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उप-खण्ड(II)

राज्य सरकार तथा अन्य राज्य प्राधिकारियों द्वारा जारी किये गये कानूनी आदेश तथा अधिसूचनाएं।

LABOUR DEPARTMENT
NOTIFICATION
Jaipur, May 09, 2023

S.O.70 .-The following draft of the Rajasthan Code on Social Security Rules, 2023, which the State Government proposes to make in exercise of the powers conferred by sections 154, 156 and 158 of the Code on Social Security, 2020 (Central Act No. 36 of 2020) are hereby published, as required by said sections for information of all persons likely to be affected thereby and the notice is hereby given that the said draft rules will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette in which the draft rules are published are made available to the public;

Any objections and suggestions, if any, may be addressed to the Labour Commissioner, Labour Department, Government of Rajasthan Shram Bhawan, Shanti Nagar, Hasanpura, Jaipur-302006, or by email-lab-comm-rj@nic.in. 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;

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

DRAFT RULES

PART-I
PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called the Rajasthan Code on Social Security Rules, 2023.

(2) They extend to the whole of Rajasthan.

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

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

(a) **“appeal”** means an appeal preferred under clause (b) of sub-section (7) of section 37 and sub-section (8) of section 56 ;

(b) **“Appellate authority”** means, -

(i) the State Government or the authority specified by the State Government for the purpose of sub-section (8) of section 56 and;

- (ii) ESI Court constituted by the State Government for the purpose of sub-section 7 of section 37;
- (c) **“authority”** means the State Government or the authority specified by the State Government under sub-section (3) of section 72;
- (d) **“average daily wages during a contribution period”** under Chapter IV of the Code in respect of an employee, means the aggregate amount of wages payable to him during that period divided by the number of days for which such wages were payable;
- (e) **“average daily wages during a wage period”** under chapter IV of the Code means,-
- (i) in respect of an employee who is employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;
- (ii) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the Contribution period divided by the number of days in full or part for which he has worked for wages in that wage period:

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

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

- (f) **“benefit period”** means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the Regulations;
- (g) **“Board”** means,-
- (i) the Rajasthan Unorganised Workers Social Security Board constituted under section 6, and
- (ii) the Rajasthan Building and Other Construction Workers' Welfare Board constituted under section 7, as the case may be;
- (h) **“chairperson”** means the Chairperson of the Rajasthan Building and Other Constructions workers' Welfare Board, the Rajasthan Unorganised Workers Social Security Board, the Standing Committee, the Medical Benefit Committee or the Executive Committee, as the case may be;
- (i) **“Code”** means the Code on Social Security, 2020 (Central Act No. 36 of 2020);
- (j) **“Court”** means the Employee Insurance Court constituted under section 48 of the Code;
- (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) **“form”** means a form appended to these rules;
- (m) **“fund”** means the Building and Other Construction Workers Welfare Fund as specified in section 108 and Social Security Fund, as specified in section 141, as the case may be;
- (n) **“Government”** means Government of Rajasthan;

- (o) **“Government Securities”** means Government Securities as defined in the Government Securities Act, 2006 (Central Act No. 38 of 2006);
- (p) **“immovable property”** includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (q) **“movable property”** means property of every description except immovable property;
- (r) **“nomination”** means nomination made under section 55 of the Code;
- (s) **“portal”** mean official web portal of the Labour Department, Government of Rajasthan, called by any name;
- (t) **“Registered Medical Practitioner”** means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;
- (u) **“register of women employees”** means a register of women employees maintained under these rule;
- (v) **“schedule”** means the schedule of the Code;
- (w) **“section”** means a section of the Code; and
- (x) **“specified”** means specified by an order of the Central Government or the State Government or any officer so authorised by such Government.

(2) Words and expressions not defined under these rules but defined or used under the Code shall have the same meaning as assigned to them in the Code.

PART-II SOCIAL SECURITY ORGANISATIONS

CHAPTER-I RAJASTHAN UNORGANISED WORKERS SOCIAL SECURITY BOARD

3. Term of office of nominated members.- (1) A member, other than an ex-officio member, shall, unless he resigns his office or dies or otherwise vacate his office at an earlier date, hold office for a period not exceeding three years from the date of his nomination.

(2) A member nominated under sub-clause (i), (ii) and (iv) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board if he ceases to represent the category of interest from which he was so nominated

Provided that out of seven members nominated under sub-clause (i), one member each from the Scheduled Caste, The Scheduled Tribe, the Minorities and Women shall be represented.

(3) A member nominated under sub-clause (iii) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board if he ceases to be a member of the Legislative Assembly by which he was elected.

(4) A member shall be eligible for re-nomination.

4. Resignation.- (1) A member of the Board, not being an ex-officio member, may resign his office by a letter in writing addressed to the Chairperson.

(2) The seat of such 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 electronically or otherwise, whichever is earlier.

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

5. Vacation of office.- A member appointed under sub-clause (i), (ii) and (iv) of clause (d) of sub-section (10) of section 6 shall be deemed to have vacated his office, if,—

- (a) he is or has become disqualified as per sub-section (1) or sub-section (4) of section 8 of the Code;
- (b) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or
- (c) he is removed from the office by the State Government.

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

7. Allowances of members.- (1) The travelling allowance of an official or ex-officio member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official members of the Board shall be paid travelling allowance for attending the meetings of the Board at such rates as are admissible to a Category 'B' officer of the State Government and daily allowance shall be calculated at the maximum rate admissible to Category 'B' officer of the State Government.

8. Meetings of the Board.- (1) The Board shall meet at such place and at such time as may be decided by the Chairperson and it shall ordinarily meet at least once in four months.

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

9. Quorum.- No business shall be transacted at any meeting of the Board unless 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 Chairman may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is required quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

10. Notice of meeting and list of business.- (1) A notice of not less than fifteen days from the date of issue, containing the date, time and place of every ordinary meeting of the Board, together with a list of business proposed to be transacted approved by the Chairperson shall be sent to every member of the Board, through e-mail or registered post or by special messenger. A brief note on each item of the agenda shall be sent along with the agenda as soon as thereafter possible.

(2) In case when the Chairperson calls an emergency meeting of the Board for considering any matter which in his opinion is urgent, a notice giving such reasonable time as he may consider necessary shall be deemed sufficient.

(3) No business other than for which the meeting of the Board has been convened shall be considered at the meeting except with the permission of the Chairperson of the meeting.

11. Transaction 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 his opinion, and the matter shall be decided by a majority of votes of the members present and voting:

Provided that where there is no opinion of majority on a matter and the members of the Board are equally divided, the Chairperson, or in his absence, the person presiding, shall have a second or casting vote.

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

(2) The records of the minutes of each meeting of the Board shall be signed by the Member Secretary with the approval of the Chairperson.

(3) The minutes of the meeting shall be confirmed with such modification considered necessary at the next meeting.

(4) The minutes of a meeting of the Board shall be kept in a Minute Book and shall be signed by the Chairperson of the meeting at which the proceedings are confirmed.

13. Sub-Committees of the Board.- (1) The Board may appoint such sub-committees, as it may deem fit for the proper discharge of its duties.

(2) Each sub-committee will be headed by the Chairperson of the Board or Member Secretary, if so authorised by the Chairperson, and will have an equal number of unorganised workers, employers and members of the Board representing the State Government.

(3) In the absence of the Chairperson, the members of the sub-committee present in such meeting may choose from amongst themselves a member to preside over the meeting.

(4) No work shall be performed at a meeting of the sub-committee unless at least one-third of its members are present, of which there shall be one representing the members and at least one unorganized worker.

(5) The term of any sub-committee, except the Sub-committee constituted for the short term, shall be one year from the date of its constitution, however, the sub-committee shall continue to function until a new sub-committee is appointed. But in any case, no sub-committee shall function beyond the period of two years from the date of its original constitution.

(6) Recommendations of each sub-committee shall be placed before the Board for its decision.

CHAPTER-II

RAJASTHAN BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD

14. Constitution of the Board.- (1) The Board shall consist of,-

(i) The Minister in-charge of the Labour Department, Rajasthan shall be the ex-officio Chairperson,

(ii) not more than three persons representing building and other construction workers appointed by the State Government,

(iii) not more than three persons from among the employers of building and other construction appointed by the State Government,

(iv) not more than three members representing the State Government to be appointed by the State Government representing Government Departments of whom one shall be the Labour Commissioner and one shall be representative of Finance Department and one shall be representative of Department engaged in building or other construction work, and

(v) a member nominated by the Central Government.

