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Separate paging is given to this part in order that it may be filed as a
separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô LABOUR AND EMPLOYMENT
DEPARTMENT

Notification

Jammu, the 15th January, 2021.

SO-18.66The following draft rules, which the Jammu and Kashmir Government proposes to make in exercise of the powers conferred by sections 154 and 156 of the Code on Social Security, 2020 (36 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of theô

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

(3) They shall come into force after the date of their final publication in the Official Gazette, on the date of the commencement of the Code on Social Security, 2020 (36 of 2020).

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

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

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

resignation is accepted by the Chairperson or on the expiry of thirty days from the date of receipt of resignation, whichever is earlier.

3. Change of Address.ô If a member changes his address, he shall bring it to the notice his new address to the Member-Secretary of the Board about his new address who shall thereupon enter his new address in the official records :

Provided that if a member fails to bring it to the notice of the Member-Secretary his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

4. Manner of filling vacancies.ô When the office of a Member becomes vacant by reason of death, resignation or otherwise the Chairperson shall submit a report to the Jammu and Kashmir Government and on receipt of such report, the Jammu and Kashmir Government may, by notification, fill up the vacancy and the persons so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

5. Allowance of members.ô

- (i) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary ;
- (ii) Every non-official member of the Board shall be paid by the Board a sitting fee of Rupees Two Thousand and travel allowance at the rate of Rupees One Thousand per day subject to a maximum of three days.

6. Functions of the Board.ô Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every Member for opinion, and the matter shall be disposed of in accordance with the decision of the majority :

Provided that where there is no opinion of majority on a matter and the Members of the Board are equally divided, the Chairperson shall have a second or a casting vote.

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- ## Notice of meetings and list of business

(i) Ordinarily, two weeks' notice shall be

- Quorum $\hat{\alpha}$

(i) No

- Provided that if at a meeting less than six members

The Jammu and Kashmir Government may by order

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

the Board without obtaining leave of absence from the Chairperson :

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

4. The manner to exercise the powers conferred on and to perform the functions assigned to Jammu and Kashmir Building and Other Construction Workers Welfare Board, the manner of nomination of Members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies and time, place and rules of procedure relating to the transaction of business as per sub-section (4), clause (c) of sub-section (5), clause (c), clause (d) and clause (e) of sub-section (6) of section 7.—

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

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

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

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

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

(ii) The sub-committee(s) shall consist of the following persons, namely :ô

(a) The Chairperson of the Board ;

(b) One Member representing the employers ;

(c) One Member representing the building and other construction workers ;

(d) Two Members, not below the rank of a Deputy Secretary, to represent the Government ;

(iii) The Chairperson of the Board or an independent Member as the case may be, nominated by him shall be the Chairperson of the sub-committee(s) also and in the absence of Chairperson the members present shall elect one amongst them to preside over the meeting ;

(iv) No business shall be transacted in the meeting of a sub-committee unless at least three members of the committee are present of whom one shall be from the members representing employers and another one shall be from the members representing the building and other construction workers ;

(v) The term of the sub-committee shall be one year from the date of its constitution ;

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

11. **Information to the Government.**ô The Board shall furnish information to Government on such matters as the Government may refer to it, from time to time.

12. **Appointment of Secretary and other officers.**ô An Officer not below the rank of Additional Secretary to the Jammu and Kashmir Government from in service Officers

may be appointed as Secretary of the Board and an Officer not below the rank of Under Secretary to the Jammu and Kashmir Government may be appointed in the Board at District level in addition to other staff provided to the Board from the Government Departments and appointed by the Board.

