balance amount payable and the date, consistent with the provision of sub-rule (2), by which the cess shall be paid to the cess collector.

(c) If on the scrutiny of information furnished by the employer in **Form-XXXVI** the Assessing Officer is of the opinion that employer has under-calculated or miscalculated the cost of construction or has calculated less amount of cess payable, he/she shall issue notice to the employer for assessment of the cess.

(d) On receipt of such notice the employer shall furnish to the Assessing Officer a reply together with copies of documentary or other evidences in support of his claim, within thirty days of the receipt of the notice:

Provided that the Assessing Officer may, in the course of assessment afford an opportunity to the assesses to be heard in person, if he/she so request to substantiate his claim.

(e) If the employer fails to furnish the reply within the stipulated period specified under clause (d) or where any employer fails to furnish information in **Form-XXXVI,** the Assessing Officer shall proceed to make the assessment on the basis of the available records and other information incidental thereto.

(f) The assessing officer may, at any time while the work is in progress or in the process of assessment of cost of construction authorise such officer to make such enquiry at the work site or from documentary evidence or in any other manner as he may think fit for the purpose of estimating the cost of construction as accurately as possible.

(5) Refund of overpaid cess:-

(a) Where the employer has deposited the cess in advance and the employer decides to withdraw from or foreclose the works or modifies the plan of construction thereby reducing the cost of construction undertaken or has been forced by other circumstances to call off the completion of the work undertaken, he may seek refund of the excess amount of advance cess paid

by submitting information in **Form-XXXVI** to the Assessing Officer giving details of such reduction or stoppage of work.

(b) The Assessing Officer, on receipt of information in **Form-XXXVI** from an employer shall make a scrutiny of such information furnished and, if he is satisfied about the correctness of the particulars so furnished, he shall make an order of assessment within a period not exceeding within thirty days of receipt of such information.

(c) Following the assessment order made on receipt of **Form-XXXVI** as per clause (b), the Assessment Officer shall, wherever necessary, endorse a copy of the such assessment to the respective Building Workers Welfare Board, cess collector and to such other persons as he thinks appropriate, for making the refund of excess cess as ordered in the assessment made under clause (b).

(d) The Building and Other Construction Workers' Welfare Board shall, within thirty days of receipt of the endorsement from the Assessing Officer under clause (c), refund the amount specified in the order to the employer through electronically online payment system in the bank account as per details furnished by the employer for this purpose.

(e) Where the Appellate Authority has modified the order of assessment reducing the amount of cess, refund shall be made within such time as may be specified in that order or in the manner and time as specified under clause (d) above.

21. Time limit to pay the amount of cess and the rate of interest in case of delayed payment 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 under clauses (a) and (b) of sub-rule (2) of rule 20, or the date of deduction at source under clause (d) of sub-rule (2) of rule 20, or the date on which the amount has been deposited with the local authority under clause (c) of sub-rule (3) of rule 20, as the case may be.

(2) If any employer fails to pay any amount of cess payable under section 100 of the Code, within such time as may be specified in the assessment order, such employer shall be liable to pay interest on the amount of cess, to be paid, at the rate of one per cent. 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.

22. Authority to inquire and impose penalty under section 104 as may be prescribed by the Central Government:-

(1) An Assessing Officer, if it appears to him that an employer has not paid the cess within the date as specified in the assessment order or has paid less cess, including the cess deducted at source or paid in advance, shall issue a notice to such employer that it shall be deemed to be in arrears and such Assessing Officer may, after such inquiry as it deems fit, impose on such employer, a penalty not exceeding such amount of cess:

Provided that, before imposing any such penalty, such employer shall be given a reasonable opportunity of being heard and if after such hearing the Assessment Officer is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed on such employer.

(2) If any penalty is imposed on the employer or the notice for imposing the penalty is withdrawn, as mentioned in sub-rule (1), the Assessing Officer will pass a speaking order in this regard stating the reasons thereof. A copy of such order shall be endorsed to the employer, cess-collector and to the Secretary, Building and other Construction Workers Welfare Board.

23. Time limit to prefer appeal, appellate authority, form and manner of appeal under sub-section (1) and fees for appeal under sub-section (2) of section 105:-

(1) An employer aggrieved by an order of the assessment made under sub-rule (4) of rule 20 or by an order imposing penalty made under rule 22, may file an appeal in **Form-XXXIX** against such order, within ninety days of the receipt of such order, to the Appellate Authority as notified by the State Government in this regard.

(2) Such appeal, *inter-alia,* shall be accompanied with,-

(a) the order appealed against;

(b) a certificate from the Cess Collector to the effect that the amount of cess or penalty or both, as the case may be, relating to such appeal has been deposited;

(c) a non-refundable fee equivalent to 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;

(d) a statement of points in dispute; and

(e) documentary evidence relied upon.

(3) On receipt of the appeal, the Appellate Authority may, call details from the Assessing Officer or his statement on the basis of his assessment order appealed against, as such Appellate Authority may consider necessary for the disposal of such appeal.

(4) The Appellate Authority shall give the appellant an opportunity of being heard in the matter and dispose of the appeal as expeditiously as possible but not exceeding sixty days from the date of receipt of such appeal.

(5) On being satisfied on the quantum of cess the Appellate Authority shall confirm the order of the Assessing Officer or if in his/her opinion the assessment was wrong; or on the higher side shall modify the order of assessment or if in his opinion the assessment is on the lower side or if the basis of assessment is wrong, it shall remand back the assessment order to the Assessing Officer along with his observations to rectify the wrong.

(6) An order remanded back under sub-rule (5) shall be disposed of by the Assessing Officer within thirty (30) days in view of the observation made by the Appellate Authority:

Provided that, if the amount of cess is proposed to be enhanced the assesses shall be given an opportunity of being heard.

(7) If the Appellate Authority is of the opinion that the quantum of penalty imposed is on the higher side or not correctly made it shall suitably modify or set aside the order of the Assessing Officer, as the case may be.

(8) The appeal under this rule shall be disposed of by making a speaking order and a copy of such order shall be sent to each of the appellant, the Assessing Officer and to the Secretary, Building and Other Construction Workers Welfare Board within five days of the date on which such order is made.

(9) An order in appeal reducing the amount of cess shall also ask Secretary of the concerned Building and Other Construction Workers' Welfare Board to refund the excess cess stating clearly a specified time to the appellants.

(10) An order in appeal enhancing or reducing the amount of cess or penalty or both, as the case may be, shall also specify the date by which the amount of cess or penalty or both should be paid or refunded.

(11) No appeal shall lie against the order of the Appellate Authority under this rule.

24. Manner of registration of building worker as beneficiary under section 106 as may be prescribed by the Central Government:-

(1) It shall be the responsibility of the State Government and the State Building Workers' Welfare Board to register all such workers working as building or other construction workers within the geographical area of the state, on the specified portal of the State Government or Board through *Aadhaar*.

(2) The employer or contractor of such building and other construction workers shall ensure that their workers are registered on the specified portal of the State Government or Board.

(3) The registration, renewal, and delivery of welfare scheme for the building workers shall be done electronically through the specified portal.

(4) Portability of the benefits of the building and other construction workers, process for their registration, deregistration, and manner of obtaining the benefits in the state where they are working as building and other construction workers, shall be undertaken in the manner and process as specified by the Central Government.

(5) The registration of the Building workers shall be done in the same manner and procedure(s) as prescribed for the registration of unorganised worker, gig worker and platform worker under rule 27.

(6) Every State Government shall designate nodal officer for the purpose of registration, renewal and updation of particular(s) of building workers through official gazette.

(7) Registration or Renewal as the case may be of the building and other construction workers shall be done only if they have been engaged as building or other construction work for not less than ninety days in a year.

(8) Boards may utilise services of *e-sewakendras* of the Central Government and State Governments and Business Correspondences of the Department of Posts or any other such agency for facilitating the registration, renewal, updation of particular(s) and delivery of welfare schemes for building workers.