(2) At least one member of the Board among the members appointed under clauses (ii), (iii) and (iv) of sub-rule (1) shall be a woman and the number of members appointed under clauses (ii), (iii) and (iv) of sub-rule (1) shall be equal.

15. Term of office.- (1) The term of appointment of the Chairperson and other ex-officio members of the Board shall be three years.

(2) A member appointed under clauses (ii) and (iii) of sub-rule (1) of rule 14 shall, unless he resigns his office or dies or otherwise vacate his office at an earlier date, hold office for a

period for three years from the date of publication of the notification in the Rajasthan Gazette appointing him as a member of the Board:

Provided that an outgoing member may continue in office till their successors are appointed but in no case the members shall continue in office beyond a period of four years from the date of their appointment.

16. Filling up of casual vacancy.- A non official member appointed to fill a casual vacancy shall hold office for the remaining period of the term of the member in whose place he is appointed.

17. Resignation.- (1) A member appointed under clause (ii) and (iii) of sub-rule (1) of rule 14 may resign his office by writing under his hand addressed to the State Government.

(2) The resignation shall take effect from the date of its acceptance by the State Government.

18. Vacation of office.- A member appointed under clauses (ii) and (iii) of sub-rule (1) of rule 14 shall be deemed to have vacated his office, if, –

- (a) he is declared to be of unsound mind or an undercharged insolvent by a competent court, or
- (b) he is convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (c) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or
- (d) he ceases to represent the interest for representing which he was appointed; or
- (e) he removed by the State Government.

19. Meeting of the Board.- The Board shall ordinarily meet once in three month:

Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

20. Notice of meeting and list of business.- Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by email or by registered post or by special messenger, to each member fifteen days before the meeting:

Provided that when the Chairperson, calls a meeting for considering any matter which in his opinion is of urgent nature, notice of not less than three days shall be deemed sufficient.

21. Chairperson to preside at meetings.- (1) The Chairperson shall preside over all the meetings of the Board in which he is present, and if, for any reason the Chairperson is unable to attend the meeting any member nominated by the Chairperson in this behalf shall preside over the meeting.

(2) When the Chairperson is absent and no member has been nominated the Chairperson under sub-rule (1), the members present in such meeting shall choose from amongst themselves a member to preside over the meeting and the member so chosen shall exercise all the powers of the Chairperson in conducting the meeting.

(3) No business shall be transacted at any meeting of the Board unless at least six members are present.

22. Transaction of Business.- Every question considered at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of equal votes, the Chairperson shall have and exercise a casting vote.

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

(2) The records of the minutes of each meeting of the Board shall be signed by the Member Secretary with the approval of the Chairperson.

(3) The minutes of the meeting shall be confirmed with such modification considered necessary at the next meeting.

(4) The minutes of a meeting of the Board shall be kept in a Minute Book and shall be signed by the Chairperson of the meeting at which the proceedings are confirmed.

24. Fees and allowances.- (1) Every non-official member shall be paid a sitting fee of five hundred rupees for attending a meeting of the Board. This fee shall not be applicable for attending sub-committee meetings.

(2) The Chairperson shall be paid honorarium of four thousand rupees per mensem.

(3) The travelling allowance of an official or ex-officio member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(4) The non-official members of the Board shall be paid travelling allowance for attending the meetings of the Board at such rates as are admissible to a Category 'B' officer of the State Government and daily allowance shall be calculated at the maximum rate admissible to Category 'B' officer of the State Government.

25. Sub-committees of the Board.- (1) The Board may constitute such sub-committees, as it may deem fit for the proper discharge of its duties.

(2) A sub-committee shall consist of the following persons, namely:-

- (i) Chairperson of the Board,
- (ii) One member representing the employers.
- (iii) One member representing the building workers, and
- (iv) One member representing the State Government.

(3) Every member of a sub-committee shall be allowed travelling allowance and daily allowance as per sub-rule (3) and (4) of rule 24, as the case may be.

(4) The Chairperson of the Board shall be the Chairperson of the sub-committee also. If the Chairperson is absent at any meeting the members, present in such meeting choose from amongst themselves a member to preside over the meeting.

(5) No business shall be transacted at a meeting of the sub-committee unless at least three members including Chairperson of the sub-committee are present, which shall include the members representing employers and building workers.

(6) The term of the sub-committee, except the sub-committee constituted for the short term, shall be one year from the date of its constitution:

Provided that the sub-committee shall continue in office until a new sub-committee is constituted.

Provided further that in no case the sub-committee shall continue beyond a period of two years from the date of its original constitution.

(7) The recommendation of sub-committee shall be placed before the Board for its decision.

26. Opening of District and Tehsil offices.- The Board may, with the approval of the State Government, open district and tehsil level offices as it may consider desirable for the purpose of efficient discharge of its functions under the Code.

27. Powers, duties and functions of the Board.- (1) Under sub-section 6 of section 7 of the Code, the Board shall be responsible for,-

- (i) all matters connected with the administration of the fund,
- (ii) laying down policies for the deposits of the amount of the fund,
- (iii) submission of annual budget to Government for sanction,
- (iv) submission of annual report on the activities of the Board to the Government,
- (v) proper maintenance of accounts,
- (vi) annual audit of account of the Board in accordance with the provision of the Code,
- (vii) collection of the contribution to the fund and other charges,
- (viii) launching of prosecution for and on behalf of the Board,
- (ix) speedy settlement of claims and sanction of advances and other benefits,
- (x) proper and timely recovery of any amount due to the Board, and

- (xi) ensure the timely payment of contribution of ESI and PF, as the case may be;
- (2) The Board shall furnish information to Government on such matters as the Government may refer to it, from time to time.
- (3) The Board shall formulate scheme which provided in the Code and these rules, laying down the procedure, formats and all other residual matters regarding each benefit or group of benefits, inter alia specifying following, and with prior approval of the State Government, notify the scheme;
- (i) Rates at which various benefits will granted,
 - (ii) Eligibility criteria for admissibility of benefit,
 - (iii) Application, Procedure and Format,
 - (iv) Procedure for sanctioning and competent authority to grant approval,
 - (v) Procedure for disbursement, and
 - (vi) Any other incidental matters.

28. Appointment of Secretary, other officers and employees.- (1)The Board may, with the prior approval of the State Government, appoint an officer of the State Government not below the rank of a Additional Labour Commissioner of the Labour Department as Secretary of the Board.

(2) The Board may, with the prior approval of the State Government, appoint as many officers and employees, as it consider necessary to assist the Board in the efficient discharge of its function under the Code.

29. Administrative and financial powers of the Secretary.- (1) The Secretary of the Board shall be the Chief Executive Officer of the Board.

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

(3) The Secretary of the Board may, without reference to the Board, sanction expenditure and contingencies, supplies and services and purchase of articles, refund for administering the fund subject to the limit up to which he may be authorised to sanction expenditure on any single item from time to time, by the Board.

(4) The Secretary may also exercise such other administrative and financial powers, other than those specified in sub-rule (3) above, as may be delegated to him from time to time, by the Board.

(5) The Board may, from time to time delegate, subject to such conditions as it may deem fit, administrative and financial powers to any other officer under its control and supervision to the extent considered necessary for its effective functioning.

30. Recruitment procedure and service conditions of officers and employees of the Board.- (1) Classification, salary, pay scale, allowances, recruitment procedure and terms and conditions of service of officers and employees of the Board may, with the prior approval of the State Government, be determined by the Board.

(2) If in any case, any difficulty arises regarding interpretation or implementation, the matter shall be referred to the State Government, whose decision shall be final thereon.

31. Amount in connection with premium for welfare schemesNotwithstanding the welfare schemes mentioned in sub-section (6) of section 7 of the Code, the Board, with prior approval of the State Government, shall also formulate following scheme(s) for the beneficiaries, or such dependant,-

- (i) to pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries;

- (ii) educational schemes for the benefit of children of the beneficiaries; and
- (iii) to meet such medical expenses for treatment of major ailments of a beneficiary, or such dependant.

PART-III EMPLOYEE INSURANCE COURT

CHAPTER-I APPEAL COMPOSITION OF COURT, PLACE OF SITTING AND PROCEDURE

32. Manner and time within which appeal may be filed.- The Insured Person or the Corporation may file appeal under sub-section (7) of section 37 of the Code to the Employees' Insurance Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

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

33. Composition of the Court and place of sitting.- (1) A court shall ordinarily consist of one judge:

Provided that the Government may by notification in the official gazette appoint two or more judges to a court for any particular proceedings of class of proceedings and for such period as may be specified in the notification.

