

Uttar Pradesh Shasan

Shram Anubhag-3

In pursuance of the provisions of clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of notification no. 1560 /XXXVI-3-2020-104(Sa)/2020 dated : 03 March, 2021.

Notification

No. 1560 /XXXVI-3-2020-104(Sa)/2020

Lucknow, Dated : 03 March, 2021

The following draft rules which the Governor proposes to make in exercise of the powers under sub-section (1) of sections 154 and 156 of the Code on Social Security, 2020 (Act no. 36 of 2020) read with section 24 of the Uttar Pradesh General Clauses Act, 1904 (Act no.1 of 1904) and in supersession of :-

- (i) The Uttar Pradesh Workmen's Compensation Rules, 1975;
- (ii) The Uttar Pradesh Workmen's Compensation (Occupational Diseases) Rules, 1964;
- (iii) The Uttar Pradesh Maternity Benefit Rules, 1983;
- (iv) The Uttar Pradesh Payment of Gratuity Rules, 1975;
- (v) The Uttar Pradesh Building and Other Construction (Regulation of Employment and Conditions of Service) Rules, 2009; and
- (vi) The Uttar Pradesh Unorganized Workers Social Security Rules, 2016;

made by the Governor in exercise of the powers conferred by the Employees Compensation Act, 1923 (Act no. 8 of 1923), the Maternity Benefit Act, 1961 (Act no. 53 of 1961), the Payment of Gratuity Act, 1972 (Act no. 39 of 1972), the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 (Act no. 27 of 1996), and the Unorganized Workers' Social Security Act, 2008 (Act no. 33 of 2008), as the case may be, are hereby published as required under sub-section (1) of section 154 and sub-section (1) of section 156 of the Code on Social Security, 2020 for information of all concerned and with a view to invite objections and suggestions in respect thereof ;

All objections and suggestions with respect to said rules should be sent in duplicate addressed to Apar Mukhya Sachiv, Shram Anubhag-3, Uttar Pradesh Shasan, Bapu Bhawan, Lucknow-226001 /Labour Commissioner Office G.T. Road, Kanpur. Only those objections and suggestions which are received within forty-five days from the date of publication of the notification shall be taken into consideration.

DRAFT RULES

Uttar Pradesh Code on Social Security Rules, 2021

Chapter- I

Introductory

- 1- Short title, extent and commencement** (1) These rules may be called the Uttar Pradesh Code on Social Security Rules, 2021.
(2) They extend to whole of Uttar Pradesh.
(3) They shall come into force on the date of their publication in the Official Gazette.
- 2- Definitions** (1) In these rules, unless the context otherwise requires,-
(a) “Code” means the Code on Social Security, 2020 (Act no. 36 of 2020);
(b) “section” means the section of the Code;
(2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

Chapter- II

Social Security Organization

PART - I

Uttar Pradesh Unorganized Workers Social Security Board

- Manner for nomination of the Members of Uttar Pradesh Unorganized Worker Board under sub section (12) of section-6** 3. The manner for nomination of the Members of the Board under section 6 of the Code shall be as follows :-
(1) Seven members representing unorganized workers, to be nominated from the panel of 14 given by approved federations of Trade Unions or any recognized umbrella Trade Union of unorganized worker;
(2) Seven members representing employer of unorganized worker:-
(i) four to be nominated from Industry Associations,
(ii) two from State Level Traders Organizations, and
(iii) one from Registered Contractors,
(3) Two elected members of State Legislative Assembly;
(4) Five members representing eminent persons from Civil Societies:-
(i) one person from the field of Law,
(ii) one person from eminent economist/sociologist with a proven record of working in the field of unorganized workers,
(iii) two person from among Non-Government Organization with a proven record of working in the field of unorganized workers of whom at least one should be from the field of domestic unorganized workers, and

- (iv) one person from the field of Finance with experience of at least five years :

Provided that adequate representation shall be given to persons belonging to Scheduled castes, Scheduled tribes, Minorities and Women.