6. Educational schemes for the benefit of children of the beneficiaries under clause (d) of sub-section (6) of section 7.ô

(a) The children of the beneficiary shall be entitled to financial assistance by the Board in the shape of scholarship categorised as per the following scale per academic year :

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| (i) Up to 5th Class | Rs. 2500.00 |
| (ii) Class 6th to 8th Class | Rs. 3500.00 |
| (iii) Class 9th to 10th | Rs. 4500.00 |
| (iv) Class 11th to 12th | Rs. 6000.00 |
| (v) B. A., B.Sc, B. Com., BBA, BCA, B.Tech or any other recognized degree course | Rs. 10000.00 |
| (vi) ITI Course | Rs. 10000.00 |
| (vii) Paramedical courses | Rs. 10000.00 |
| (viii) M.A., M.Sc, LLB, B.Ed., LLM, M.Com., M.Lib, MBA, MCA or any other recognized PG Course | Rs. 15000.00 |
| (ix) Three Years Engineering or any other Recognised Diploma Course | Rs. 30000.00 |

- (3) **Providing Tab/Bicycles to the meritorious girl students.** The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a schemes of providing Tab to the meritorious girl children of beneficiaries residing in hilly areas and

14 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
bicycles to the meritorious girl children of beneficiaries residing in other
areas.

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

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

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

CHAPTER III

Employees Insurance Court

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

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

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 15
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and such presiding officer shall thereupon discharge the functions of
the Employees Insurance Court in addition to his own duties.

(2) **Fixing of time of sitting.**ô

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

(3) A Court shall be subject to the administrative control and superintendence of the High Court and shallô

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

9. Right to File Second Appeal.ô The Insured person or the Corporation may appeal to the Employees Insurance Court by presenting an application within 90 days of the date of communication of 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 90 days, if it is satisfied that the appellant has sufficient reason for not presenting the application within the said period.

10. Application.ô (1) Every proceeding under section 49 of the Code shall be instituted by the presentation of 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) (a) the proceedings before an Employees Insurance Court shall commenced by an application ;

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

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

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

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

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(4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form-IV

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

13. **Register of Applications.** All application shall be entered in a register in Form V 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.

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

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

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

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

18. Service of Summons or Notice. (1) A summons or notice may, on payment of the required fee, be sent by the court by which 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 summons or the notice to which served by publication in the leading newspapers or in any other mode as may court think proper.

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

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

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

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

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

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

court may pronounce judgement against it or make such order in relation to the proceeding as it thinks fit.

22. **Framing of issues.** (1) At the first hearing of the application, after the summons is served, the court shall, after considering the application and 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 issue upon which the right decision appears to depend.

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

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

23. **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 a fact, the court may at once pronounce its final order.

24. Appearance of parties and consequence 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 or as prescribed in sub-section (2) of section 51 of the Code.

(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. However if the opposite party admits the claim or part thereof in which case the court shall make an order against the opposite party upon such admissions and where part 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 partially dismissed under sub-rule (2) or (3) the applicant may within thirty days of such dismissal apply in Form-VIII 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-IX 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-VIII 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 proceeding was called on for hearing due to any sufficient cause, it shall after servicing notice thereof to the applicant in Form-IX make an order setting aside the order upon such terms as to costs or otherwise as it thinks fits or may proceed within the hearing of the case or appoint a day for proceeding within the same.

25. Summoning of Witnesses.ô (1) At any time after the framing of 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-X to any witness directing him to attend or to produce any document.

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

26. Grant of time and adjournment of hearing.ô (1) The court may, if sufficient cause is shown, at any stage of the application, grant

22 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
time to the parties or to any of them, and may, from time to time,
adjourn the hearing of the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
by the court and such amount or any other sum of money payable
under these rules shall be paid in such manner and within such time
as it may specify therefor.

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

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

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

CHAPTER IV

Gratuity

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

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

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

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

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

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

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

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

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

by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision ;

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

(2) Notice for payment of gratuity.ô

- (a) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shallô
- (i) if the claim is found admissible on verification, issue a notice in Form-XV 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-XV to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible.

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

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

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

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

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

- (a) If an employer^o
 - (i) refuses to accept a nomination under rule 34 or to entertain an application sought to be filed under sub-rule (1) ; or
 - (ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity ; or
 - (iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be may, within one hundred eighty days of the occurrence of the cause for the application, apply in Form-XVI to the competent authority for issuing

a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party :

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

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

(5) Procedure for dealing with application for direction.ô

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

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

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

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

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

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

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

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

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

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

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

modify his direction for payment of gratuity and issue a notice to the employer concerned in Form-XVIII specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer. A copy of the notice be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.