(2) Subject to the provision of rule 35, a court shall sit at such place or places and at such time as the government may specify.

34. Distribution of business where there are more Courts than one.- Where more than one Court is constituted for the same local area the Government may, by a general or special order, distribute business among them.

35. Fixing of time of sitting etc.- Where there is one Court for two or more local areas,-

- (i) where one Court is constituted for two or more local areas the Court shall, subject to the approval of the Government, appoint the time at which the court shall sit in respect of each local area or in respect of any class of proceedings under the Code.
- (ii) a notice of the time appointed under clause (i) shall be published in such manner as the Government may, from time to time, direct.

36. Procedure where there are more judges than one.- (1) Where more than one Judge has been appointed to a Court, the Government shall specify their rank and precedence.

(2) The senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Court among the Judges thereof.

(3) When two or more Judges sitting together, differ on any question the opinion of the majority of such Judges shall prevail, where there is no majority, the opinion of the senior most Judge shall, unless the Government otherwise directs, prevail.

37. Abolition, etc., of a Court.- The Government may, by notification in the official gazette, abolish any court or by a like notification alter the jurisdiction of any court.

CHAPTER-II

CONDITIONS OF SERVICE OF JUDGES, OTHER OFFICER AND STAFF

38. Appointment, salaries, allowances, etc.- (1) The Government may appoint a person qualified under section 48 of the Code to be judge of the court.

(2) A judge shall receive such salary and allowances as the Government may from time to time determine.

(3) A judge shall receive dearness allowance, Compensatory city allowance, house rent allowance and other allowances at such rate and conditions as are applicable to officer of the Government of a corresponding rank stationed at the same place.

(4) A Judge shall be entitled to leave and leave salary under the leave rules which may from time to time be applicable to other State Government servants of similar status and drawing similar emoluments.

(5) A Judge shall be entitled to travelling allowances for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the Government such judge belongs.

(6) Other conditions of service of a Judge shall be such, as may be determined by the State Government, from time to time.

(7) Notwithstanding, anything contained in sub-rule (2) to (6), the pay, allowances and other conditions of service of a Judge, if he is a person already in the service of the State Government shall be such as the State Government may by a general or special order, from time to time, determine.

39. Appointment of other officers and subordinate staff.- (1) The State Government may appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and, performance of the powers and duties conferred and imposed on a Court by or under the Code.

(2) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge, or, if there are more judges than one, the senior judge, may, subject to any order of the State Government, from time to time, direct.

(3) The ministerial officers and the subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the State Government.

CHAPTER-III

ADMINISTRATIVE CONTROL AND SEAL

40. Administrative control.- All Courts shall be subject to the administrative control and superintendence of the High Court, and shall, -

- (i) keep such registers, books and accounts as the High court may, from time to time, prescribe; and
- (ii) comply with such requisitions as may be made by the High Court or the State Government for submission of service records, returns and statements in such forms and in such manner as the authority making the requisition directs.

41. Seal.- A Court shall keep a seal of such size, dimensions and design as the State Government may direct.

CHAPTER-IV

PROCEDURE AND EXECUTION OF ORDERS

42. Application.- (1) Every proceeding under section 49 shall be instituted by presenting an application to the Court.

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

(3) An application shall be presented in Form-I. It shall be duly stamped in accordance with these rules, and shall contain the following particulars:-

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

(4) The application may be rejected if it is not in accordance with sub-rule (3).

43. Production of documents.- (1) when any application is based upon a documents, the document shall be appended to the application.

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

(3) Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.

(4) All such documents shall be accompanied by an accurate list thereof prepared in the in Form-II. Nothing in this rule shall apply to any documents which is produced for the purpose of cross-examining witness or is handed to a witness to refresh his memory.

44. Register of proceedings.- All applications shall be entered in a Register in Form-III called the register of proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

45. Place of suing.- In cases not falling under rule 34, a proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction,-

- (i) the opposite party or each of the opposite parties where there are more than one, at the time of commencement of the proceedings actually and ordinarily resides, or carries on business, or personally works for gain, or
- (ii) any of the opposite parties, where there are more than one, at the time of the commencement of the proceeding, actually and voluntarily resides, or carries on business, or personally works for gain provided that in such case either the leave of the court is given, or the opposite parties who do not reside, or carry on business or personally work for gain as aforesaid, acquiesce in such institution; or
- (iii) the cause of action, wholly or in part, arose.

46. Application presented to wrong Court.- (1) If on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return, the reasons for returning it and the designation of the Court to whom it should be presented.

(2) If it appears to the court at any stage subsequent to the presentation of an application, that the application should have been presented to another Court, in the same State, it shall send the application to the Court empowered to deal with it and shall inform the applicant and the opposite party, if he has received a copy the application under rule 42.

(3) The Court to whom an application is transferred under sub-rule (2) may continue the proceeding as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

47. Issue of summons.- (1) On receiving an application the Court shall, within three days thereof, cause to be sent to the party from whom the applicant claims relief, hereinafter referred to as the 'opposite party', a summons in Form-IV or Form-V, as the case may be, to appear and answer the application in a day, not later than fifteen days from the day of issue of such summons, to be specified therein:

Provided that no such summons shall be issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

(2) A copy of the application shall also be sent along with the summons under sub-rule (1).

48. Service of summons or notice.- (1) A summon or notice may, on payment of the required fee, be sent by the Court by whom it is issued either by registered post or in such other manner as the Court thinks fit.

(2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the court shall order the summons or the notice to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and it shall be effectual as if it had been made on the opposite party personally.

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

49. Additional matters in the summons.- The Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and /or for the final disposal of the application and the summons shall contain a direction accordingly. The Court may also call upon the parties to produce upon that date any evidence which they wish to render.

50. Proceedings involving disablement question.- If in any proceeding before the Court is disablement questions, as defined in the section 37 of the Code, arises and the decisions of a Medical Board or a Medical Appeal Tribunal has not been obtained on the same and the decision of such questions is necessary for determination of the claim or question before the court that court shall direct the Corporation to have the question decided as laid down in section 37 and shall thereafter proceed with the determination of the claim or question before it in accordance with section 49.

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

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

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

52. Failure to present written statement called for by the Court.- Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court may, pronounce judgment against him or make such order in relation to the proceeding as it thinks fit.

53. Framing of issues.- (1) at the first hearing of the application, after the summons has been issued, the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition 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 appears to depend.

(2) In recording the issues, the Court shall distinguish between those issue which in its opinion concern points of fact and those which concern points of law.

(3) The Court may, in like manner, at any time before passing its final order add to, strike out from, or in any way amend, the issues on such terms as it may think fit.

54. Order where parties are not at issue.- Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact the Court may at once pronounce its final order.

55. Appearance of parties and consequences of non-appearance.- (1) On the day fixed in the summons for the opposite party to appear and answer the parties shall be in attendance at the Court in person or by their respective legal practitioners or any other person authorised under section 51 and the application shall then be heard unless the hearing is adjourned by the Court.

(2) When neither party appears when the application is called on for hearing, the Court may make an order that the application be dismissed.

(3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the Court shall make an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the court shall make an order against the opposite party upon such admission and where party only of the claim has been admitted it shall dismiss the case so far as it relates to the remainder.

(4) Where the applicant appears and the opposite party after receiving the Summons fails, to appear, when the application is called on for hearing the Court may proceed ex-parte.

(5) Where the application is wholly or partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal apply in Form-VI for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same:

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule (3) unless notice of the application has been served in Form-VII on the opposite party.

(6) In any application in which an ex-parte order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form-VI to the Court which passed the order, to set it aside and, if the Court is satisfied that he was prevented from appearing when the proceedings was called on for hearing due to any sufficient cause, it may after serving notice thereof to the applicant in Form-VII make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.

56. Summoning of witness.- (1) At any time after framing of the issues the Court may call upon the parties to produce their evidence in support of the issues.

(2) The Court may, on the application of either party issue a summons in Form-VIII to any witness directing him to attend or to produce any document.

(3) The Court may, before summoning any witness on application undersub-rule (2), require that his reasonable expenses to be incurred in attending the Court be deposited with it.

57. Grant of time and adjournment of hearing.- (1) The Court may, if sufficient cause is shown, at any stage of the application, grant time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.

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

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

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

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

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

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

(4) Notwithstanding anything contained in this rule the Court may order that the production of evidence or the address to the Court may be in any order which it may deem fit.