(9) Every Board shall submit a report annually to the State Government with a copy to the central government in the form as specified by the appropriate Government.

(10) Board shall mobilize the building workers and facilitate to register eligible building workers and set up necessary camps as required in the labour intensive areas.

(11) Every building worker registered as a beneficiary under section 106 of the Code, shall be entitled to the benefits provided by the Board from its Fund.

(12) Where a Building worker migrates from one state to another, he shall be entitled to get benefits from the board in whose jurisdiction he is currently working and such board shall be responsible for providing such benefits to such workers.

(13) Every registered Building Worker shall be issued a digital identity card or otherwise bearing his photograph and other details as specified by appropriate government.

(14) Where identity card issued under sub-rule (1) above, is lost or accidentally destroyed, a duplicate identity card may be downloaded again from Board's web-portal with validation as specified by the State Government.

(15) Charges if any, for registration or updation or renewal, may be borne by the Central Government or State Government or Board or by the worker himself, either partly or fully or as may be specified by State Government in this regard.

25. Benefits of a beneficiary under sub-section (2) of section 107 as may be prescribed by the Central Government:- If any building worker has been beneficiary for at least three years continuously immediately before attaining the age of sixty years, for the benefit of such workers, the Government may formulate such scheme (s) as may be notified by the Government.

26. Rules framed under clause (zv) of sub-section (2) of section 155 as may be prescribed by the Central Government:-

(1) Recovery of overdue amount:- For the purpose of recovery of sums due on account of unpaid cess, interest or overdue payment or, penalty under these rules, the Assessing Officer shall prepare a certificate signed by him, specifying the amount due and send it to the Recovery Officer of the district concerned who shall proceed to recover from the said employer the amount specified there under as if it were an arrear of land revenue or by any other such laws prevailing in that State for this purpose.

(2) Powers of Assessing Officer and other officers:- An Assessing Officer, or an officer authorised, under sub rule (4) of rule 20, if empowered by the State Government under section 103 of the Code, may:-

(a) enter any establishment where building and other construction work is going on only with the prior approval of the Secretary, Building and Other Construction Workers Welfare Board;

(b) make an inventory of materials, machinery or other articles lying at the work place;

(c) enquire about the number of workers engaged in various activities;

(d) require the production of any prescribed register or any other documents relevant to the assessment of cost of construction or number of workers employed;

(e) seize or take copies of any such records;

(f) make general assessment of the stage of the construction work having been completed;

(g) take measurement, notes or photographs; and

(h) exercise such other powers considered absolutely necessary for reasonable assessment of cost of construction.

(3) Filing of complaints:-

(a) The Assessing Officer, or any inspector-cum-facilitator under the Code, having come to know of violation of an obligation to furnish return, furnishing of false information, intentionally or willfully evading or attempting to evade the payment of cess may make a complaint with evidences pertaining to such complaint to the State Government with a copy to the Board in writing.

(b) The State Government may make such inquiry as considered necessary and authorise any officer as it thinks suitable to file a complaint in the court of law.

CHAPTER-VIII

SOCIAL SECURITY FOR UNORGANISED WORKERS, GIG WORKERS AND PLATFORM WORKERS.

27. Eligible age for registration under clause (a) and form and manner of information under clause (b), of sub-section (1) and the form of application, documents for registration and manner of self registration under sub-section (2), of section 113 as may be prescribed by the Central Government:-

(1) Registration of unorganised worker or any category or sub-category of unorganised workers:-

(a) Every eligible unorganised worker, or any category or sub-category of unorganised worker under section 113 shall be required to be registered with Aadhaar, on self-declaration basis in the form on the portal, as specified by the State Government.

(b) In order to be eligible for any benefit under any scheme(s) framed under the Code for any unorganised worker or any category or sub-category of unorganised worker, the appropriate Government may notify specific condition(s) for eligibility, as deemed fit.

(c) The eligible unorganised worker, or any category or sub-category of unorganised worker shall submit application form, electronically, with Aadhaar on self-declaration basis for registration to such authority on the specified portal of State Government.

(d) On completion of registration, such worker shall be issued an acknowledgement, electronically or otherwise, bearing his Unique Registration Number.

(e) The State Government may provide a facility such as mobile app, web portal or any other application, facilitating the unorganised workers to register themselves on the specified portal.

(f) In order to avail the facility of self-registration, an unorganised worker, or any category or sub-category of unorganised worker shall be required to establish his identity through one time password or any other procedure, as specified by the State Government.

(g) For availing any benefit under any of the social security scheme(s) framed under the Code, an unorganised worker or any category or sub-category of unorganised worker shall require to be registered on the specified portal of the state Government, with such details as may be specified by the appropriate Government.

(h) The unorganised worker, or any category or sub-category of unorganised worker shall be required to update their particulars such as current address, current occupation, mobile number, skill, or any other particular(s) from time to time, as may be specified by the appropriate Government. In the absence of such updation, any un-organised worker or any category or sub-category of unorganized worker may not remain eligible to avail such benefit (s) of the social security scheme(s) notified under the Code.

(i) The State Government shall access the information from the portal of the Central Government for delivery of benefits of the social security scheme(s) to the unorganised workers, or any category or sub- category of unorganised worker.

(j) It shall be responsibility of the State Government or Building workers welfare board or the State Government or any other such Board of the unorganised worker, employer of the Building workers or aggregators or the contractors of

unorganised workers or any category or sub-category of unorganised workers, or gig workers or platform workers, to register such eligible workers with Aadhaar who are not registered with ESIC or EPFO on the portal specified by the State Government.

(k) The charges, if any, for registration or updation of particulars on the specified portal of the unorganised worker, or any category or sub-category of un-organised worker, may be borne by the State Governments or un-organised worker, or any category or sub-category of unorganised worker, either partly or fully as may be specified by the appropriate Government.

(2) Registration of gig worker and platform worker and any other such worker:-

(a) Every eligible gig worker or platform worker, under section 113 shall be required to be registered with Aadhaar, on self-declaration basis in the form on the portal, as specified by the State Government.

(b) For identification and smooth registration of eligible gig workers and platform workers, each aggregator shall share monthly or such other periodicity in such form as specified, details of the information of their gig workers or platform workers electronically to generate Unique Registration Number or temporary registration number on the Portal, as specified by the Central Government. Further, on issue of such number, each worker or platform worker shall authenticate himself through Aadhaar as per procedure specified by the State Government.

(c) Aggregator (s) shall link their database with the unique registration number issued under clause (d) of sub-rule (1) to facilitate registration of their gig and platform workers on the portal specified by the State Government.

(d) A gig worker or platform worker, who has completed the age of sixteen years, but not attained the age of sixty years, shall be eligible for registration as mentioned in clause (a) above:

Provided such worker has been engaged as gig worker or platform worker, for not less than ninety days during the preceding twelve months.

(e) The registration of the gig worker or platform worker or any other such worker, shall be done in the same manner and procedure(s) as prescribed for the registration of unorganised worker, or any category or sub-category of worker, under sub-rule (1).

(f) In order to be eligible for any benefit under any scheme(s) framed under the Code for gig workers and platform workers, the State Government may notify specific condition(s) for eligibility, as deemed fit.

(g) For availing any benefit under any of the social security scheme(s) framed under the Code, a gig worker or platform worker shall be required to be registered on the portal with such details as may be specified by the State Government.

(h) The unorganised worker, gig worker, platform worker shall be required to update his particulars such, as current address, current occupation, period of engagement with the concerned platform(s) or aggregator(s), mobile number, skill, or any other particulars from time to time, on the portal specified by the state Government. In the absence of such updation, a gig worker or platform worker, may not remain eligible to avail benefit (s) of the social security scheme(s) notified under the Code.