(13) **Application for recovery of gratuity.**ô Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (11) or sub-rule (12), as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in Form XIX for recovery thereof under section 129 of the Code.

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

(1) **Obtaining Insurance for payment of Gratuity.**ô Every employer other than an employer of an establishment belonging to, or under the control of, the Central Government or a State Government, shall subject to provisions of clause (i) of sub-section (1) under section 57, obtain an insurance in the manner prescribed for his liability for payment towards the gratuity under this Act, from any Insurance Company regulated by the authority as defined under clause (b) of sub-section (1) of section 2 of the Insurance Regulatory and Development Authority Act, 1999.

(2) **Recovery of the amount of Gratuity.**ô

- (i) The Competent Authority appointed under sub-section (4) of section 57 is authorized to recover the amount of the Gratuity payable to an employee, from the insurer with

whom an insurance has been taken under sub-section (1) or as the case may be, the Board of Trustees of the approved Gratuity Fund as defined in sub-section (5) of section 2 of the Income Tax Act, 1961 ;

- ### (3) Registration of Establishment.

- (4) **Continuing approved Gratuity Fund.** Every employer of an establishment covered under the Code, who had already established an Approved Gratuity Fund in respect of his employees and who desires to continue such arrangement, and every employer employing 500 or more persons who establishes an Approved Gratuity Fund in accordance with sub-section (5) of section 2 of the Income Tax Act, 1961 may opt to continue/adopt such arrangement by submitting an option in

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 37
Form-XXI, provided such existing Approved Gratuity Fund covers the
entire liability of all the employees of the establishment, under the Act.

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

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

CHAPTER V

Maternity Benefit

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

- (1) Complaint under section 72,
- (a) A complaint under sub-section (1) of section 72 shall be made in writing in Form-(XXIII) as the case may be ;
 - (b) When a complaint referred to in section 72 is received by an Inspector-cum-Facilitator, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under section 63, as the case may be, immediately or within a specified period.

(2) Appeal under section 72.

- (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the Competent Authority ;
- (b) The aggrieved person shall prefer an appeal in writing to the Prescribed Authority in Form-(XXIV) and file other supporting documents ;

- (c) When an appeal is received, the Prescribed Authority shall call from the Inspector-cum-Facilitator before a fixed date, the record of the case. The Prescribed Authority shall, if necessary, also record the statements of the aggrieved person, and of the Inspector-cum-Facilitator and seek clarification if any is required ;
- (d) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the Prescribed Authority shall give his decision.

Employees Compensation

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

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

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

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

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

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

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

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

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

- Provided that

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

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

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

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

(6) **Examination of Women.**ô

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

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

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

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

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

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

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

(3) Procedure when competent authority considers that he should refuse to record memorandum.ô

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

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

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

(4) Procedure on refusal to recrod memorandum.ô

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

57. Such other experience and qualifications for appointment as a competent authority under sub-section (1) of section 91. The State Government may by notification appoint competent authority from the officers of the Government not below the rank of Assistant Labour Commissioner for the purposes of Chapter-VII.

59. Time limit for disposal of application and costs incidental to the proceedings under sub-section (4) of section 93.ô The time limit for the disposal of application under section 93 shall not be more than six months. Provided that in the cases where disability is required to be proved in such cases the time limit ðnot more than six monthsð can exceed with the consent of both the parties but for not more than one year.

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

Social Security and Cess in respect of Building and other Construction Workers

61. Time limit to pay the amount of cess under section 101. The date of payment of cess under section 100 shall be the date on which the amount is deposited with the cess collector, or the date of

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 45
deduction at source or the date on which the amount has been deposited
with the local authority respectively as per the rules framed by the
Central Government.

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

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

CHAPTER VIII

FINANCE AND ACCOUNTS

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

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

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

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

(3) **Annual returns.**ô

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

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

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

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

CHAPTER X

Offences and Penalties

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

48 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
the purposes of compounding of offences under sub-section (1) of
section 138 shall issue electronically or otherwise a compounding notice
in Form-XXXVII for the offences which are compoundable under
section 138.