60. Method of recording evidence.- The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge by the junior Judge, or at the dictation of any such Judge in the open Court in the language of the Court, not ordinarily in the form of question and answer but in that of a narrative and, when completed, shall be read over or translated, where necessary, in the presence of such Judge, to the witness, and such Judge shall if necessary, correct the same, and shall sign it.

61. Recall of a witness.- The court may at any stage of a proceeding recall any witness who has been examined and may subject to the law of evidence for the time being in force put such question to him as the Court thinks fit.

62. Inspection by Court.- The Court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

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

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

65. Statement of decision on each issue.- In cases in which issues have been framed the Court shall state its finding or decision, with the reason there for, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

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

67. Finality of Order.- Save as provided in section 52 the order of a Court shall be final and binding upon the parties.

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

(2) Where the Court directs that any cost shall not follow the event, the Court shall state its reasons in writing.

69. Contents of the decree.- (1) A decree in Form-IX shall be prepared in conformity with the order made by the Court it shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.

(2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportion such costs are to be paid.

(3) The Court may direct that the cost payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

70. Certified copies of order, decree etc. to be furnished.- (1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expenses.

(2) If any party requires copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application thereof to the Court, he shall pay an additional fee of two rupees for each such copy.

(3) If any party applied for copies of any order, decree or any other matter on record made by or furnished to the court, as the case may be, after the expire of twelve months from the date of such making or furnishing as the case may be, he shall pay an additional searching fee of two rupees.

71. Execution.- (1) Any person in whose favour an order has been passed shall, within one year from the date of the order, apply in Form-X to the Court which made the order for its execution.

(2) On such, application being made, the court shall send the same together with the necessary record to a Civil Court, of competent jurisdiction, for its execution and such civil court shall have the same power in executing such order as, if it had been passed by it.

72. Communication of fact of execution or otherwise.- The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

73. Fees.- (1) The fee payable on an application in respect of any matter referred to in section 49 shall be Tenrupees.

(2) The fee payable in respect of any other application except a written statement called for by the Court under these rules shall be Five Rupees:

Provided that the fee for an application for obtaining a copy or translation of any document on record or statement, order to decree presented to or made before or by the Court, as the case may be, shall be two Rupees.

(3) The fee for copies of any document on record, or statement or order or decree shall be such as may, from time to time be determined by the Government.

(4) The fee for any authorisation for the appearance of any person under section 51 on behalf of any of the parties in a case shall be Ten Rupees.

(5) The fee for filling certified copies of any document in a Court shall be Five Rupees.

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

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

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

74. Payment of Costs of services of summons, etc.- (1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the preceding rule shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefore.

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

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

(4) The Court may, whenever it thinks fit, receive and register proceedings instituted under the Code and applications made under these rules, by persons who are paupers, and may issue summons or notice on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in these rules.

CHAPTER-V

MISCELLANEOUS

75. Provisions in the code of Civil Procedure, 1908 etc. to apply.- In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 (Central Act No. V of 1908), including the rules made thereunder and the Indian Evidence Act, 1872 (Central Act No.1 of 1872), shall so far as may be apply to proceedings under the Act.

76. Proceeding of Employees' Insurance Courts.- (1) The proceeding before an Employees' Insurance Court shall be commenced by application by the Corporation, Aggrieved person or the employer of an establishment, as the case may be.

(2) Subject to the provisions of Chapter IV of the Code and any rules made by the Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.

(3) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(4) The State Government may transfer any matter pending before any Employees' Insurance Court in the State to any such Court in another State with the consent of the State Government of that State.

(5) The Court to which any matter is transferred under sub-rule (3) or sub-rule (4) shall continue the proceedings as if they had been originally instituted in it.

PART-IV

GRATUITY

77. 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 a Nationalised Bank.

Explanation.- "Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (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).

78. Nomination.- (1) A nomination shall be in Form-XI 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,-

- (a) 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
- (b) 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-XI 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-XI 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-XI 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, duplicate in Form-XI 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-XI 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.

79. Application for Gratuity.- (1) 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-XII to the employer:

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

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

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

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

(3) 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-XII to the employer.

(4) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in sub-rule (1), (2) and (3) shall be deemed to be operative from the date of such commencement.

(5) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision.

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

80. Notice for payment of gratuity.- (1) Within fifteen days of the receipt of an application under rule 79 for payment of gratuity, the employer shall,-

- (i) if the claim is found admissible on verification, issue a notice in Form-XIII 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-XIII 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.
- (iii) in the case of denial of gratuity a copy of the notice shall be endorsed to the competent authority.

(2) 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-XIII under clause (i) of sub-rule (1) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

(3) 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 sub-rule (1) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.

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

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

81. 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.

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

- (i) refuses to accept a nomination under rule 78 or to entertain an application sought to be filed under rule 79, or
- (ii) issues a notice under clause (1) of sub-rule (1) of rule 80 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 rule 79 fails to issue notice as required under rule 80 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-XIV to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:
- (iv) Provided that the competent authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period.

(2) Application under clause (i) of sub-rule (1) rule 82 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.

83. Procedure for dealing with application for direction.- (1) On receipt of an application under rule 82 the competent authority shall, by issuing a notice in Form-XV, by electronically or registered post acknowledgement due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.

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

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

(4) After completion of hearing on the date fixed under sub-rule (1) or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.

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

84. 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.

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

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

87. Service of summons or notice.- (1) Subject to the provisions of sub-rule (2) any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (Central Act No. V of 1908).

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

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

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

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

89. Direction for payment of gratuity.- If a finding is recorded under sub-rule (4) of rule 83 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-XVI electronically or registered post acknowledgement due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

90. Appeal.- (1) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgement due or electronically.

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

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

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

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

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

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

(8) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in Form-XVI 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.

91. Application for recovery of gratuity.- Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under rule 89 or 90, 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-XVII for recovery thereof under section 129 of the Code.

92. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58.- The State Government may, by notification, appoint any officer to be a competent authority, having such qualifications and experience as may be specified, from time to time.

PART-V

MATERNITY BENEFIT

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

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

(3) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72 shall lie to the Competent Authority, as may be notified by the State Government from time to time.

(4) The aggrieved person shall prefer an appeal in writing to the Competent Authority in Form-XIX and file other supporting documents.

(5) When an appeal is received, the Competent Authority shall call from the Inspector-cum-Facilitator, before a fixed date, the record of the case. The Competent 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.

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

94. Duties and powers of the Competent Authority and Inspector-cum-Facilitator under Chapter VI of the Code.- (1) The Competent Authority shall be responsible for the administration of these rules their respective areas notified.

(2) Every Inspector-cum-Facilitator shall discharge his duties within the area assigned to him by the State Government and shall act under the supervision and control of the Competent Authority.

(3) Every Inspector-cum-Facilitator shall at each inspection of an establishment ensure,-

- (i) whether due action has been taken on every notice given under section 62;
- (ii) whether the Register of women employees prescribed under rule 122 is correctly maintained;

- (iii) whether there have been any cases of discharge or dismissal or notices of discharge or dismissal in contravention of the provisions of section 68 since the last inspection;
- (iv) whether the provisions of sub-section (1) of section 59, sub-sections (5) and (6) of section 62, section 64, sub-sections (1), (2) and (3) of section 65, sections 66, 67, 69 and 71 have been complied with and whether amounts due have been paid within the prescribed time;
- (v) whether there have been any cases of deprivation of maternity benefit or medical bonus in contravention of sub-section (2) of section 68; and
- (vi) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.

(4) Where an Inspector-cum-Facilitator observes irregularities against the Code or these Rules, he shall issue orders in writing to the employer asking the latter to rectify the irregularities within a specified period and to report compliance to the Inspector-cum-Facilitator.

95. Abstract.- The abstract of the provisions of the Chapter V of the Code and the rules frame thereunder required to be exhibited under section 71 in such manner as the Competent Authority may require.

PART-VI

EMPLOYEE'S COMPENSATION

96. The amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer under sub section (7) of section 76.- If the injury of the employee result in his death, the employer shall, in addition to the compensation under sub-section (1), deposit with the competent authority a sum of fifteen thousand rupees, or such higher amount as may be notified by the State Government or the Central Government from time to time, for the payment of the same to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee or where the employee did not have a dependent or was not living with his dependent at the time of his death, to the person who actually incurred such expenditure.

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

- (i) by the employer, on the ground that since the right to compensation was determined the employee's wages have increased;
- (ii) by the employer, on the ground that since the right to compensation was determined the employee's wages have diminished;
- (iii) by the employee, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same notwithstanding the fact that there has been no change in his condition such as to warrant such cessation;
- (iv) either by the employer or by the employee, on the ground that the determination of compensation was obtained by fraud or under influence other improper means;
- (v) either by the employer or by the employee on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

98. Procedure for review.- If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought it appears to the Competent Authority that there is reasonable grounds for believing that the employer has a

right to such reduction to discontinuance, he may at 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.