(i) The charges, if any, for registration or updation of particulars on the specified portal of the gig worker and platform worker, may be borne by the State Government or aggregators or gig worker or platform worker, either partly or fully as may be specified by the State Government.

28. Carrying out the matters specified in clause (i) of sub-section (7) of section 114 as may be prescribed by the Central Government:-

(1) The authority to collect and to expend the proceeds of contribution collected:-

(i) The State Government shall designate an Officer, or an agency, as the authority responsible to collect and expend the contributions from the aggregators.

(ii) Such authority may seek any information as may be required from the aggregator(s) for registration of gig workers or platform workers, formulation of suitable welfare scheme(s) under section 114 and implementation thereof.

(iii) The contribution collected under section 114 shall be part of the Social Security Fund in a separate account meant for gig workers and platform workers as mentioned in sub-section (2) of section 141.

(2) The rate of interest to be paid by an aggregator in case of delayed payment, less payment or non-payment of contribution:- If any aggregator fails to pay any amount of contribution payable under sub-section (4) of section 114, within such time as may be specified by the State Government, such aggregator shall be liable to pay interest on the amount of contribution, to be paid, at the rate of one per cent. 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.

(3) Self-assessment of contribution by aggregators:-

(a) Every aggregator shall assess contribution payable under sub-section 4 of section 114 in the **Form-XXXX** and pay provisional contribution as assessed in the designated account of the Social Security Fund, for the preceding year not later than 30thJune, of the current year in which the contribution is payable.

(b) Aggregator after finalization of the audited statement of the account for the previous financial year as per the relevant provisions of the Income Tax Act ,1961 or the Companies Act, 2013 or the Limited Liability Partnership Act, 2008, shall submit a final return in the **Form-XXXXI**, detailing the provisional payment of contribution made along with the details of outstanding contribution, if any paid by 31st October, of the current year in which the contribution is payable.

(c) In case of excess contribution, if any paid by any aggregator, such aggregator shall claim the refund in the **Form-XXXXI** of such excess amount. The authority designated by the Central Government in this regard, shall scrutinize the **Form-XXXXI**, as submitted by the aggregator and excess paid amount, if any, shall be refunded electronically in the bank account provided in **Form-XXXXI**, within a period not exceeding ninety days from the date of receipt of such claim.

If any aggregator feels aggrieved against the authority's order as mentioned in sub-rule (2) or sub-rule (3), an appeal shall lie with the Secretary, Ministry of Labour and Employment and his order in the matter shall be final.

(4) Conditions for cessation of a gig worker or a platform worker:-

(a) Any gig worker or platform worker registered as a beneficiary under section 113 shall cease to be as such, when he attains the age of sixty years or when he is not engaged as gig worker or platform worker, with any of the aggregator(s) for a period less than ninety days in the preceding twelve months.

(b) Every aggregator shall share on monthly or in such other periodicity and in such form as specified, details of the information of their gig workers or platform workers electronically to the State Government.

(5) Any other matter relating to smooth functioning of the social security scheme notified under section 114.- Every aggregator as defined under sub-section (2) of section 2, shall register on the *Shram Suvidha portal* or any other portal, as may be specified by the State Government.

CHAPTER-IX

FINANCE AND ACCOUNTS

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

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

(i) Establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts; Decree obtained by the said Boards could not be executed successfully for want of sufficient assets of the defaulting employer; or

(ii) Claim for contribution is not fully met by;

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

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

CHAPTER-X

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

31. Other powers of Inspector-cum-Facilitator under clause (e) of sub-section (6) of section 122:- The Inspector-cum-Facilitator shall also exercise other powers as the Telangana State Government may deem proper from time to time.

32. 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) Register of Women Employees:-

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

workers 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 purpose of the Code.

(2) Records:-Records kept under the provisions Chapter V of the Code and the rules framed there under shall be preserved for a period of two years from the date of their preparation.

(3) Annual returns:-

(a) The employer to which the provisions of Chapter V of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in **Form-XXXXIII** online on the web portal of the State 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, 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 (Central Act No.21 of 2000).

(b) If the employer to which the Code applies sells, abandons or discontinues the working of the establishment, then, he/she 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, a further unified return in **Form-XXXXIII** referred to in clause(a) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

CHAPTER-XI

OFFENCES AND PENALTIES

33. Manner of compounding of offences by the authorised officer specified under sub-section (1) of section 138 and the form and manner of making application for the compounding of an offence under sub-section (4) of section 138:-

(1) The officer authorized by the State Government by notification for the purposes of compounding of offences under sub-section (1) of section 138 shall issue electronically a compounding notice in **Form-XXXXIV** for the offences for which are compoundable under section138.

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

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

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

(5) Composition after institution of prosecution:-

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

(b) The provisions of section 320 of the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974) shall apply to such compositions.

CHAPTER-XII

EMPLOYMENT INFORMATION AND MONITORING

34. Manner and form of Reporting of Vacancies and form of filing the return by the employer, to the concerned Career Center under sub-section(2) of section 139:-

(1) Reporting of Vacancies to the Career Centers:

(a) The employer in every establishment in public sector in the Telangana State or area shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the Government of Telangana.

(b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre (Regional/District) from such date as may be specified in the notification by the Government of Telangana State.

(c) The Government of Telangana shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre (Regional/District) to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies:

Provided that time limit of three working days may be further enhanced up to seven working days by Government of Telangana, by notification, keeping in view the geographical conditions or other local needs.

Explanation:

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

(i) the Government or a Department of the Government.

(ii) a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (Central Act 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 Act or State Act, which is owned, controlled or managed by the Government; and

(iv) a local authority.

(2) "Establishment in private sector" means an establishment which is not an establishment in public sector and with ordinarily employs twenty one (**21)** or more employees or such number of employees as may be notified by the Central Government.

(3) Type of vacancies and respective Career Centers for reporting of vacancies:

(a) The following vacancies, namely:-

(i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the Central Government, occurring in establishments in respect of which the Central Government is the appropriate Government under the Code; and

(ii) Vacancies which an employer may desire to be circulated to the Career Centers outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre (Central) as may be specified by the Central Government by notification.

(b) Vacancies other than those specified in clause (a) above, shall be reported to the Career Centre (Regional/District) concerned.

(c) Vacancies which have been reported to the Career Centre (Regional/District) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Central Government by notification.

(4) Form and manner of reporting of vacancies:-

(a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the Government of Telangana.

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

(c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule(3), shall be reported in writing or through official email or digitally as the case may be, to the specified Career Centre.

(5) Time limit in the reporting of vacancies:-

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

(b) Vacancies required to be reported to the Career Centre (Central) shall be reported at least forty (40) days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

(c) The employer shall furnish the information relating to the result of selection to the concerned career centre against the vacancies reported within thirty (30) days from the date of selection.

(6) Maintenance of records:-

(a) After commencement of this Code in Telangana State, the employers in every establishment in the public sector in the State of Telangana or area shall maintain records manually or electronically or digitally about:

(i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;

(ii) Persons recruited during the year ending on 31st March;

(iii) Occupational details of its employees on 31st March of every year;

(iv) Vacancies for which suitable candidates were not available during the year ending on 31st March; and

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

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

(i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;

(ii) Persons recruited during the year ending on 31st March;

(iii) Occupational details of its employees on 31st March of every year;

(iv) Vacancies for which suitable candidates were not available during the year ending on 31st March; and

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

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

(8) Declaration of Executive Officer:-

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

(b) The Director of Employment or an officer of his/her equivalent or above rank, controlling the work of Directorate General of Employment, Ministry of Labour & Employment, New Delhi, will declare in writing an officer looking after the work of Career Centers (Central) as "Executive Officer" for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code, Government of India Gazette No.61 dated 29.09.2020. He/She shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code.