(5) Ten Members representing State government Departments concerned:-

- (i) the Additional Chief Secretary/Principal Secretary/ Secretary of Social Welfare or his nominee (not below the rank of Joint Secretary),
- (ii) the Additional Chief Secretary/Principal Secretary/ Secretary of Medical and Health or his nominee (not below the rank of Joint Secretary),
- (iii) the Additional Chief Secretary/Principal Secretary/ Secretary of Urban Development or his nominee (not below the rank of Joint Secretary),
- (iv) the Additional Chief Secretary/Principal Secretary/ Secretary of Housing or his nominee (not below the rank of Joint Secretary),
- (v) the Additional Chief Secretary/Principal Secretary/ Secretary of Panchayati Raj or his nominee (not below the rank of Joint Secretary),
- (vi) the Additional Chief Secretary/Principal Secretary/ Secretary of Finance or his nominee (not below the rank of Joint Secretary)
- (vii) the Additional Chief Secretary/Principal Secretary/ Secretary of Primary Education or his nominee (not below the rank of Joint Secretary),
- (viii) the Additional Chief Secretary/Principal Secretary/ Secretary of Vocational Education and training or his nominee(not below the rank of Joint Secretary),
- (ix) the Additional Chief Secretary/Principal Secretary/ Secretary of Rural Development or his nominee (not below the rank of Joint Secretary), and
- (x) the Labour Commissioner, Uttar Pradesh-Member Secretary.

Term of the office

4(1) The term of Board shall be three years from the date of its constitution, but it shall continue till the reconstitution and its decision shall not be deemed invalid on the ground that term of the Board has been expired .

(2) The term of the members of the Board shall be co-existing with the term of the Board.

(3) Members nominated under sub-clause (iii) of clause (d) of sub-section (10) of section 6 of the Code shall cease to be member of the Board when they cease to be elected member of the State Legislative Assembly.

(4) The non-official members of the Board shall hold office

at the pleasure of the Government of Uttar Pradesh.

(5) The members nominated under sub-clause (i), (ii) and (iv) of clause (d) of sub-section-(10) of section 6 of the Code shall be removed from the Board if they cease to represent the interest for which they were nominated.

(6) All nominated members shall not be eligible for renomination for more than two terms.

Resignation

5. Any non-official member may resign by a letter addressed to the Government of Uttar Pradesh. The seat of such member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation whichever is earlier.

Change of Address

6. If any change occurs in the address of nominated members, the same shall be communicated in writing within fifteen days to the Member Secretary of the Board who shall make a record accordingly.

Filling of the Vacancies

7. When a Vacancy occurs for any reason or is likely to occur in the membership of the Board, the Member Secretary shall submit a report to the State Government who shall take steps to fill the vacancy from amongst the category of persons, to which the person vacating membership belongs and the person so nominated shall hold office for the remainder of the term of the office of the member in whose place he is appointed.

Meetings of the Board

8(1) The Board shall meet at such places and at such times as may be decided by the Chairperson.

(2) The Board shall meet atleast once in three months.

(3) In case of any matter of urgency, special meetings may be called by the Chairperson after informing the members in advance about the subject-matter of discussion and the reasons of urgency.

(4) In case of any matter of urgency, meeting by circulation or by other mode may be held.

(5) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence the meeting of the Board shall be chaired by the Vice-Chairperson.

Notice of meeting and list of business

9(1) Ordinarily, fifteen days notice shall be given to the members of the Board of a proposed meeting:

Provided that the Chairperson, if he is satisfied that it is expedient so to do, may give notice of shorter period.

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

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| Disposal of Business | of the | <p>10(1) 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, the matter shall be disposed of in accordance with the decision of the majority:</p> <p>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.</p> <p>(2) Every decision taken at the meeting of the Board shall be recorded in writing.</p> |
| Allowances Members | of | <p>11. Non-Official Members of the Board shall be paid travelling allowance and daily allowance for attending meetings of the Board at such rates as are admissible to lowest of Group "A" Officer of the State Government.</p> |
| Quorum | | <p>12(1) No business shall be transacted at any meeting of the Board unless at least ten members are present in that meeting:</p> <p>Provided that if at a meeting, less than ten members are present, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.</p> <p>(2) The Chairperson may debar any member, other than ex-officio members, from taking part in the meeting of the Board if-</p> <ul style="list-style-type: none"> (a) he absents himself from three consecutive meetings of the Board without written information to and consent of the Chairperson, or (b) in the view of the Chairperson, such member has ceased to represent the interest which he purports to represent on the Board. |
| Reconstitution of the Board | of the | <p>13(1) The State Government shall initiate the process for reconstitution of the Board, six months prior to the expiry of the term of the Board.</p> <p>(2) If the new Board is not reconstituted after completion of the term of the Board or due to any other reason, the administration of the Board may be taken up by the State Government for the period till the new Board is constituted, by way of a notification in this behalf.</p> <p>(3) The decision taken by the State Government under sub-rule (2) shall have the same effect as if it has been carried out by the Board itself.</p> |