99. Procedure on application for commutation.- (1) Where application is made to the Competent Authority under section 80 of the Code for redemption of a right to receive half-monthly payments by the payment of a lump-sum, the Competent Authority shall form an estimated of the probable duration of the disablement, and shall not a sum equivalent to the total of half-monthly payments will 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.

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

100. Class of employers and the form of notice book under sub-section (4) of section 82.- The State Government may, by making a general or specific order for the purpose of sub-section (4) of section 82 of the Code, require that any class of employers, shall maintain at their premises at which employees are employed, a notice book, in Form-XX, 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.

101. The frequent interval for medical examination under the proviso to sub section (1) of section 84.-(1)An employee who is required by sub-section (1) of section 84 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part and not otherwise.

(2) When such employee is present at the employer's 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) In other cases the employer may,-

- (i) send the medical practitioner to the place where the employee is residing for the time being, in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner; or
- (ii) send an offer to the employee in writing to have him examined free of charge by a medical practitioner, in which case the employee 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,-

- (a) the time so specified shall not, save with the express consent of the employee, be between the hours of 7 p.m. and 7 a.m.; and
- (b) in case where the employee'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) An employee who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

(5) 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 employee more than 72 hours after the workman has so offered himself.

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

102. The statement to be submitted by the employer.- The statements, required to be submitted under sub-section (1) of section 88, shall be, -

- (i) The notice to be sent by a Competent Authority under sub-section (1) of section 88 of the Code shall be in Form-XXI 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-XXII
- (iii) The report in respect of an accident under sub-section (1) of Section 88 may be sent to the authority to which the notice of such accident is required to be given.

103. Form of Memorandum.- Memorandum of an agreement to be 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-XXIII or Form-XXIV or Form-XXV, as the case may be.

104. Procedure where Competent Authority does not consider that he should refuse to record memorandum.- (1) On receiving a memorandum of agreement, the Competent Authority shall, unless he 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-XXVI to the parties concerned that in default of objections he proposes to record the memorandum on the date so fixed:

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

(2) 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.

(3) If on such date, the Competent Authority decides that the memorandum ought not to be recorded, he 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 shall send information to that party in Form-XXVII.

105. Procedure where Competent Authority considers he should refuse to record memorandum.- (1) If, on receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same, he 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.

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

(3) 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 103.

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

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

(6) 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.

(7) 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.

106. 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- XXX 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"

107. Appointment of Competent Authority.- The State Government may, by notification, appoint any person as a Competent Authority, having qualifications referred to in sub-section (1) of section 91.

108. Manner of the notice under sub-section (1) and the manner of transmitting money under sub-section (3) of section 92.- (1)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.

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

(3) 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.

109. Manner in which matters of claim or settlement may be dealt with by or before a competent authority.- (1) Save as otherwise provided in these rules, the procedure to be followed by Competent Authorities in the disposal of cases under the Act or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in this part.

(2) 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 Form-XXXI, Form-XXXII or Form-XXXIII, as the case may be 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. V of 1908).

(3) When the application for relief is based upon a document, the document shall be appended to the application and any other document which the applicant desires to tender in evidence

shall be produced at or before the first hearing. Any document which is not produced along with application or before the first hearing shall not, without the sanction of the Competent Authority, be received in evidence on behalf of the applicant. Nothing in this rule applies 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) 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 and 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 sub-rule (10), accordingly.

(5) The Competent Authority to whom an application is transferred under sub-rule (4) 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.

(6) On receiving the application of the nature referred to in section 92 or section 93, the Competent Authority may examine the applicant and his witness, if any, on oath and the substance of any examination made shall be recorded in the manner provided for the recording of evidence in section 97.

(7) The Competent Authority may, after considering application and the result of any examination of the applicant under the sub-rule (6) summarily dismiss the application if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(8) The dismissal of the application under sub-rule (7) shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

(9) If the application is not dismissed under sub-rule (7), 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.

(10) If the Competent Authority does not dismiss the application under the sub-rule (7) or (9), 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.

(11) 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 and 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.

(12) 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. 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.

(13) 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.

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

(15) If the Competent Authority finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitates a postponement.

(16) 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. 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.

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

(18) 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 had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in as the Competent Authority in its order regarding costs may direct.

110. Local Inspection.- (1) A Competent Authority before whom any proceeding relating to an injury by accident is pending may at any time 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 some person directly responsible to him for the management of the establishment.

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

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

(4) 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. No oath shall be administered to a person examined under this sub-rule.

(5) Statements made by persons examined under sub-rule (4), 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 utilised by the Competent Authority for the purpose of arriving at a decision in the case.

(6) If a witness who has been examined under sub-rule (4), 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.

(7) Any statement or part of a statement which is furnished to the parties under sub-rule (6) shall be incorporated in the record.

111. Settlement by Agreement.- Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under sub-rule (4) of rule 110 and may utilize such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

112. Agreement to abide by Competent Authority's decision.- If a party states in writing his 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 decision and 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 but 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.

113. Procedure where indemnity claimed under sub-section (2) of section 85.-

(1) Where the opposite party claims that if compensation is recovered from him he will be entitled under sub-section (2) of section 85 to be indemnified by a person not being a party to the case, he 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-XXXIV.

(2) If any person served with a notice under sub-rule (1), 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 so appears, shall have all the rights of a party to the proceedings; and in default of so appearing he 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:

Provided that, if any person so served, appears subsequently and satisfies the Competent Authority that he 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.

(3) If any person served with a notice under sub-rule (1), 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 is himself a principal and is entitled to be indemnified by a person standing to him 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 sub-rule (1), 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-XXXV.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Competent Authority on the date fixed in the notice in Form-XXXV 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 sub-rule (1) 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 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.

(5) In any proceeding in which a notice has been served on any person under sub-rule (1) or sub-rule (3), the Competent Authority shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties, and shall specify the party, if any, whom he is liable to indemnify.

114. Procedure in connected cases.- (1) Where two or more cases pending before a Competent Authority arise out of the same accident, and any issue involved 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.

(2) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Competent Authority shall certify under his hand on the 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.

115. Certain provisions of Code of Civil Procedure, 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 as may be necessary or proper to adopt them to the matter before him;
- (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.

116. 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.

117. Apportionment of compensation among dependents.- The provisions of this part except those contained in sub-rule (10) and (11) of rule 109 and rule 113 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased workman.

118. The manner of authentication of memorandum under section 97.- The competent authority shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be authenticated under the hand of the competent authority.

PART-VII

FINANCE AND ACCOUNTS

119. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under section 120.- (1) Subject to the provisions of sub-rule (3) and such conditions as may, from time to time, be laid down by the Board, the Member Secretary or the Secretary, as the case may be, may, for the purposes of the Code, acquire on behalf of the Board movable or immovable property:

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

(2) Subject to the provisions of sub-rule (3) and such conditions as may be laid down by the Board from time to time, the Member Secretary or the Secretary, as the case may be, may,-

- (i) dispose of, by sale or exchange, any movable property belonging to the Board, the value of which does not exceed rupees ten lakh in each case, or grant for any term not exceeding twelve months a lease of any immovable property belonging to the Board.
- (ii) with the sanction of the State Government, lease, sell or otherwise dispose of any movable property belonging to the Board, the value of which is more than rupees ten lakh in each case, or grant for any term exceeding twelve months a lease of any immovable property belonging to the Board .

(3) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out its duties under the Code. Every contract made under or for any purpose of the Code shall be made on behalf of the Board by the Member Secretary or the Secretary, as the case may be:

Provided that the sanction of the State Government shall be obtained in respect of any contract involving an expenditure exceeding rupees fifty lakh.

(4) Every contract entered into by the Member Secretary or the Secretary, as the case may be, shall be entered into in such manner and form as would bind him as if it were made on behalf of the Board and may in like manner and form be varied or discharged:

Provided that the common or official seal, as the case may be, of the Board shall be affixed to every contract for amounts exceeding rupees five lakh.

(5) The Board may, in pursuance of a resolution passed at a meeting of the Board, and with the prior approval of the State Government, raise loans for the purposes of the Code. In particular and without prejudice to the generality of the foregoing power, the Board may raise loans,-

- (i) for the acquisition of land and/or the raising of buildings thereon; or
- (ii) to repay a loan raised under this sub-rule; or
- (iii) for any other purpose approved by the State Government.