(9) Levy of penalty:- The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centers (Regional/District) of the State of Telangana shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

(10) Issue of guidelines:- For implementation of provisions of Code relating to Chapter-XIII and rules thereof, the Central Government may issue detailed guidelines in explanatory in nature which shall be supplemented further by the Government of Telangana as per local needs.

Further, herein after the present District Employment office name shall be called as "District Employment and Career Centre" and the officer designated shall be called as "Executive officer(District Employment and career Centre).

35. Establishment and maintenance of career centres under clause (9) of section 2:-

(1) The Government of Telangana State shall establish, run and maintain career centres or modify and declare its already established office or employment exchange, or both or a portal or authorize any other such centres as career centres, by notification. Till such notification is made, existing local Employment Exchanges and Central Employment Exchange would function as career centres (Regional/District) and career centres (Central) respectively.

(2) The Government of Telangana may also enter into an agreement with any institution, local authority, local body or private body for running Career Centres.

(3) The Career Centers established under sub-rules (1) and (2) above shall inter-alia perform the following functions namely:-

(a) collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode; relating to

(i) persons who seek to employ employees;

(ii) persons who seek employment;

(iii) occurrence of vacancies; and

(iv) persons who seek vocational guidance and career counselling or guidance to start self-employment;

(b) providing career counselling and vocational guidance;

(c) organizing job-fairs and job drives;

(d) employment related surveys and studies;

(e) employability enhancement activities; and

(f) other services as may be decided by the Government of Telangana from time to time.

CHAPTER-XIII
Miscellaneous

36. 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 by the state government a social security fund for the welfare of the unorganized workers in which there shall be credited the amount received from:

(i) wholly funded by the Central Government; or

(ii) partly funded by the Central Government and partly funded by State Government;

(iii) partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be specified in the scheme by the Central Government;

(iv) funded from any source including corporate social responsibility fund within the meaning of the Companies Act, 2013 (Central Act No.18 of 2013) or any other sources as may be specified in the scheme;

(v) any grant or loan received from the Central Government;

(vi) funded from State Government by Budget;

(vii) other sources notified by the State Government.

(2) The State Government may seek financial assistance from the Central Government for the schemes framed by it.

(3) The schemes to be prepared for the unorganised workers registered as beneficiaries and their families, by the unorganized Social Security Board with the prior approval of the state government and submitted to the Central Government for allocation of funds and the funds received shall be utilised under the notified schemes.

37. Time within which the State Board, shall forward its view to the appropriate Government under sub-section (1) section 143:- The State Board, shall forward its views on the application seeking exemption under section 143 of the Code to the appropriate government within six months of receipt of proposal for exemption. If State Board, is unable to provide its views within the said period, the appropriate government may extend the time limit or take action on the application of exemption, as it may deem fit.

38. Conditions which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption under sub-section (2) of section 143:- The establishment to which exemption has been granted from the provisions of Chapter IV of the Code,-

(a) shall maintain such records regarding the exempted employees and submit such returns and other information to the Corporation as may be specified by the Central Government in the Regulations; and

(b) in case of change of legal status of an establishment which has been granted exemption under section 143 of the Code, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc. the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption, to the appropriate Government.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

I.RANI KUMUDINI,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing, Stationary and
Stores purchases (PW), Chanchalaguda, Hyderabad
(for publication in the Gazette and supply of 50 copies
to the Commissioner of Labour, Telangana, Hyderabad
and 10 copies to Government and intimate the date on which the
copies of the Gazette are made available to the public).
The Commissioner of Labour, Telangana, Hyderabad.
Copy to:
The Under Secretary to the Government of India,
Ministry of Labour & Employment,
Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.

The Secretary to Chief Minister
The P.S. to Minister (Labour & Employment)
The Law (B) Department
SC/SF

// FORWARDED :: BY ORDER //

SECTION OFFICER

Annexure to G.O.Rt.No. , LET&F (Lab-I) Department, dated: 28.01.2022

FORM-I

[See clause (i) of sub-rule (25) of Rule 3]

Name of the unorganized worker: ……...

Father's / husband's name: ……..…..

Occupation: ……

Address: ……..…..

Present:……

……..

Permanent:……..

……

Dependents: ……...

(a) Father: ……

(b) Mother: ……..

(c) Dependent children: ……

(d) Others: ……...

Signature of the unorganized worker

FORM-II

[See clause (vi) of sub-rule (25) of Rule 3]

Application for renewal of membership

1. Registration No:----------
2. Name of the worker:----------
3. Age and Date of Birth:----------
4. Name of Father's / Husband's name:----------
5. Permanent address:----------
6. Present address:----------
7. Present place of work:----------
8. Nature of Employment: ----------
9. Bank / Post Office Account No, ----------

Name of the Bank / Post Office

Signature of the unorganized worker

FORM–III
[See sub-rule (28) of Rule 3]

NOMINATION FORM / CHANGE OF NOMINATION

I hereby nominate person / persons / change nomination as shown below to receive the claims or amount is due to me under the Unorganized Workers Act, 2008 or the Andhra Pradesh Unorganized Workers Rules, 2012 or the schemes made there under; in the event of my death any amount due to me becomes payable to.

Name and address of the Nominee (S)	Relationship of nominee with the registered worker	Age of the Nominee	Share of the amount to each nominee to be paid

Signature or left-hand thumb – Impression
of the Unorganized Worker

FORM – IV
[See sub-rule (27) of Rule 3]

REGISTER OF BENEFICIARIES

Sl. No.	Name of the Unorganized Worker	Name & Address of establishment in which unorganized worker (not self-Employed worker) is employed	Date of application	Date of Registration	Registration No.	Remark and initials of Registering Officer
1	2	3	4	5	6	7

FORM–V
[See clause (i) of sub-rule (26) of Rule 3]

IDENTITY CARD

Registration Number :
Photo :
Application Number :
Ration Card Number or any ID proof :
1. Name of the Worker :
2. Name of the Father / Husband :
3. Age :
4. Address :
5. Nature of Employment
   Home based worker / wage worker :
6. Bank / Post Office Account No. & Address :

Signature:
Name & Designation of the issuing Officer
Date:
Bar Code:

FORM–VI
[See clause (iii) of sub-rule (26) of Rule 3]

APPLICATION FOR DUPLICATE IDENTITY CARD

To
The ----------

(Notified Officer)

I was issued Identity Card under the Unorganized Workers Social Security Act, 2008 with the Number ----------. But I have lost the same in the following circumstances:_____.

I, therefore, request that I may be issued a Duplicate Identity Card for ---------- ---------- Scheme. I will surrender, if, the original is restored to me.

Station:

Date:

Signature

Name of the Unorganized Worker

FORM-VII
[See rule 5 (4)]

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-VIII
[See rule 5 (1) (i)]

Particulars for filing appeal to the Employee 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 5(4) ……..……..……..……..……..…… ……..... 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–IX
[See rule 5 (1) (iii)]

Register of appeals

Sl. No.	Description	Details
1	Date of presentation of application	
2	No. of proceedings	
3	Name of Applicant	
4	Description	
5	Place of residence of claimant	
6	Particulars of opposite party	
7	Amount/ value, if any	
8	When the cause of action arose	
9	Day on which parties need to appear	
10	Order date	
11	Date of appeal, if any appeal	
12	Judgment in appeal	
13	Date of application for execution	
14	against whom	
15	For what and amount of money	
16	Amount of costs	
17	Date of order transferring to another civil court	
18	Other remarks, if any	

FORM– X
[See sub-rule (1),(2), (3) and (4) of Rule 7]

Nomination/Fresh Nomination/Modification of Nomination
(Strike out the words not applicable)

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

1. Shri/Shrimati/Kumari_____ (Full Name) 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) 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…… (Full Name) whose particulars are given in the statement below, hereby give notice that the nomination filed 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 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 competent authority in terms of clause (33) of the section 2 of the said Code.