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| Headquarter of the Board | 14. The headquarter of the Board shall be at the place as may be notified by the State Government. |
| Constitution of Fund under clause (ii) of sub-section (5) of section 141 | <p>15. In addition to source of fund mentioned in clause (i) of sub-section (5) of section 141, the amount received from the following sources shall be credited to the Fund which shall be called as Uttar Pradesh Social Security Fund:-</p> <ul style="list-style-type: none"> (i) lump sum amount given by the State Government for the establishment of the fund, (ii) the amount of grant given by the Government of India, the State Government and other authorities and statutory bodies, (iii) amount received for registration/renewal of beneficiaries and their contribution, (iv) amount received for implementation of the scheme notified by the Government of India, (v) amount received for implementation of the scheme notified by the State Government, and (vi) contribution or donation or any other financial support from employer, their association or from Corporate Social Responsibility (CSR) Fund as determined by the State Government by general or special order. |
| Administration of the Uttar Pradesh Social Security Fund | <p>16(1) All the fund received under clauses (i) and (ii) of sub-section (5) of section 141 shall be kept in a separate Bank Account in a Scheduled Bank.</p> <p>(2) The Fund shall be administered and transacted by the Board.</p> <p>(3) The Bank Account of the Fund shall be operated in such a manner as determined by the State Government by general or special order.</p> <p>(4) The fund of the Social Security Board shall be utilized/expended for the implementation of the welfare schemes for unorganized workers of the State and Central Government and for meeting out administrative expenses of the Board. The administrative expenses of the Board shall not be more than ten percent of the total expenditure on schemes.</p> <p>(5) The accounts of the Fund shall be audited in accordance with the instructions issued by the State Government from time to time.</p> |

PART- II

Uttar Pradesh Building and Others Construction Workers Welfare Board

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| Composition of Board | 17(1) The State Government shall nominate Chairperson and fifteen members in Uttar Pradesh Building and Other |
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Construction Workers Welfare Board in which there shall be five representatives of departments of State Governments, five representatives of building workers and five representatives of employers of building workers. There shall be atleast one woman member.

(2) The representatives of departments of State Government shall be an Officer not below the rank of Special Secretary from Housing department, Finance department, Public Works department, Social Welfare department and Basic Education department.

Term

18(1) The term of the Board shall be three years from the date of its constitution, but it shall continue till the reconstitution and its decision shall not be deemed invalid on the ground that term of the Board has expired .

(2) The term of the members of the Board shall be co-existing with the term of the Board.

(3) The non-official members of the Board shall hold office at the pleasure of the State Government.

(4) The Members nominated under sub-clause (i), (ii) and (iv) of clause (d) of sub-section (10) of section 6 shall be removed from the Board if they cease to represent the interest for which the were nominated.

(5) All nominated members shall be eligible for re-nomination for one more term

Manner of filling of vacancies

19. When a vacancy occurs for any reason or is likely to occur in the membership of the Board, the Member Secretary shall submit a report to the State Government who shall take steps to fill the vacancy from amongst the category of persons, to which the person vacating membership belongs and the person so nominated shall hold office for the remainder of the term of the office of the member in whose place he is appointed.

Salary and allowances to Chairperson and non-official members

20(1) Non official members shall be entitled for travelling allowance and daily allowance at the rate admissible to lowest rank of group “A” officers of State Government.

(2) Salary and allowances to the Chairperson of the Board shall be fixed by the State Government by general or special order.

Conditions of appointment, salary and allowances of secretary and other officers and staff of the Board

21(1) The Board, with the prior approval of State Government, shall appoint a person not below the rank of Deputy Labour Commissioner as a Secretary of the Board

(2) The Board, with the prior approval of State Government, shall appoint other staff for disposal of functions of the Board.

(3) Secretary of the Board, other officers and staff shall be appointed in the manner determined by State Government by general or special order and they shall be paid an

Social security schemes and welfare measures under sub-section (6) of section 7

allowances fixed by the State Government.

22(1) The Board with the prior approval of State Government shall notify social security scheme and welfare measures prescribed in clauses (a) to (f) of sub-section (6) of section 7.

(2) The Board shall formulate social security schemes and welfare measures in which eligibility limit, rate of various benefits, application form and procedure and the competent authority for sanction of benefit and manner of payment and other incidental matters shall also be determined by the Board and thereafter it shall forward the same to the State Government for approval.

Chapter III

Employees Insurance Court

Composition of Employees Insurance Court and place of sitting

23(1) An Employees Insurance Court shall ordinarily consist of one Judge :

Provided that State Government may after consultation with the ESI Corporation, by notification in the Official Gazette appoint two or more Judges to a Court for any particular proceeding or clause of proceeding and for such period as may be specified in the notification.

(2) The said Court shall sit at such place or places and at such time as the State Government may after consultation with the ESI Corporation, from time to time specify.