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

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

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

(5) Composition after institution of prosecution.

- (a) The Court may compound any compoundable offence at any
time after filing of a complaint under section 138 of the
Code ;
- (b) The provisions of section 320 of the Code of Criminal
Procedure, 1973 shall apply to such compositions.

CHAPTER XI

Employment Information and Monitoring

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

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

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

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

Explanation :ô (1) Establishment in ôpublic sectorö means an establishment owned, controlled or managed byô

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

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

50 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
or more employees or such number of employees as may be notified
by the Government.

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

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

(4) Form and manner of reporting of vacancies.

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

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

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

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

(6) Maintenance of records.ô

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

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

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

- (b) The Government, will declare in writing an officer looking after the work of Career Centres as "Executive Officer"

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 53
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for the purpose of enforcement/implementation of
Chapter XIII (Employment Information and Monitoring) of
the Code. He shall be the officer who shall exercise the
rights and perform duties referred to in section 139 of the
Code.

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

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

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

CHAPTER XII

Miscellaneous

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

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

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

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

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

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

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

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

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

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

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

56 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
 applies, found misusing any benefit granted to it or him under this Code
 or rules, regulations, schemes made or framed thereunder then, the
 Government of Jammu and Kashmir may by notification deprive such
 establishment or other person as the case may be from such benefit
 for such time as may be specified in the notification :

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

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

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Signature of the Registered
Construction Worker.

**Signature of Principal/
Headmaster.**

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

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

Scrutiny Officer/DEO.

Recommendations

I hereby recommended, after due verification a sum of Rs. 10000. (Rupees 10000 ..) as Educational Assistance in favour of Sh./Smt. 1234567890 a registered worker under registration No. 1234567890 ..dated 12/12/2023 ..

Labour Officer/Labour Inspector.

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

Assistant Labour Commissioner,
 í í í í í í í í District.

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

Scrutiny Officer/Incharge BOC Section/DEO.

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

Scrutiny Officer/DEO.

I hereby recommended, after due verification a sum of Rs. 1000. (Rupees 1000 ..) as Educational Assistance in favour of Sh./Smt. 1234567890 a registered worker under registration No. 1234567890 ..dated 12/12/2023 ..

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

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

In the Employees Insurance Court atí í í í í í í í í í

Against

Other particulars of the application specified in rule-10.

Signature of the Applicant.

(Verification by the Applicant)

Date

Signature.

óóóóóóóó

Execution

Summons for disposal of proceedings

(Name, description and place of residence)

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

Notice : (1) Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on applying to the court and on depositing the necessary expenses.

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- óóóóóó

FORM-VIII

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FORM-IX

General Form

To

Given under my hand and the seal of the court, this 11 day
of.....2011 court.

Decree in Case

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

Costs of Suits

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

óóóóóóóó

Against the opposite party :

óóóóóóóó

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.

6. Nomination made herein invalidates my previous nomination.

Nominee(s)

[illegible]

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 :

Villageí í í í í í íThanaí í

Sub-divisioní í í í í í í ..Post Officeí í í í í í í í í í

PIN Codeí í í í Districtí í í í í í í Stateí í í í í í í í í í

E-mail IDí í í Mobile Numberíí í í í í í

Place:

Date:

Signature/Thumb-impression of the
Employee.

Designation

2

óóóóóóóó

1. Name of employee in full (if, the gratuity is claimed by an employee)ô
 - 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 Noí ...