6. Nomination made herein invalidates my previous nomination.

Nominee(s)

S. No	Full Name with full address of nominee(s)	Relationship with 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……. division….. Pin-Code…..District…….. E-mail ID……

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-X** filed by me and duly certified by the employer.

Date:……

Signature of the Employee

FORM-XI
[See sub-rule (1) of Rule 8]

Application for Gratuity by an Employee/Nominee/Legal Heir
(Strike out the words not applicable)

To,…….
(Give the name or description of the establishment with full address)

Sir/Madam,

I, …….. (name of employee / nominee / legal heir) / nominee of late……..Name of the employee)/ as a legal heir of late. (Name of the employee), beg to apply for payment of gratuity to which I am entitled under sub section (1) of section 53 of 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 employment with effect from the……..

(b) death of the aforesaid employee fixed term 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 without service/superannuation on making any nomination after completion of (date) service/total disablement of the aforesaid employee due to accident or disease while years of 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. Full address 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 legal heir (unmarried / married / widow / widower) nominee / legal.
c. Relationship of nominee/legal heir with the employee.
d. Full address of nominee/legal heir.
e. Date of death and proof of death of the employee.
f. Reference No. of recorded nomination, if available.

3. Department / Branch / Section where last employed.

4. Post held by employee.

5. Date of appointment.

6. Date and cause of termination of service.

7. Date of Death.

8. Total period of service of the employee.

9. Total wages last drawn by the employee.

10. Total gratuity payable to the employee/ share of gratuity claimed by a nominee/legal heir.

11. Payment may please be made by crossed bank cheque/credit in my bank account no……...

Yours faithfully,

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

Place:
Date:

FORM-XII
[See sub-rule (2) of Rule 8)

Notice for Payment/Rejecting claim of Gratuity
(Strike out the words/para not applicable)

To……
……..
(Name and address of the applicant employee/nominee legal heir]

You are hereby informed that,

(a) Your claim for payments of gratuity as indicated on your application in Form-XI under the said rules is not admissible for the reasons stated below:

Reasons(Here specify the reasons); ……..

(b) A sum of Rs._____ (Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made by on and recorded in this as a legal heir of an employee of this establishment.

2. Please call on(specify place)……. on……at…… (Here specify date and 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:

Place:
Date:

Employer/authorised officer

Signature
Name or description of establishment &
rubber stamp thereof.

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

FORM-XIII (A)
[See sub-rule (4) of Rule 8]

Application for Direction before the Competent Authority for Chapter V under, Code on Social Security 2020

Application No. Date:

BETWEEN
[Full name of the applicant with full address)
AND
(Full name of the employer concerned with full address)

The applicant is an employee of the above-mentioned employer/a nominee of late……./a legal heir of late..... and employee of the above-mentioned employer and is entitled to payment of gratuity under section 53 of Code on Social Security 2020 on account of his own/aforesaid on…… employee's (date)/his employees' resignation on of…… superannuation retirement / aforesaid ... (date) completion own 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 on…….. but the above-mentioned employer refused to entertain it/issued a notice dated …..... under clause…….. offering an amount of gratuity which is less than my due/issued a notice dated clause..... of sub-rule.....of rule rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter (specify the dispute)……..

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.

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

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

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

5. Name and full address of the employer the
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-XIII (B)
[See sub-rule (3) of Rule 7]

APPLICATION FOR REGISTRATION OF AN ESTABLISHMENT WITH THE COMPETENT AUTHORITY UNDER THE PAYMENT OF GRATUITY

1. Name of the Establishment	
2. Address of the establishment	
3. Name of the employer	
4. Address of the employer	
5. No. of employees insured	
6. Details of the Insurance Company (a) No. of Insurance Policy	
(b) Date of commencement of insurance policy	
(c) Terms of Insurance policy (copy of the insurance policy to be enclosed	
(d) Details of employees insured details of employees shall be furnished in Form-III	
7. If the employer had already established an Approved Gratuity Fund before notification of the rules, details of board of trustees of the gratuity fund may be furnished:	
(a) Date of constitution of the board of Trustees (b) Names and addresses of the Board of Trustees	

Station:
Date:

SIGNATURE OF THE EMPLOYER
Name:
Designation & Address

FORM-XIII (C)
[See sub-rule (5) of Rule 7]

OPTION FORM FOR CONTINUATION OF EXISTING INSURANCE BY THE EMPLOYER UNDER THE PAYMENT OF GRATUITY

In hereby opt to continue the existing insurance scheme in lieu of the compulsory insurance notified under section 57 of the Code. The details of existing Insurance Scheme are –

a) No. of Insurance Policy :
b) Date of commencement of Insurance Policy :
c) Terms and conditions of Insurance policy
(copy of the insurance policy to be enclosed) :
d) No. of employees covered (details of employees to be furnished in Form-III) :
e) Details of registration of the trust :
f) Date of constitution of Trust :
g) Names and addresses of the trustees. :

Station:
Date:

SIGNATURE OF THE EMPLOYER
Name:
Designation & Address

FORM-XIII (D)
[See sub-rule (4) of Rule 7]

DETAILS OF EMPLOYEES OF THE ESTABLISHMENT COVERED UNDER THE COMPULSORY INSURANCE

1. Name of the Employee :
2. Name of Father/Husband :
3. Designation/Category :
4. Date of Joining/appointment :
5. Wages of the employee :
6. Date of Admission to Compulsory Insurance :
7. Date of retirement :

Station:
Date:

SIGNATURE OF THE EMPLOYER
Name:
Designation & Address

FORM-XIV
[See sub-rule (5) and (8) of Rule 8]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words/paragraphs not applicable)

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 alleging that…….

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

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at …….(place)either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the..... day of on 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 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 through 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 of at "O'clock in the forenoon/afternoon and to bring with you 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, 2020

Note:

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

2. In case the summon is issued only for producing a document and not given 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-XV
[See sub-rule (11) and 12 of Rule 8]

Notice for Payment of Gratuity as Determined by Competent/Appellate Authority (Strike out the words if not applicable)

To,
(Name and address of employer)

1. Whereas, Shri/Smt/Kumari…….employee……. you/a heir(s) of late of an (address) under an employee under you, filed nominee(s)/legal 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……. Sri/Smt./Kumari, ……....requiring to as gratuity under 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……. to a payment of Rs……. is entitled as gratuity under Code on Social Security 2020; or whereas, you/the applicant went in appeal before the appellate authority who can decided that an amount ofRs…… to be paid to Shri/Smt./Kumari…….. under the Code on Social Security, 2020 is due as gratuity 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 30 (thirty) days of the receipt of this notice.

Given under my hand and seal, this ……. Day…… of 20…….

Competent Authority under the Code on Social Security, 2020

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

FORM-XVI
[See sub-rule (13) of Rule 8]

Application for Recovery of Gratuity before the Competent Authority for Chapter -V under the Code on Social Security, 2020

Application No. Date:

BETWEEN

(Full Name of the applicant with full address)

AND

(Full Name 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……for payment of a sum of Rs._____ as gratuity payable under the Code on Social Security, 2020.

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

3. The applicant therefore prays that a certificate may be issued under section 129 of the Code on Social Security 2020 for recovery of the said sum of Rs…… due to me as gratuity in terms of your direction.

Place:
Date:

Signature/Thumb-impression of applicant.

Note:-Strike out the words, if not applicable.

FORM-XVII
[See clause (a) of sub-rule (1) of Rule 10]

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 72 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 there under, I 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

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.

Date.....

FORM-XVIII
Appeal

[See clause (b) of sub-rule (2) of Rule 10)
(Strike out unnecessary words/paragraphs)

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 in this behalf is enclosed; or

Shri..... Inspector-cum-Facilitator, having directed under sub section (2) of section 72 to pay the maternity benefit or other amount being..... (nature of amount) to which..... (name of woman) is said to be entitled/to set aside my discharger 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.

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.

Signature or thumb impression of the Women/Aggrieved person

Date.....