(3) The Employees Insurance Court shall be subject to the administrative control and superintendence of the High Court and shall keep such registers, books, accounts and documents as the High Court may, from time to time prescribe.

Procedure for filing an application in the Employees Insurance Court.

24(1) An application under section 49 shall be presented in triplicate in **Form I** and shall contain the following particulars:-

- (a) the name of the Court in which application is brought;
 - (b) full name and description including age, occupation and full postal address of applicant and the opposite party;
 - (c) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and full postal address of his or her guardian, next-of-kin, or any other person authorized to act on his or her behalf;
 - (d) the fact constituting the cause of action and the date when it arose;
 - (e) The facts showing that court has jurisdiction;
 - (f) the relief which the applicant claims.
- (2) Every application shall be verified in the same manner as a pleading in a Civil Court.

**Proceeding of
Employees Insurance
Court**

(3) All the documents on which the application is based shall be appended to the application with an accurate list thereof.

(4) All applications shall be entered in a register, in the manner as prescribed in **Form II**, to be maintained by the Court.

25(1) Every application to the Court shall be brought within twelve months of the date on which the cause of action arose or when the claim become due, as the case may be :

Provided that the Court may entertain an application made after the said period of six months if it is satisfied that applicant has sufficient reason for not making the application within the said period.

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

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

Fees and Costs

26(1) The fee payable on an application in respect of any matter referred to in section 49 of the Code shall be Rs. 100/- .

(2) The fee and costs payable in respect of any other matters shall be such as prescribed by High Court for subordinate courts.

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

Chapter IV Gratuity

**Nomination under sub-
section (1) of section 55**

27(1) A nomination shall be made in the manner prescribed in **Form III** and be submitted in duplicate by the employee by personal service or registered post within one month from the date when he completes one year of continuous service :

Provided that in case of fixed term employee, the nomination shall be submitted within one month from the

date he joins the service :

Provided further that the nomination shall be accepted by the employer after the said period if the same is supported by reasonable grounds for delay, and no nomination so accepted shall be invalid merely on the ground that it was filed after the specified period.

(2) Within thirty days of receipt of the nomination as mentioned above, the employer shall get the service particulars of the employee as mentioned in the Form of the nomination, verified with reference to the record of the establishment and return the duplicate copy of the nomination form duly attested either by employer or an officer authorized in this behalf to employee and shall keep the other copy for record.

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

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee, or if the employee is illiterate, the said nomination shall bear his thumb-impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be.

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

Application for gratuity under section 56

28(1) An employee or his nominee or his heirs who are eligible for payment of gratuity under the Code or any person authorized, in writing, to act on his behalf, shall apply, for gratuity personally or by registered post or electronically or otherwise, ordinarily within thirty days from the date on which the gratuity became payable, in **Form VI** or **Form VI-A** or **Form VI-B** respectively to the employer:

Provided that an application in plain paper with

relevant particulars shall also be accepted. The employer may obtain such other particulars as may be deemed necessary by him:

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

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

Qualification and experience for Competent Authority

29(1) The person to be appointed as the Competent Authority for the purpose of this Chapter shall be a gazetted officer not below the rank of Assistant Labour Commissioner having educational qualification as determined for the post by the State Government.

(2) A person to be appointed as Competent Authority for the purpose of this Chapter shall have experience of at least one year of service on the post of Assistant Labour Commissioner.

Provided that a person who has worked as conciliation officer for one year need not possess the above mentioned experience for appointment as Competent Authority.

Application to Competent Authority for direction under clause (b) of sub-section (5) of section 56

30(1) Where there is a dispute with regard to any matter or matters specified in clause (a) of sub-section (5) of section 56, the employer or employee or any other person raising the dispute may make an application to the Competent Authority in **Form VII** within one year from the date on which the gratuity becomes due:

Provided that the Competent Authority may entertain the application even after one year if he is satisfied with the reason given by applicant.

(2) The application shall be accompanied by such documents as are necessary to be filed as evidence by the applicant.

(3) Application for claim of gratuity may be submitted personally or by registered post/speed post or such other medium as fixed by State Government.

(4) Application shall also be accompanied with envelope with stamp for registered post in proportion of number of opposite parties.

(5) If the Competent Authority is prima-facie satisfied with the application for claim and if he thinks that the application shall be inquired, he may, registering the claim and fixing the date and time for inquiry, summon parties for inquiry.

(6) Any application shall not be rejected merely on the ground that it is not on the prescribed Form.

Procedure of inquiry of every application under clause (b) of sub-section(5) of section 56

31. The Competent Authority shall summon the parties for inquiry on the application received and shall provide reasonable opportunity of hearing and shall provide opportunity to produce documents and evidences to parties according to necessity.