(6) All loans under sub-rule (5) shall be obtained,-

- (i) from the State Government on such rates of interest and such terms as to the time and method of repayment as the State Government may specify; or
- (ii) with the approval of the State Government from such bank or banks specified in sub-rule (8).-

(a) where a loan is obtained from such bank or banks the Board may, with the approval of the State Government, grant mortgages of all or any of the property vested in it for securing the repayment of the sums so advanced, with interest.

(b) all payments due from the Board for interest on and repayment of loans shall be made in such manner and at such times as may have been agreed upon:

Provided that the Board may apply any sums, which can be so applied, in repayment of any amount due in respect of the principal of any loan although the repayment of the same may not be due.

(c) no expenditure incurred out of a loan shall be charged by the Board to capital, except with the previous sanction or under the direction of the State Government.

(d) the Corporation shall submit to the State Government an annual statement by the thirtieth of April each year showing the loans raised and repayments made during the preceding year.

(7) The Board may, as soon as, after the coming into force of these rules constitute a fund to be called the Rajasthan Social Security Fund in accordance with the provisions of the Code and these rules. The fund shall vest in and be administered by the board.

(8) All moneys belonging to the Board may be invested in Nationalised Bank(s) or in securities referred to in clause (a) to (d) of section 20 of the Indian Trust Act, 1882 (Central Act No. 2 of 1882)

(9) In pursuance of sub-section (3) of section 120 of the Code, the Board may raise loan or receive fund in advance from the State Government and shall repay such loan or return such advance, as the case may be, in accordance with terms and condition as may be specified by the State Government.

120. Conditions and manner of writing off irrecoverable dues under section 121.-Where the Board is of the opinion that any amount of contribution, cess, interest and damages due to the Board has become irrecoverable, the Board or any other officer authorised by it in this behalf, with prior approval of the State Government, may sanction the writing off of the said amount, subject to the following conditions, namely:-

- (i) establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
- (ii) decree obtained by the Board could not be executed successfully for want of sufficient assets of the defaulting employer; or
- (iii) claim for amount due is not fully met by,-
 - (a) the Official Liquidator in the event of factory/establishment having gone into liquidation; or
 - (b) the Competent Authority of payments in the event of unit being nationalised or taken over by the Government.

PART-VIII

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

121. Other powers of Inspector cum facilitator under clause (e) of sub-section (6) of section 122.- The Inspector cum facilitator may exercise powers referred to in rule 94 and such other powers which may be specified by the State Government for efficient discharge of duties by Inspector cum facilitator, from time to time.

122. Form and manner for maintenance of records and registers and other particulars and details under clause (a), manner and form for display of notices at the work places of the employees under clause (b) and the manner and period of filing returns to the officers or authority under clause (d) of section 123.- (1) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in Form-XXXVI 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.

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

(3) Records as per 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.

(4) 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-XXXVII online on

the web portal of the State Government in the Labour Department, giving information as to the particulars specified, in respect of the preceding year:

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

Explanation: For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (Central Act No. 21 of 2000).

(5) If the employer to which the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of the State Government in the Labour Department, a further unified return in Form-XXXVII referred to in sub-rule (4) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

PART-IX

COMPOUNDING OF OFFENCES

123. 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-XXXVIII for the offences which are compoundable under section 138.

(2) The person so noticed may apply in Part-III of the Form-XXXVIII 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-XXXVIII 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 for the offence in respect of which the compounding notice was issued, against such person.

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

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

PART-X

MISCELLANEOUS

124. Such other sources of funding and the manner of administering and expending of the Fund under sub-section (5) of section 141.- (1) All the following funds received shall be credited to separate account(s) and called State Social Security Fund and all expenses towards the scheme(s) under sub-section (2) of section 109 for the unorganised workers shall be met out of this fund,-

(a) under sub-section (1) of section 110 of the Code on Social Security, 2020 (Central Act No. 36 of 2020),

- (b) under sub-section (5) of section 141 of the Code on Social Security, 2020 (Central Act No.36 of 2020),
 - (c) under sub-section (1) of section 115 of the Occupational Safety, Health and Working Conditions Code, 2020 (Central Act No.37 of 2020),
 - (d) corporate social responsibility fund within the meaning of the Companies Act, 2013 (Central Act No.18 of 2013), and
 - (e) any other source as may be specified in the scheme(s) by the State Government, from time to time.
- (2) The State Government may identify the source(s) for initial funding or replenishing of State Social Security Fund, from time to time.
- (3) The fund shall be administered by the State Government through a department designated by the State Government in the manner, as notified by the State Government.
- (4) Directions of the State Government, if any, shall be complied by the agency designated by the State Government.
- (5) The statement of accounts of State Social Security Fund shall be maintained by the agency, in the form(s) and manner as specified by the State Government and shall be submitted to the State Government from time to time.

125. Manner of Collection of Labour Statistics under sub-section (1) of section 158.- For the purpose of any provisions made under these rules, the appropriate government shall the Office of the Director General, Labour Bureau for the collection or extraction of annual statistical information on any matter under this code in the specified form electronically.

126. Repeal and savings.- (1) On and from the date of commencement of these rules,-

- (i) The Rajasthan Employees' Insurance Court Rules, 1959;
- (ii) The Rajasthan Employees' State Insurance (Medical Benefit Services System) Rules, 1955;
- (iii) The Rajasthan Workmen's Compensation Rules, 1960;
- (iv) The Rajasthan Workmen's Compensation (Occupational Diseases) Rules, 1965;
- (v) Rajasthan Maternity Benefit Rules, 1967;
- (vi) The Rajasthan Payment of Gratuity Rules, 1973; and
- (vii) The Rajasthan Unorganised Workers' Social Security Rules, 2011

are hereby repealed.

(2) The repeal of the rules specified in sub-rule (1) shall not,-

- (i) revive anything not in force or existing at the time of such repeal; or
- (ii) affect the previous operation of any rules so repealed and orders or anything duly done or suffered thereunder; or
- (iii) affect any right, privilege, obligation, or liability acquired, accrued or incurred under the rules so repealed or orders issued under such repealed rules:
- (iv) affect any investigation, inquiry, verification, adjudication and any other legal proceedings or recovery of arrears or remedy in respect of any such rights, privilege, obligation, liability, forfeiture or punishment, as aforesaid, and any such investigation, inquiry, verification proceedings, adjudication and other legal proceeding or recovery of arrears or remedy may be instituted, continued or enforced, and any penalty, fine, interest, forfeiture or punishment may be levied or imposed as if these rules had not been so repealed; or
- (v) affect any proceedings including that relating to an appeal, revision, review or reference, instituted before, on or after the commencement of these rules and

such proceedings shall be continued under the said repealed rules as if these rules had not come into force and the said rules had not been repealed.

(3) The mention of the particular matters referred to in sub-rules (2) above shall not be held to prejudice or affect the general application of provisions of the General Clauses Act, 1897 (Central Act No. 10 of 1897) with regard to the effect of repeal.

Form-I
(See sub-rule (3) of rule 42)

In the Employees' Insurance Court at

A B (add description and residence)..... Applicant

Against

C D (add description and residence) Opposite party,
Other particulars of the application specified in rule.....

Date

Signature of the applicant
.....

(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 of the applicant

Form-II
(See sub-rule (4) of rule 43 and sub-rule (1) of 51)

List of document produced by applicant/Opposite party

(Title) e.g., Description, Subject, Name of the Court, No. etc.

S. No.	Description of Document(s)	Date, if any, which the document bears	Signature of party or pleader or any authorized representative.
(1)	(2)	(3)	(4)

Form-III
(See rule 44)

Resister of Proceedings

Employees' Insurance Court at
Register of Proceedings in the year 20.....

Date of presentation of application	No. of Proceedings	Name	Description	Place of residence
1	2	3	4	5

Name	Opposite party Description	Place of residence	Particulars	Claim Amount or value if any	When the cause of action accrued
6	7	8	9	10	11

Day for the parties to appear	Appearance Applicant	Opposite party	Date	Final Order For whom	For what, of amount
12	13	14	15	16	17

Appeal Execution							Other Remark if any
Date of decision of appeal, If any	Judgment of appeal	Date of applica- tion	Againts whom	For what & amount of money	Amount of cost	Date of order transferring to another Civil Court of at	
18	19	20	21	22	23	24	25

Form-IV
(See sub-rule (1) of rule 47)

Summons for disposal of proceedings

(Title)

To

.....
(Name, description and place of residence).