Signature of an Attester

In case the woman is
not able to sign, affix thumb impression.

Full address of the nominee/legal representative

FORM-XIX
[See rule 12]

Notice Book of Accidents

[To be filled up by or on behalf of workman]

Date and time of accident ……..
Date and time of notice……...
Name of person injured…….
Address ……..
Cause of injury……..

Signature or thumb
impression
of person giving notice

[To be filled up by the employer or his agent]

Rate of wages…….
Place of accident……..
Nature of injuries…….
Names of eye-witnesses Note of circumstances…….

FORM-XX
(See sub-rule (i) of Rule 14)

Whereas I have received information that ..... a workman employed by you in .....had expired, as the result of an accident arising out of and in the course of employment. I hereby require you in accordance with sub section (1) of Section 88 of Code on Social Security 2020, to submit to me within 30 days of the receipt of this notice in the enclosed form with the particulars required in paragraphs mentioned at para (1) and (2) and the particulars required in either at para (3) or at (4) duly filled in. In the event of your admitting liability to pay compensation, the necessary deposits must, under sub section (1) of Section 88 of the Social Security Code, be made within 30 days of the receipt of this notice.

……..
Competent Authority for Workmen's Compensation

FORM-XXI
[See sub-rule (ii) of Rule 14)

1. I reply to your notice, dated..... ..20.... which was received by me on the ..... 20....., it is submitted that *..... residing at ……/workmen over/under 15 years of age and employed in **.....met with an accident on the.....20....., as a result of which he/she died on the.....20.....The monthly wages of the deceased amounted to Rs.....

2. The circumstances in which the deceased met his death were as follows:……
……

3. I admit liability to pay as compensation on account of the deceased's death the amount of Rs…….. which was/will be deposited with you on or before the…… 20....

4. I disclaim the liability to pay compensation on account of the deceased's death on the following grounds:

(*) Insert name of workman.....
(**) Insert name of establishment……
……..

Employer

FORM-XXII
[See sub-rule (1) of Rule 15]

Memorandum of Agreement

It is hereby submitted that on the.....day of... 20.. personal injury was caused to……. residing at..... due to accident arising out of and in the course old employment. The said injury has resulted in temporary disablement to the workman whereby it is estimated that he will be prevented for earning more than of his previous wages for a period of month. The said workman has been in receipt of half monthly payment which have continued from the..... day of …….. 20..... until the.....day of...20……. amounting to Rs..... in all.

The said workmen's monthly wages are estimated at Rs..... The Workman is over the age of 15 years/will reach the age of 15 years on..... It is further submitted that.....… the Employer of the said workman has agreed to pay and the said workman has agreed to accept the sum of Rs……..... in full settlement of all and every claim under the Social Security Code 2020, in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is, therefore, requested that this memorandum be duly recorded.

Date.....20……

Signature of employer…….
Witness

Signature of Workman ……

Witness.....

Note:-An 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.....

Date... ..20....

Workman…….

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

FORM-XXIII
[See sub-rule (1) of Rule 15]
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 workman's monthly wages are estimated at Rs.....

The workmen is over the age of 15 years/will reach the age of 15 years on……..Rs……..on……..Rs……on……..

It is further submitted that……the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs…… in full and final settlement of all and every claim under the Social Security Code 2020, in respect of the disablement stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Date.....20……..

Signature of employer……..

Name of Witness of Workman……

Signature of Witness.....

Note:- An 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.....on Date... ..20…….

Workman

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

Witness

FORM-XXIV
(See sub-rule (1) of Rule 15]
Memorandum of Agreement

It is hereby submitted that on the.....day of... 20.. personal injury was caused to Mr/Mrs……. residing at..... out of accident arising out of and in the course old employment in …….

The said injury has resulted in temporary disablement to the said workman who is at present in receipt of wages amounting to Rs..... per month. The said workman's monthly wages prior to the accident are estimated at Rs.....

The workman is subject to a legal disability by reason of.....

It is further submitted that the employer of the workman has agreed to pay, and on behalf of the said workmanMr/Mrs…….. 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 the provisions of the said Code on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under sub section (3) of Section 93 of the said Code, are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded.

Date ……...20……...

Signature of Witness……
Employer……..

Signature of Workman…….
Witness……

Note:- An application to register an 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 received the sum of Rs……..on date... ..20.....…….

Workman

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

FORM-XXV
(Notice for Registration of Memorandum)

[See clause (i) of sub-rule (2) of Rule 15]

Whereas, an agreement to pay compensation is said to have been reached between ..... and ……..

Whereas ……has/have applied for registration of the agreement under Section 89(1) of the Code on Social Security 2020, notice is hereby given that the said agreement will be taken into consideration on…….. 20…….. and that any 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.

……..

Competent Authority.

FORM-XXVI
[See clause (iii) of sub-rule (2) of Rule15]

NOTICE

Take notice that registration of the agreement to pay compensation said to have been reached between you ……..and.....on the ……..20.... has been refused for the following reasons:-
……
……
……
……
……
……
……
……

Date……..20...
……..

Competent Authority

FORM-XXVII
[See clause (ii) of sub-rule (3) of Rule 15]

Notice

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(1) of the Code on Social Security 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-
……
……..
……
……..

an opportunity will be afforded to you of showing cause on why the said agreement should be registered. If no adequate cause is shown on that date the registration of the agreement will be refused.

Date…….. 20...

……

Competent Authority

FORM-XXVIII
[See clause (ii) of sub-rule (3)of Rule 15]

Notice

Whereas an agreement to pay compensation is said to have been reached between…… and..... and whereas…….. applied for registration of the agreement under Section 89 (1) of the Code on Social Security 2020, and whereas it appears to me that the said agreement ought to be registered for the following reasons, namely :-

……..

……..

an opportunity will be afforded to the said.. ..... for showing cause 20…..... why the said agreement should not be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Date..... 20.....

…….
Competent Authority

FORM-XXIX
[See sub-rule (5) of Rule 15]
Register of Agreements for the Years, 20...

Serial No.	Date of agreement	Date of registration

Employer	Workman	Initials of Competent Authority	Reference to orders rectifying the register

FORM-XXX
[See sub-rule (2) of Rule 18]

Application for Compensation by Workmen

To,
The Competent Authority for Workmen's Compensation
……..
……..
…… Residing at...…….

Applicant

Versus

…… Residing at...……. Opposite party.

It is hereby submitted that:

(1) The applicant, a workman employed by (a contractor with) the opposite party on the day of...20..... received personal injury by accident arising out of and in the course of his employment. The cause of the injury was (here insert briefly in ordinary language the cause for the injury).....

(2) The applicant sustained the following injuries, namely :
……..

(3) The monthly wages of the applicant amount to Rs..... the applicant is over/under the age of 15 years.

*(4) (a) Notice of the accident was served on the……. Day of ……..
(b) Notice was served as soon as practicable.....
(c) Notice of the accident was not served (on due time) by reason of
……..

(5) The applicant is accordingly entitled to receive:-

(a) Half-monthly payments of Rs. ……..from the.....day of 20……to …….
(b) A lump-sum payment of Rs.....

(6) The applicant has taken the following steps for settlement by agreement, namely ……..to settle but it has proved impossible to settle the question in dispute because.....

*You are, therefore, requested to determine the following questions in dispute, namely:

(a) Whether the applicant falls within the meaning of workman under the code.
(b) Whether the accident arose out of or in the course of the applicant's employment.
(c) Whether the amount of compensation claimed in reasonable/due, or any part of that amount.
(d) Whether the opposite party is liable to pay such compensation as is due etc., (as required).

**Strike out of the clauses which are not applicable.*

FORM-XXXI

[See sub-rule (2) of Rule 18)

Application for order to Deposit Compensation

To,
The Competent Authority for Workmen's Compensation
…….
…….
…… Residing at...…….

Applicant

Versus

…… Residing at...…….