CHAPTER- V MATERNITY BENEFIT ACT

Appellate Authority

32. A person aggrieved by the order of Inspector-cum-Facilitator under sub-section (2) of section 72 may appeal to Regional Additional/Deputy Labour Commissioner of the State Government.

CHAPTER- VI EMPLOYEE'S COMPENSATION PART I

Payment of funeral expenses

33. If the injury of employee results in death, the employer shall in addition to the compensation to be deposited under the Code with Competent Authority, pay a sum of fifteen thousand rupees to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee, or where the employee does not have dependents or was not living with his dependent at the time of his death, then in such a case the said payment towards funeral expenses shall be made to the person who actually incurred such expenditure :

Provided that if the Central Government by notification enhances the amount specified in sub-section (7) of section 76, the amount to be deposited under this rule shall be automatically enhanced.

Application for review of half monthly payments without medical certificate under sub-section (1) of section 79

34. Application for review of 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 employee's 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 the employer, having commenced to pay compensation, has ceased to pay the same not with standing the fact that there has been no change in the employee's condition as such to warrant such cessation;

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

(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 face of the record.

Notice book

35. Every employer to which the Code applies shall maintain a notice book in accordance with sub-section (4) of section 82 in **Form-VIII**.

Restrictions on number of medical examinations.

36. 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.

**Statement of Fatal Accidents.
Form of memorandum.**

37. The Statement required by sub section (1) of section 88 shall be in **Form IX**.

38. Memoranda 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 with, as the circumstances of the case admit, **Form X** or **Form X-A** or **Form X-B**, as the case may be.

Procedure for record or refusal to record memorandum-

39(1) On receiving a memorandum of agreement, the Competent Authority shall, for taking decision to record memorandum or refusing to record, issue notice to the parties to agreement in **Form XI** fixing the date and place of hearing and that in default of objections he proposes to record the memorandum on the date so fixed. The notice under this sub-rule may be sent personally or through registered post/speed post or electronically :

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

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

Provided that the issue of a notice under sub-rule (1) shall not be deemed to prevent the Competent Authority from refusing to record the memorandum on the date so fixed

even if no objection is made by any party concerned.

(3) If on such date, the Competent Authority decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send the said information to that party.

Registration of memorandum accepted for record.

40. In recording a memorandum of agreement, the Competent Authority shall cause the same to be entered in a register in **Form XII** and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following terms, namely, -

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

(Signature)

Competent Authority.”

Qualifications and experience for Competent Authority under sub-section (1) of section 19

41(1) The person to be appointed as the Competent Authority for the purpose of this Chapter shall be a gazetted officer not below the rank of Assistant Labour Commissioner having educational qualification as determined for the post by the State Government.

(2) A person to be appointed as Competent Authority for the purpose of this Chapter shall have experience of at least three years of service on the post of Assistant Labour Commissioner :

Provided that a person who has worked as Conciliation Officer for five years need not possess the above mentioned experience for being appointed as Competent Authority.

Application under sub-section (3) of section 93

42. When the application for relief is based upon a document, the document shall be appended to the application :

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

Application presented to wrong Competent Authority

43(1) If it appears to the Competent Authority on receiving an application that it should be presented to another Competent Authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and designation of the Competent Authority to whom it should be presented.

(2) If at any stage of case it appears to Competent Authority that the application should be entertained by another Competent Authority, he shall send the file of that

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| | <p>case to the Authority which has the jurisdiction, and inform about the same to applicant and other parties.</p> <p>(3) The Competent Authority to whom the case has been transferred, shall continue to proceed as if the previous proceedings were done before him, if he is satisfied that it will not adversely affect the interest of parties.</p> |
| Summary dismissal of application. | <p>44(1) The Competent Authority may, after considering the application and the result of any examination of the applicant, summarily dismiss the application, if, for reasons to be recorded, he is of the opinion that there are no sufficient grounds for proceeding thereon :</p> <p>Provided that dismissal of the application under sub-rule (1) shall not of itself preclude the applicant from presenting a fresh application for the settlement of the same matter.</p> <p>(2) If the application is not summarily dismissed by the Competent Authority, he shall issue notice to opposite party or parties against whom relief is sought together with copy of application and other documents appended.</p> |
| Submissions of Parties | <p>45(1) The opposite party, if desires to contest the claim, may file a written statement accompanied with documents, and if no written statement has been filed, the Competent Authority shall proceed to examine him upon the claim, and shall reduce the result of examination to writing.</p> <p>(2) If the opposite party files the written statement, the applicant may file rejoinder with documents.</p> |
| Framing of issues. | <p>46(1) After considering any written statement and the result of any examination of the parties, the Competent Authority may frame issues for decision of the case, if he thinks necessary.</p> <p>(2) Where the issues of law and facts are framed, and if the Authority is of the opinion that the case may be decided on issues of law, he shall proceed to hear on those issues and after decision on the issues of law, hearing on issues of facts shall be proceeded.</p> |
| Diary. | <p>47. The Competent Authority shall cause to be maintained a brief diary of the proceedings on an application.</p> |
| Special provision relating to trial and disposal of application under the Code. | <p>48(1) Every application under the Code shall be tried as expeditiously as possible and endeavor shall be made to conclude the trial within six months from the date of service of notice of the application on the opposite party.</p> <p>(2) In the cases, where the period of six months has been expired, hearing shall be conducted day to day.</p> |
| Evidence | <p>49(1) After framing of issues, the parties may submit their evidence on affidavit, on which opposite party shall have the right of cross-examination.</p> |