Whereashas instituted proceeding against you for You are hereby summoned to appear in this Court in person or by authorized agents duly instructed and able to answer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions at O'clock in thenoon on the Day of20.., to answer the claim, and the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses, upon whose evidence and all the documents upon which you intend to rely in support of your defence.

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

Given under my hand and the seal of the Court, this Day of20...

COURT

Notice –

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

Form-V

(See sub-rule (1) of rule 47)

Summons for Settlement of issues

To

(Name, description and place of residence).

Whereas has instituted proceeding against you for You are hereby summoned to appear in this Court in person or by authorized agents duly instructed and able to answer all material questions relating to the proceedings, or who shall be accompanied by some person able to answer such questions at O'clock in the noon on the day of19, to answer the claim, and you are directed to produce on that day all the documents upon which you intend to rely in support of your defense.

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

Given under my hand and the seal of the Court, this day of20.

COURT

Notice-

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

Form-VI

(See sub-rule (5) and (6) of rule 55)

(Title)

Subject-Application for setting aside the Ex parte order

The above named states as follows:-

(The ground of application should be stated)

Date

Signature of the applicant

.....

(Verification by the Applicant)

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

Date

Place

Signature

.....

Form-VII**(See sub-rule (5) and (6) of rule 55)****General Form**

(Title)

To

Whereas the above named has made application to this You are hereby warned to appear in the Court in person or by a pleader duly instructed at O' clock in the noon, on the Day of 20....., to show cause against the application failing wherein, the said application will be heard and determined ex-parte.

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

COURT

Form-VIII**(See sub-rule (2) of rule 56)****Summons to witness**

(Title)

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

A sum of Rs..... Being your travelling and the other expenses and subsistence allowance for one day, is deposited with this Court and will be tendered to you on the day you

appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of order XVI of the Code of Civil Procedure, 1908 (Central Act No. V of 1908).

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

COURT

Notice-

1. If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.
2. If you are detained beyond the day aforesaid, a sum of Rswill be tendered to you for each day's attendance beyond the day specified.

Form-IX
(See sub-rule (1) of rule 69)

Decree in case

Claim for
(Title)

This case coming on this day of final disposal before in the presence offor the applicant and offor the opposite party, it is ordered and decreed theand that the sum of Rsbe paid by theto theon account of the costs of this suit, with interest thereon at the rate ofpercent. per annum from this date to the date of realisation.

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

COURT

Costs of Suit

Rs.	Rs.
Stamp for application	Stamp for power
Stamp for power	Stamp for written statement
Stamp for exhibits	Pleader's fee
Pleader's fee	Subsistence for witness
Subsistence for witnesses	Service of summons and Notices
Competent Authority's fee	Competent Authority's fee
Service of summons and Notices	
Total	Total

Form-X
(See sub-rule (1) of rule 71)

Application for the Execution of Decree

In the Court
decree holder, hereby applies for execution of the decree herein below set forth.

Number of Proceedings	Name of Parties	Date of decree	Whether any appeal preferred from decree	Payment of adjustment made, if any
1	2	3	4	5

Pervious application, if any, with date and result	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed
6	7	8	9

Mode in which the assistance of the Court is required
10
<p style="text-align: center;">(When attachment and sale of movable property is sought)</p> <p>I pray that the total amount of Rs..... (together with interest on the principal sum up to the date of payment) and the cost of taking out this execution be realized by attachment and sale of the opposite party's movable property as per annexed list and paid to me.</p> <p style="text-align: center;">(When attachment and sale of immovable property is sought)</p> <p>I pray that the total amount of Rs..... (together with interest on principal sum up to date of payment) and the cost of taking out this execution be realised by attachment and sale of the opposite party's immovable property specified at the foot of this application and paid to me</p>

Ideclare that what it stated herein is true to the best of my knowledge and belief.
Date, the day of 20...

Signature
Decree holder

Form-XI
(See sub-rule(1), (2), (3) and (4) of rule 78)

Nomination/Fresh Nomination/Modification of Nomination

(Strike out the words not applicable)

To.....
.....

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

I, Shri/Shrimati/Kumari.....(Name in full here)whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/have

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

Or

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

**Strike out unnecessary portion.*

2. I hereby certify that the person(s) mentioned is/are a member(s) of my family within the meaning of clause (33) of section 2 of the Code on Social Security, 2020.
3. I hereby declare that I have no family within the meaning of clause (33) of section 2 of the said Code.
- 4 (a) My father/mother/parents is/are not dependent on me.
- (b) My husband's father/mother/parents is/are not dependent on my husband.
5. I have excluded my husband from my family by a notice dated the..... to the competent authority in terms of clause (33) of section 2 of the said Code.
6. Nomination made herein invalidates my previous nomination.

Nominee(s)

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

Manner of acquiring a Family

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

Statement

1. Name of employee in full
2. Sex
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/Branch/Section where employed
6. Post held with Ticket No. or Serial No., if any
7. Date of appointment
8. Permanent address:
 Village..... Thana.....
 Sub-division.....Post-Office.....
 Pin-Code.....District.....State.....
 E-mail ID.....Mobile Number.....

Place:

Date:

Signature/Thumb-impression of the
Employee**Certificate by the Employer**

Certified that the particulars of the above nomination have been verified and recorded in this establishment.

Employer's Reference No., if any

Date

Signature of the employer/Officer authorised
DesignationName and address of the establishment or
rubber stamp thereof.**Acknowledgement by the Employee**

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

Date:

Signature of the Employee

Form-XII

(See sub-rule (1), (2) and (3) of rule 79)

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

To,.....

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

Sir/Madam,

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

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

.....years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....

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

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

or

2. Name of nominee/legal heir, (if the gratuity is claimed by nominee/legal heir)
 - a. Name of Employee
 - b. Marital status of nominee/legal heir (unmarried/married/widow/widower)
 - c. Relationship of nominee/legal heir with the employee
 - d. Address in full of nominee/legal heir
 - e. Date of death and proof of death of the employee
 - f. Reference No. of recorded nomination, if available

3. Department/Branch/Section where last 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-XIII

(See sub-rule (1), (2), (4) and (5) of rule 80)

Notice for Payment/Rejecting claim of Gratuity

(Strike out the words not applicable)

To,.....

.....

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

You are hereby informed that

(a) *as required under sub-clause (ii) of sub-rule (1) of rule 80 that your claim for payments of gratuity as indicated on your application in Form-XII under the said rules is not admissible for the reasons stated below:

Reasons (Here specify the reasons); or

(b) *as required under sub-clause (i) of sub-rule (1) of rule 80 that a sum of Rs. (Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made byonand.....recorded in this as a legal heir of..... an employee of this establishment.

(c) *Please call aton..... (Here specify place) (date) at (time) for collecting your payment of gratuity crossed cheque.

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

2. Brief statement of calculation

(a) Date of appointment.

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

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

(d) Wages last drawn:

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

(f) Amount payable:

**strike out paragraph, if not applicable*

Place:

Date:

Signature of the Employer/authorised officer

Name or description of establishment or

Rubber stamp thereof.

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

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

Form-XIV

(See sub- rule (1) of rule 82)

Application for Direction

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

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

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

The applicant is an employee of the above-mentioned employer/a nominee of late..... an employee of the above-mentioned employer/a legal heir of late..... and employee of the above-mentioned employer, and is entitled to payment of gratuity under section 53 of the Code on Social Security, 2020 on account of his own/aforesaid employee's superannuation on.....(date)/his own

retirement/aforesaid employees' resignation on.....(date) completion of.....years of continuous service/his own/aforesaid employees' total disablement with effect from(date)due to accident/disease death of aforesaid employee on.....

2.The applicant submitted an application under Rule..... of the Rajasthan Code on Social Security Rules, 2021 on thebut the above-mentioned employer refused to entertain it/issued a notice dated the..... under clauseof sub-rule of ruleoffering an amount of gratuity which is less than my due/issued a notice datedthe under clause..... of sub-rule.....of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

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

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

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

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

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

Place:

Date:

Signature/Thumb-impression of the applicant

Form-XV
(See rule 86)

Notice for Appearance before the Competent Authority/Summon

(Strike out the words not applicable)

To,
(Name and address of the employer/applicant)

Whereas Shrian employee under you/a nominee(s)/legal heir(s) of Shri.....an employee under the above-mentioned employer, has/have filed an application under sub-rule (1) of rule 83alleging that----

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

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at(place)either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the day of20..... atO'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 ofin the case arising out of the claim for gratuity by.....form.....and referred to this Authority by an application under section 56 of the Code on Social Security, 2020, you are hereby summoned to appear personally before this Authority on the day of20..... atO'clock in the forenoon/afternoon and to bring with you for to send to this Authority) the said documents.