Yours faithfully,

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

Place :

Date :

óóóóóóóó

Notice for payment/rejecting claim of Gratuity

1. You are hereby informed thatô

Reasons (Here specify the reasons) ; or

4. Brief statement of calculation

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

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

Application for Direction

Date

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

1. The applicant is an employee of the above-mentioned employer/a nominee of lateí í í í í í í í an employee of the above-mentioned employer/a legal heir of lateí í í í í í í í í 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 oní í í í í í í í í í (date)/his own retirement/aforesaid employee's resignation oní í í í í (date) completion ofí í í í í í years of continuous service/his own/aforesaid employee's total disablement with effect fromí í í í í í í í .(date)due to accident/disease/death of aforesaid employee oní í í í í í í .
2. The applicant submitted an application under Ruleí í í í í í í í of the Code on Social Security, Jammu and Kashmir Rules, 2020 on theí í í í í í .but the above-mentioned employer refused to entertain it/issued a notice dated theí í í í í í . under clause í í í of sub-rule of ruleí í í í í í .offering an amount of gratuity which is less than my due/issued a notice datedí í í í í í í ..the under clauseí í í í í .of sub-rule.....of ruleí í í í í í .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.

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Notice for Apperance before the Competent Authority/Summon

(Name and address of the employee/applicant)

- 1.
- 2.
3. so on

óóóóó

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

To,

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

2. And whereas the application was heard in your presence on 11.12.2019 and after the hearing have come to the finding that the said Shri/Smt./Kumari 11111111 is entitled to a payment of Rs 11111111 as gratuity under the Code on Social Security, 2020 ; or

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

Given under my hand and seal, this 11111 .day
of 11111 .20111 ...

under the Code on Social Security Code, 2020

Copy to :ô

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)

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Application for Recovery of Gratuity

Date

óóóóó

**Option to continue under the Existing Insurance
under section 57**

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

óóóóó

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

- Date :

Designation and Address

óóóóóóóó

óóóóó

[illegible]

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

FORM XXVII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

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

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

Dated _____ 20 _____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

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

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

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

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

Employee

Dated _____ 20 _____

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

_____ Witness.

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

FORM –XXVIII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

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

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

Rs. _____ on _____ Rs. _____ on _____

Rs. _____ on _____ Rs. _____ on _____

Rs. _____ on _____ Rs. _____ on _____

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

Dated _____ 20_____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

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

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

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

Employee

Dated _____ 20_____

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

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

FORM-XXIX

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

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

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

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

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

Signature of the employer _____

Signature of the employee _____

Witness _____

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

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

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

Employee

Dated _____ 20_____

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

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

FORM –XXX

[See Rule 56 (2) (i)]

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

Dated _____ 20 _____

Competent Authority

FORM –XXXI

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

Take notice that registration of the agreement to pay compensation said to have been reached between you _____ and _____ on the _____20____ have been refused for the following reasons namely

Dated_____20_____

Competent Authority

FORM (XXXII)

[See Rule 56 (3) (ii)]

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

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

Competent Authority

FORM (XXXIII)

[*See Rule 56 (3) (ii)*]

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

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

Dated _____ 20 _____

Competent Authority

FORM (XXXIV)

(See Rule 60)

Register of agreements for the year _____ 20 _____

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

FORM – XXXV

[See Rule 66 (1) (a)]

REGISTER OF WOMEN EMPLOYEES

Name of establishment

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

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

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

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

FORM XXXVI

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

Unified Annual Return A. General Part :

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

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

| S. No. | Name | Registratior | | 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. | | | |

Wage rates (Category-Wise):

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

F. (a) Details of Payments:

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

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

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

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

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

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

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

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

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

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

Declaration

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

Place

Date

Sign. Here

FORM-XXXVII

(See Rule 67)

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

Notice No.....

Date:

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

PART – I

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

PART –II

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

(Signature of the Compounding Officer)

Date:

Place:

PART – III

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

Ref: Notice No.....

Date:

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

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

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

Dated:

Place:

PART – IV

Composition Certificate

Ref: Notice No.....

Date:

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

(Signature)

Name and Designation of the Officer

Date:

Place:

FORM-XXXVIII

[See Rule 68 (4) (b)]

Form for Reporting Vacancies to Career Centres

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

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

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

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

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

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

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

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

NOTE:

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

FORM-XXXIX

[See Rule 68 (7)]

Form EIR (Employment Information Return)

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

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

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

EIR-continued

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

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

3. MANPOWER SHORTAGES:

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

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

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

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

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

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

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

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

To

The Career Centre,
.....

Note :—

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