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

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

Scale of fee

50. Fees relating to proceedings of the case shall be such as determined by the State Government from time to time:

Provided that if in any matter the applicant, for any reason is unable to pay the fee in advance, the Competent Authority may proceed without deposit of advance fee and may direct that payment of the fee shall be due after final decision in the case.

Incidental Costs

51(1) Any party to the dispute who desires to get certified copies of decision, decree, or other document may get the same on payment of cost at the following rate :-

- (a) the cost for the copies of any document of record or statement or order or decree shall be Rs. 2/- per page along with Rs. 10/- for the application for the copies;
- (b) the cost of service of summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as may be specified;
- (c) the Court, whenever it finds either on applications of applicant or otherwise that the applicant is unable to pay the cost, may exempt the applicant from the payment of cost.

(2) Any person who is not a party to dispute, may get the certified copy of decision, decree or other documents except the confidential documents, on payment of the fees prescribed in above mentioned clauses.

Procedure in connected cases.

52(1) Where two or more cases pending before a Competent Authority arise out of the same accident and any issue involved is common to two or more such cases, such cases may, so far as the evidence bearing on such issue is concerned, be heard simultaneously.

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

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

Certain provisions of Code of Civil Procedure, 1908 to apply.

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

Provided that: -

- (a) for the purpose of facilitating the application of the said provisions the Competent Authority may construct them with such alternations not affecting the substance as may be necessary or proper to adapt them to the matter before him;
- (b) the Competent Authority may, for sufficient reasons, proceed otherwise than in accordance with the said provision, if he is satisfied that the interests of the parties will not thereby be prejudiced.

Chapter VII

OFFENCES AND PENALTIES

Form of application for composition of offences and manner of composition of offence under section 138.

54(1) If the officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 138 (hereinafter referred to as the Compounding Officer), is of the opinion that the offence under the Code is compoundable, he shall send a notice manually or electronically to the employer in **Form XIII**.

(2) The employer if so desires shall make application to Compounding Officer in **Form XIV** manually or electronically and shall deposrerit the amount electronically within fifteen days from the date of receipt of notice under sub-rule (1).

(3) If the accused complies with the requirement of sub-rule (2), the Compounding Officer shall compound the offence for the amount of money deposited by the accused and if the prosecution has not been instituted against the accused, no complaint for prosecution shall be instituted against the accused.

(4) If the offence is compounded after the institution of prosecution, the Compounding Officer shall inform the authority appointed under sub-section (1) of section 85 or

the competent Court in which the prosecution is pending and after receiving such intimation, the officer or Court shall discharge the accused and close the prosecution.

(5) The Compounding Officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

Chapter VIII

Employment Information and Monitoring

Manner of establishment and maintenance of Career Centre and the Career Services under clause (9) of section 2.

55(1) The State Government may establish, run and maintain Career Centre or modify and declare its already established office or employment exchange or both or a portal or authorize any other such centre as Career Centre by notification. Until such a notification is issued, the existing local Employment Exchanges would function as Career Centres (Regional).

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

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

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

(i) persons who seek to employ employees;

(ii) persons who seek employment;

(iii) occurrence of vacancies; and

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

(b) providing career counseling & vocational guidance;

(c) organizing job-fairs and job drives;

(d) employment related surveys and studies;

(e) employability enhancement activities; and

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

Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned Career Centre under sub-

56(1) Reporting of Vacancies to Career Centres:

(a) After the commencement of this Code in the State or any area thereof, the employer in **every establishment in public sector** in the State or area thereof shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported

section (2) of section 139. to such Career Centre as may be specified in the notification by the State 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 State Government.

(c) State 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:

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

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

(2) *“Establishment in private sector”* means an establishment which is not an establishment in public sector and with ordinarily 50 or more employees or such number of employees as may be notified by the Central Government.