Opposite party.

It is hereby submitted that:

(1) a workman employed by (a contractor with) the opposite party on the ..... day of..... 20..... received personal injury by accident arising out of and in the course of the employment resulting in his death on the..... day of .....20……..... The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....

(2) The applicant(s) is/are dependent(s) of the deceased workman

(3) The wages of the deceased amount to Rs..... The deceased was under/over the age of 15 years at the time of his death.

(4) (a) Notice of the accident was served on the..... day of.....
(b) Notice was served as soon as practicable.
(c) Notice of the accident was not served (in due time) by reason of ……

(5) The deceased before his/her death received compensation, the total sum of which is Rs.....

(6) The applicant(s) is/are accordingly entitled to receive a lump sum payment of Rs....

You are, therefore, requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

Date.....20…….. ……

Applicant.

FORM-XXXII

[See sub-rule (2) of Rule 18]

Application for Commutation

To,
The Competent Authority for Workmen's Compensation
……..
……..
…… Residing at...…….

Applicant

Versus

…… Residing at...…….

Opposite party.

It is hereby submitted that:

(1) The applicant / opposite party has been in receipt of half-monthly payments from.....to.....in respect of temporary disablement by accident arising out of and in the course of his employment.

(2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.

(3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.
(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are, therefore, requested to pass orders:

(a) directing that the right to receive half-monthly payments should be redeemed.
(b) fixing a sum for the redemption of the right to receive half monthly payments.

Date……of 20……..……

Applicant

FORM-XXXIII

[See clause (i) of sub-rule (19) of Rule 18]

Notice

Whereas a claim for compensation has been made by ……....applicant, against…….. and the said ..... has claim that you are liable under Section 93(3)(4) of the Code on Social Security, 2020, to indemnify him against any compensation which he may be liable to, in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you would be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party or any compensation recovered from him.

date……..

……..
Competent Authority

FORM-XXXIV
[See clause (iii) of sub-rule (19) of Rule 18]

Notice

Whereas a claim for compensation has been made by.....applicant, against and the said.....has claimed, that.....is liable under Section 93 (3)(4)of the, 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said…….....on notice served has claimed that you stated to him in the relation of a contractor from whom the applicant ..... could have recovered compensation.

You are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you will be deemed to have admitted the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him/her.

Date.....20....

……..
Competent Authority

FORM–XXXV
[See clause (a) (b) of sub-rule (1) of Rule 20]

Information for commencement or modification in respect of Building or Other Construction Work by the Employer

1	Name of the establishment. Address (permanent)	
2	Name of the employer and address	
3	Name and address/ location of place where the building and other construction is proposed to be carried on.	
4	Name, designation and address of the authorised Person along with contact details	
5	Correspondence address for the proposed building or other construction work may be sent	
6	Nature of proposed construction work	
7	Date of commencement of work (in case construction has started)	
8	Approximate duration of work	
9	Details of any change /modifications in the proposed construction work	

I/we hereby intimate that the building or other construction work …… (name of work) having registration number ……. Dated…….. is likely to commence/ is likely to modify with effect from……. (date)/ [on(date)].

Signature of employer Name:
Date:
Place:
Mobile Number:
E-mail (if any):

FORM–XXXVI
[See clause (b) of sub-rule (2) of Rule 20]

Format for Self- assessment of Cess for Building or other Construction Work to be furnished by Employer

1.	Name and Permanent address of the establishment.			
2.	Name of the employer and address			
3.	Name and address/ location or place where the building and other construction work is proposed to be carried on.			
4.	Name, designation and address of the authorized Person along with contact details			
5.	Correspondence address for the proposed building or other construction work			
6.	Nature of proposed construction work			
7.	Date of commencement of work(in case construction has started)			
8.	Approximate duration of work			
9.	Total proposed area of construction work			
10.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original).			
11	Total estimated cost of construction as certified by chartered engineer			
12	Amount of provisional cess		%age of total estimated cost of the construction as notified by the State Government	Total estimated cess (in Rs.)
13	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work)/ deduction at source			
14	Details of cess paid (when duration of the proposed construction work is more than one year)			
	Sl No	Year	Amount (in Rs.)	
	14.1	1st year		
	14.2	2nd Year		
	14.3	3rd Year		
15	Total of the cess paid (Sl.No. 13 + 14)			

Declaration

1. I/We hereby declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.
2. I/We hereby declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self-assessment of cess amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of cess amount is found, punitive action may be taken against me/us.

Signature and seal of employer Name:
Date:
Place:

Mobile Number:
E-mail (if any):

Certified by Chartered Engineer
Along with his registration number, with stamp.

FORM-XXXIX
[See Rule 23]

Proforma for Appeal before the Appellate Authority against Order of Assessment or Order Imposing Penalty

1.	Name and address (permanent) of the establishment.		
2.	Name of the employer and address details		
3.	Name and address/ location of place where the building and other construction is proposed to be carried on.		
4.	Name, designation and address of the authorised Person along with contact details		
5.	Correspondence address for the proposed building or other construction work may be sent		
6.	Nature of proposed construction work		
7.	Date of commencement of work(in case construction has started)		
8.	Date of completion of work		
9.	Duration of work		
10.	Total completed area of construction work		
11.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 43.		
12.	Total incurred cost of the construction work		
13.	Total amount of cess payable	%age of total incurred cost of the construction as notified by the State Government	Total cess payable (in Rs.)
14.	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any		
15.	Details of cess paid (when duration of the proposed construction work is more than one year)		
	Sl. No.	Year	
	14.1	1st year	
	14.2	2nd Year	
	14.3	3rd Year	
16.	Total of the cess paid (Sl.No. 14 + 15)		
17.	Amount of outstanding cess (Sl. No. 13 – Sl. No.16)		
18	Proof of payment of outstanding Cess, if any		
19.	Amount of overpaid cess, if applicable		
17.	Amount of cess assessed by the Assessing Officer		
18.	Amount of outstanding cess to be paid by the		

	employer	
19.	Amount of penalty for non-payment of cess imposed / outstanding ccess claimed by the Assessing Officer.	
20.	Ground for Appeal with supporting documents	
21.	Remark, if any	

Declaration

1. I/We hereby declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.

2. I/We hereby declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self-assessment of cess amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of cess amount is found, punitive action may be taken against me/us.

Signature and seal of employer
Name:
Date:
Place:
Mobile Number:
E-mail (if any):

FORM–XXXX
[See Clause (a) of sub-rule (3) of Rule 28]

Format for Self- assessment of contribution by Aggregators of gig workers and platform workers (to be submitted by 30th June of the current year in which the contribution is payable.)

1.	Registration number of Aggregator / platform		
2.	Name of the Aggregator / platform and address/ location of Aggregator / platform		
3.	Name and address of the authorised person along with contact details		
4.	Number of gig workers and platform workers associated with the Aggregator / platform / as on opening day of the current financial year, i.e. 1st day of April in the year in which contribution is payable.		
5.	Annual turn-over of such Aggregator/ platform of the preceding year		
6.	Liability of the aggregator, payable to gig workers and platform workers, during the preceding year		
7.	Provisional Contribution assessment		(Amount in Rs.)
	7.1	% of the annual turnover as notified under sub- section (4) of section 114 for the preceding year	
	7.2	5% of the liability of the aggregator to gig workers and platform workers	
8.	Amount of contribution payable (minimum of 7.1 and 7.2) (in Rs.)		
9.	Payment of provisional contribution as assessed above.		
10.	Details of the Provisional payment		
11.	Remark, if any		

Note-1: For purposes of calculating contribution, turnover of an aggregator as defined under sub-section (91) under Section 2 of the Companies Act, 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.

Note-2: For this purpose, the annual turnover of an aggregator shall not include any tax, levy and cess paid or payable to the State Government.