List of documents-

- 1.
- 2.
3. so on

Given under my hand and seal, thisday of20.....

Competent Authority
under the Code on Social Security, 2020

Note:

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

Form-XVI
(See rule 89 and sub-rule (8) of 90)

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

To,

(Name and address of employer)

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

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

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

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

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

Given under my hand and seal, thisday of.....20.....

Competent Authority
under the Code on Social Security, 2020

Copy to:

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

Note.- (Strike out paragraphs, if not applicable)

Form-XVII
(See rule 91)

Application for Recovery of Gratuity

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

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

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

1. The applicant is an employee of the above-mentioned employer/a nominee of late.....
an employee of the above mentioned employer/a legal heir of latean employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated theunder rule 91 for payment of a sum of Rs..... as gratuity payable under the Code on Social Security, 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs.....due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place:

Date:

Note.—Strike out the words not applicable.

Form-XVIII
(See sub-rule (1) of 93)

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 of the Code on Social Security, 2020 by or a legal representative of.....(name of woman) employed in.....(name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security,

2020 and the Rules thereunder, am entitled to Rs..... being maternity benefit and/ or Rs..... being the medical bonus and/ or Rs..... being wages for leave due under section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of Chapter VI of the Code on Social Security, 2020.

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

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

Date.....

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

Full address of the women/nominee/legal representative.

Form-XIX

(See sub-rule (4) of 93)

Appeal

To,

The Authority,

(Appointed under the Code on Social Security, 2020)

.....(Address)

Sir,

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

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

*Shri....., Inspector-cum-Facilitator, having directed under 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 *(Strike out unnecessary portion).

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

**Strike out unnecessary portion.*

Signature or thumb impression of the Women/Aggrieved person

Date.....

.....

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

Full address of the nominee/legal representative

Form-XX
(See rule 100)

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.....

Mobile No.....

Cause of injury

Signature or thumb-impression of person giving notice

Mobile No.....

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

Rate of wages of injured employee

Place of accident

Nature of injuries.....

Names of eye-witnesses.....

Note of circumstances.....

.....

Form XXI
(See clause (i) of sub-rule (1) of 102)

Whereas I have received information that (1) a workman employed by you in (2).....has died, 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 the enclosed form with the particulars required in paragraphs 1 and 2 and the particulars required in either paragraph 3 or paragraph 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 Code. be made within 30 days of the receipt of this notice.

.....
Competent Authority for Employees' Compensation

Form-XXII
(See clause (ii) of sub-rule (1) of 102)

1. In reply to your notice, dated the.....20...., which was received by me on the 20....., it is submitted that (1) residing at/workmen over/under 15 years of age and I employed in (2).....met with an accident on the.....20....., as a result of which he 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 liability to pay compensation on account of the deceased's death on the following grounds :-

(1) Insert name of workman.....

(2) Insert name of establishment.....

.....
Signature of Employer or his agent

Form-XXIII
(See rule 103)

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 employment in.....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 has 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....

Signature of Workman

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

Witness.....

Form-XXIV
(See rule 103)

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 workman 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 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.....

Witness.....

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 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-XXV
(See rule 103)

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 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 no wages. 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 workman has agreed to accept half-monthly payments at the rate of 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 employer.....

Witness.....

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 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-XXVI

(See sun-rule (1) of rule 104)

Whereas an agreement to pay compensation is said to have been reached between andwhereas..... has/have applied for registration of the agreement under Section 89(1) of the , 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-XXVII

(See sub-rule(3) of rule 104 and sub-rule(4) of rule 105)

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-XXVIII
(See sub-rule(2) of rule 105)

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 sub-section (1) of section 89 of the Code on Social Security, 2020, and whereas it appears to me that the said agreement ought not to be registered for 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 registration of the agreement will be refused.

Date.....20...

.....

Competent Authority

Form-XXIX
(See sub-rule(2) of rule 105)

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 sub-section (1) of section 89 of the Code on Social Security, 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :-

.....
.....

an opportunity will be afforded to the said.....for showing cause on.....20.....why the said agreement should 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-XXX
(See rule 106)

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-XXXI
(See sub-rule(2) of rule 109)

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 of20.... 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 languages the cause of 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 to secure a settlement by agreement, namely 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 is a workman within the meaning of 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 due, or any part of that amount.....

(d) Whether the opposite party is liable to pay such compensation as is due.....

(e) etc., (as required).....

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

.....

Applicant

*Strike out of the clauses which are not applicable.

Form-XXXII
(See sub-rule(2) of rule 109)

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 of20.... 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 being his.....

(3) The majority 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 death received as compensation the total sum of 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

*Strike out the clauses which are not applicable.

Form XXXIII
(See sub-rule(2) of rule 109)

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.....20....

.....
Applicant

Form-XXXIV
(See sub-rule (1) of rule 113)

Notice

Whereas a claim for compensation has been made by.....applicant, against.....and the saidhas claim that you are liable under sub-section (3) and (4) of section 93 of the , Code on Social Security, 2020, to indemnify him against any compensation which he may be liable to pay 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 indemnity the opposite party for any compensation recovered from him.

date.....20.....

Competent Authority

Form-XXXV
(See sub-rule(3)and (4) of rule 113)

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 indemnity 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 lo admit the validity of any award made against the opposite party.

.....and your liability to indemnity the opposite party.....for any compensation recovered from him:-

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

Competent Authority

FORM-XXXVI
(See sub-rule(1) of rule 122)

REGISTER OF WOMEN EMPLOYEES

Name of establishment

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

Month	No. of days employed	No. of days laid off	No. of days not employed	Remark
1	2	3	4	5

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-XXXVII
(See sub-rule(4) and (5) of rule 122)

Unified Annual Return

A. General Part:

(a) Name of the establishment.....
Address of the establishment:
House No./Flat No.....Street No./Plot
No.....
Town.....District.....State.....pin
code.....

(b) Name of the employer.....
Address of the employer:
House No./Flat No.....Street No./Plot
No.....
Town.....District.....State.....pin code.....
E-mail ID.....Telephone
Number.....Mobile number.....

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

B. Employer's Registration/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)
01.	The Code on Occupational Safety Health and working condition code 2020.			
02.	The Code on Social Security, 2020.			
03.	Any other Law for the time being in force.			

C. Details of Employer, Contractor and Contract Labour:

01.	Name of the employer in the case of a contractor's establishment.	
02.	Date of commencement of the establishment.	
03.	Number of Contractors engaged in the establishment during the year.	
04.	Total Number of days during the year on which Contract Labour was employed.	

05.	Total number of man-days worked by Contract Labour during the year.	
06.	Name of the Manager or Agent (in case of mines).	
07.	Address House No./Flat No. Street/Plot No. Town District State Pin Code E-mail ID Telephone Number Moblie Number	

D. Working hours and weekly rest day:

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

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

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

F. Wage rates (Category Wise):

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

G. (a) Details of Payments:

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

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

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

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

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

I. Maternity Benefit under the Code on Social Security , 2020:**(a) Details of establishment, medical and para-medical staff:**

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

(b) Leave Granted

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

Declaration

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

Place

Date

Signature

FORM-XXXVIII

(See sub-rule(1),(2) and (3) of rule 123)

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 of the establishment..... (Registration No.....), have committed offence for the violation of provision of the Code or the Schemes or the Rules or the Regulations framed thereunder as per the details given below:-

PART-I

1. Name of the Person:
2. Name and Address of the Establishment :
3. Registration No of the Establishment:
4. Particulars of the offence:

5. Provisions of the Code/Scheme/Rules/Regulations under which the offence is committed:
6. Compounding amount required to be paid towards composition of the offence:
7. Name and Details of Account for depositing the Amount specified in Column 6:

PART-II

In view of the above, you have an option to pay the above-mentioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part – III of this notice.

In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

(Signature of the Compounding Officer)

Date:

Place:

PART-III

[See sub-rule (2) of rule 123]

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

Ref: Notice No.....

Date:

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

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

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

Dated:

Place:

PART-IV
[See sub-rule (3) of rule 123]

Composition Certificate

Ref: Notice No.....

Date:

This is to certify that the offence under sub-sectionof 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.

Date:

Place:

(Signature)

Name and Designation of the Officer

[S.No. F.14(13)(42)Social Security/ Shram/Vidhi/2021]

By order of the Governor

Dharampal Singh,
Joint Secretary to the Government.

Government Central Press, Jaipur.