(2) 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 State Government, occurring in establishments in respect of which the State Government is the appropriate Government under the Code; and

(ii) vacancies which an employer may desire to circulate to the Career Centers outside the State shall be reported to such Career Centre(Regional) as may be specified by the State Government *by notification*.

(b) 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 Central Government by notification.

(3) 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 State Government.

(b) The vacancies shall be reported in the format given at **Form XV**, 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.

(4) Time limit in the reporting of vacancies: 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.

(5) Maintenance of records:

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

- i) total number of employees (regular, contractual or in fixed term employment) as 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) State Government may by notification, require that

from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about :-

- i) total number of employees (regular, contractual or in fixed term employment) as 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*.

(6) **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-XVI**. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective State Government by way of in notification, within thirty days of the due date namely 31st March of the year.

(7) **Declaration of Executive Officer:** The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State 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.

(8) **Levy of penalty under the Chapter XIII of the Code:** The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State 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.

Chapter IX MISCELLANEOUS

- | | |
|--|--|
| Forms, Registers etc. | 57. Every employer to whom the Code applies shall maintain electronically or otherwise a register of employees, register of wage period, number of days and hours for which work performed by employees and deductions made from wages, register of leave wages and register of employment of employees, occupational details of employees, persons recruited during the particular period and vacancies for which suitable candidates were not available during the period in such forms as may be specified by the State Government by general or special order. |
| Display of Notices | 58. Every employer shall display all the notices required to be displayed, conspicuously at the notice board of the establishment. |
| Wage Slip | 59. Every employer shall issue wage slip to employees in such form as may be specified by the State Government by general or special order. |
| Returns | 60(1) Every employer shall file returns, containing the details of dangerous occurrences, accidents, injuries in respect of which compensation has been paid by employer along with the amount of such compensation in the manner given in Form XVII electronically or otherwise. (2) Every employer shall file such returns electronically or otherwise to such officer or authority as may be fixed by State Government by general or special order. |
| Other powers of Inspector-cum-facilitator | 61. In addition to powers in sub-section (6) of section 122, Inspector-cum-facilitator may exercise such other powers and shall perform such other duties as may be assigned by the State Government by general or special order. |

by Order,

(Suresh Chandra)
Additional Chief Secretary.

Form I

(See rule 24 (1))

In the Employees, Insurance Court

at.....

.....

.....

.....

Applicant

(add description and residence)

Against

.....

.....

.....

.....Opposite Party(add description
and residence)

Other Particulars of Application specified in rule 24

(1).....

.....

.....

.....

.....

Signature of Applicant

Date

(verification by the applicant)

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

.....

Signature

Date

.....

(See Rule24 (4))

Register of proceedings in the year 20.....

| | | | | |
|--|----|---|----------------|--|
| | 1 | Date of presentation of application | | |
| | 2 | No of proceedings | | |
| | 3 | Name | Applicant | |
| | 4 | Description | | |
| | 5 | Place of residence | | |
| | 6 | Particulars | opposite party | |
| | 7 | Amount of value, if any | | |
| | 8 | place of residence | Claim | |
| | 9 | particulars | | |
| | 10 | amount or value, if any | | |
| | 11 | when the cause of action accrued | | |
| | 12 | day of parties to appear | appearances | |
| | 13 | applicant | | |
| | 14 | opposite-party | | |
| | 15 | date | final | |
| | 16 | for whom | | |
| | 17 | | | |
| | 18 | order | | |
| | 19 | Date of Decision of appeal, if any | appeal | |
| | 20 | judgment in appeal, | | |
| | 21 | Date of application | executive | |
| | 22 | against whom | | |
| | 23 | For what, and amount of money | | |
| | 24 | amount of costs | | |
| | 25 | Date of order transferring to another civil court | | |
| | 26 | other remarks, if any | | |

Form III

[See sub-rule (1) of Rule 27]

Nomination

To

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

(Name in full here)

I, Shri/Shrimati/Kumari.....whose particulars are given in the statement below, hereby nominate the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name (s) of the nominee(s).

2. I, hereby certify that the person (s) mentioned is a/are member (s) of my family within the meaning of clause (h) of Section 2 of the Payment of Gratuity Act, 1972.

3. I hereby declare that I have no family within the meaning of sub-section (33) of Section 2 of the 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.