Declaration

1. I/We hereby declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.

2. I/We hear by declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self-assessment of contribution amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of contribution amount is found, punitive action may be taken against me/us.

Signature of authorized person
Along with seal and stamp
Name:
Date:
Place:
Mobile Number:
E-mail (if any):

FORM–XXXXI
See clause (b) (c) of sub-rule (3) of Rule 28]

Format for return to be submitted by Aggregators of gig workers and platform workers (to be submitted by 31st October, of the current year in which the contribution is payable)

1.	Registration number of Aggregator / platform		
2.	Name of the Aggregator / platform and address/ location of Aggregator / platform		
3.	Name and address of the authorised person along with contact details		
4.	Number of gig workers and platform workers associated withthe Aggregator / platform / as on opening day of the current financial year, i.e. 1st day of April in the year in which contribution is payable.		
5.	Annual turn-over of such Aggregator /platform of the preceding year		
6.	Liability of the aggregator, payable to gig workers and platform workers, during the preceding year		
7.	Final Contribution assessment after audited statement of account		(Amount in Rs.)
	7.1	% of the annual turnover as notified under sub-section (4) of section 114 for the preceding year	
	7.2	5% of the liability of the aggregator to gig workers and platform workers	
8.	Amount of contribution payable (minimum of 7.1 and 7.2) (in Rs.)		
9.	Amount paid as provisional contribution based on self-assessment.		
10.	Details of the Provisional payment (along with receipt)		
11.	Amount of outstanding contribution to be paid (Sl.No. 8- Sl.No.9)		
11.	Proof of payment of outstanding contribution, if any		
12	Amount of excess paid contribution, if any		
13	In case excess paid, details of the bank account in which refund amount is to be refunded		
14	Remark, if any		

Note-1: For purposes of calculating contribution, turnover of an aggregator as defined under sub-section (91) under section 2 of the Companies Act, 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.

Note-2: For this purpose, the annual turnover of an aggregator shall not include any tax, levy and cess paid or payable to the State Government.

Declaration

1. I/We hereby declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.

2. I/We hereby declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self-assessment of contribution amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of contribution amount is found, punitive action may be taken against me/us.

Signature of authorized person
along with seal and stamp
Name:
Date:
Place:
Mobile Number:
E-mail (if any):

FORM-XXXXII
[See clause (a) of sub-rule (1) of Rule 32]

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 laid days 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 XXXXIII
[See clause (a) of sub-rule (3) of Rule 32]

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……....pin code.....

(b) Name of the employer.....
Address of the employer:
House No./Flat No...Street No./Plot No…… Town……
District…….. State……
E-mail id……Telephone Number.....
Mobile Number ……..

(c) Name of the employer……..
Address of the employer:
House No.Flat No…….. Street no./Plot No……
Town ……. District ……. State ……
Pin Code……..
Email ID……. Telephone Number ……..
Mobile Number……

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

S. No	Name	Registration		If yes (Registration No.)
1	2	3		4
1	The Code on Occupational Safety, Health and working conditions 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	Number of Contractors engaged in the establishment during the year	
4	Total Number of days during the year on which Contract Labour was employed	
5	Total number of man-days worked by Contract Labour during the year.	
6	Name of the Manager or Agent (in case of mines)	
7	Address House No./Flat No. Street/Plot No. Town District State Pin Code Email Id Telephone Number Mobile Number	

D. Working hours and weekly rest day:

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

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

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

F. Wage Rates (Category Wise):

Category	Rates of Wages	No of Workers							
		Regular				Contract			
Highly		Male	Female	Child ren	Adoles cent	Male	Female	Childr en	Adoles cent
Skilled									
Skilled									
Semiskille d									
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:

S. No	During the year	Number of Workers	Granted Leave with wages

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

S. No	Nature of various welfare amenities provided	Statutory (specify the salute)

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, 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 the I have complied with the all provision of Labour Laws applicable to my establishment.

Place Date
Sign Here.

FORM-XXXXIV

[See sub-rule (1)(2)(3) of Rule 33]

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

Notice No..... **Date:**

On the basis of records and documents produced before me, the undersigned has reasons to believe that you, being the employer 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 there under as per the details given below:

PART-I

1. Name of the Person:
2. Name and Address 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 abovementioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part III of this notice.

In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

(Signature of the Compounding Officer)

Date:
Place:

PART-III
(See sub rule (2) of Rule 33)

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-1.

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

Signature of the applicant
(Name and Designation)

Dated:
Place:

PART-IV
Composition Certificate
(See sub rule (3) of Rule 33)

Ref: Notice No..... **Date:**

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

(Signature)
Name and Designation of the Officer

Date:
Place

FORM-XXXXV

(See sub-rule (4) of Rule 34)

From for Reporting Vacancies to Career Centers

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

1	**Particulars of the employer:** Name: Address with pin code: Telephone No: Mobile No: Email address: Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private etc.,) Registration No of establishment under Code: Economic activity details:		
2.	**Particulars of the indenting Officer:** Name: Designation : Telephone No: Mobile No: Email address:		
3.	**Particulars of vacancy (ies):** (a) Designation/nomenclature of the vacancy (ies) to be filled (b) Description of duties of the post (job role/functional role)		
	(c) Qualifications /Skills required (educational, technical, experience)	Essential	Desirable/ Preferable
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience		
	(d) Age Limits, if any (Age as on last date of application)		
	(e) Preferences (such as Ex-servicemen. Persons with disabilities, women, etc) if any		
	(f) duration of employment (i) 3-6 months (ii) 6-12 months (iii) 12 months and more	Number of posts	
4.	**Whether there is any obligation for arrangement for giving reservation / preference** to any category of persons such as Scheduled Caste (SC), Scheduled Tribe (ST), Economically Weaker Sections (EWS), Other Backward Classes (OBC), Ex-serviceman and persons with disabilities etc., in filling up the vacancies :**Yes/No** (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others (specify)	Total	*By Priority candidates * (Applicable for Central Government vacancies)

6.	**Pay and Allowances :** For Government vacancies : Mention pay level/pay scale of the post with basic 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 Applications (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)

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

Signature, Name & Designation of Authorized Signatory
of Career Centre with seal& date

NOTE:-

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.

2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode. May invariably quote that unique vacancy reporting number in that advertisement or recruitment process.

3. Any change in the particulars already furnished to the Career Centre, shall be reported in working or through valid official email or digitally (including through a portal) as the case may be, to the appropriate government.

FORM-XXXXVI
(See sub-rule (7) of Rule 34)

Employment Information Return

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

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

Name and address of the employer	
Whether – Head Office	
Branch Office Type of Establishment (Public/Private Sector)	
Nature of business/principal activity	
Establishment Registration No. under the Code	

1. (a) **EMPLOYMENT**

Total number of manpower of establishment including working proprietors/partners/contingent paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person to whom wage or salary is paid).

Category	On the last working day of the previous year	On the last working day of the year under report
Men		
Women		
Other (Transgender)		
TOTAL : PWD (persons with disabilities) out of above total		

2. Number of vacancies* occurred and reported to career centre during the year and the number of vacancies filled during the year

Occurred	Reported		Filled	Source (career centre/ NCS Portal/ Govt. Recruiting Agencies/ Private Placement Organisations/ others)
	Career centre (Regional)	Career centre (Central)		
1	**2**	**3**	**4**	**5**

*As per the provisions of the 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	**Number of unfilled vacancies/posts**		
	Skill/ qualifications (educational / technical/ experience) prescribed	Essential	Desirable
1	2	3	4

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

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

Occupation	**Number of employees** Please give as far as possible approximate number of vacancies in each occupation you are likely to fill the next financial year due to retirement/expansion or re-organisation.				
Description	**Men**	**Women**	**Others (trans-gender)**	**Total**	**PWD (persons with disabilities) out of total**
1*	2	3	4	5	6
Total:					

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

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

To,

The Career Centre,
…….....

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

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

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