NOMINEE(S)

| Name in full with full address of nominee(s) | Relationship with the employee | Age of nominee | Proportion by which the gratuity will be shared |
|--|--------------------------------|----------------|---|
| 1 | 2 | 3 | 4 |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| so on | | | |

STATEMENT

1. Name Of The Employee in full.

2. Sex.
3. Religion.
4. Whether unmarried/married/widow/widower.
5. Department/branch/section where employed.
6. Post held with ticket no., or serial no., if any
7. Date of appointment
8. Permanent address

Village , Thana , Sub-Division
 Post office , District , State

Place Signature/thumb-impression
 Date of the employee.

Declaration by witness

Nomination signed/thumb-impressed before me

Name in full and full address

Of witness

Signature of witness

1.

1.

2.

2.

Certificate by the employer

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

Employer's reference no.,

If any.

Signature of the employer/officer authorized

Designation

Date

name and the address of the establishment

Or rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of nomination in form 'f' filed by me and duly certified by the employer .

Date

Signature of the employee.

Form IV

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

Fresh Nomination

To

Give her name or description of the establishment with full address.)

I, sri/srimati.....(name in full here) whose particulars are given in the statement below, have acquired a family within the meaning of clause (h) of section 2 of the payment of gratuity act, 1972..... with effect from the (date here)..... in the matter indicated below and therefore nominate a fresh person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable or having become payable has not been paid, direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

2. I hereby certify the person(s) nominated is a/are member(s) of my family within the meaning of clause(h) of section 2 of the said act.

3.(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.

4. I have excluded my husband from my family by a notice, dated the to the controlling authority in terms of the proviso to clause (h) of section 2 of the said act.

NOMINEE(S)

| Name in full with address of nominee(s) | Relationship with the employee | Age of nominee | Proportion by which the gratuity will be shared |
|---|--------------------------------|----------------|---|
| 1 | 2 | 3 | 4 |
| | | | |
| | | | |

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 The Employee.
2. Sex.
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/branch/section where employed
6. Post held with ticket no., or serial no., if any.
7. Date of appointment
8. Permanent address

Village , Thana ,Sub-Division
Post office ,District ,State

Place Signature/ thumb-impression
Date of the employee

Declaration by witnesses

Fresh nomination signed/thumb-impressed before me.

Name in full and full address of witness.

Signature of witnesses

- | | |
|----|----|
| 1. | 1. |
| 2. | 2. |

CERTIFICATE BY THE EMPLOYER

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

Employer's reference no., if any.

Signature of the employer /officer authorised.

Designation .

Name and address of the establishment

Or rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of the nomination in form 'g' filed by me
on..... , duly certified by the employer.

Date signature of the employee

FORM V
[SEE SUB-RULE (4) OF RULE 27]
MODIFICATION OF NOMINATION

To

[Give here name or description of the establishment with full address]

I, Shri/Shrimati/Kumari.....[Name in full here] whose particulars are given in the statement below, hereby give notice that the nomination filed by me on [date] and recorded under your reference No.dated.....shall stand modified in the following manner. [Here give details of modifications intended]

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 or Serial No. if any.
7. Date of appointment.
8. Address in full.

Place
employer
Date

Signature/Thumb impression of the

DECLARATION BY WITNESSES

Modification of nomination signed/thumb impressed before me. Name in full and full address of witnesses. Signature of witnesses

1.
 - 1.
 - 2.
 - 2.

Place
Date

CERTIFICATE BY THE EMPLOYER

Certified that the above modification have been recorded. Employer's Reference No., if any.

Signature of the employer/ officer authorised

Designation

Name and address of the Establishment
or rubber stamp thereof.

ACKNOWLEDGMENT BY THE EMPLOYEE

Received the duplicate copy of the notice for modification in Form 'H' filed by me on.....duly certified by the employer.

Date
Note

Signature of the employee

FORM VI
[SEE SUB-RULE (1) OF RULE 28]
APPLICATION OF GRATUITY BY AN EMPLOYEE

To

[Give here name or description of the establishment with full address] Sir/Gentlemen,
I beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 53 of Code on Social Security, 2020 on account-

of my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to diseases with effect from the.....Necessary particulars relating to my appointment in the establishment are given in the statement below:

STATEMENT

1. Name in full.
2. Address in full.
3. Department /Branch/Section where last employed.
4. Post held with Ticket No. or Serial No. if any.
5. Date of appointment.
6. Date and cause of termination of service.
7. Total period of service.
8. Amount of wages last drawn.
9. Amount of gratuity claimed.
2. I was rendered totally disabled as a result of

[Here give the details of the nature of disease or accident]

The evidence/witnesses in support of my total disablement are as follows:

[Here give details]

3. Payment may please be made in cash/open or crossed bank cheque.
4. As the amount of gratuity payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above after deducting postal money order commission therefrom.

faithfully,
Signature/Thumb impression of
Date:
employee.

Yours
Place

the applicant

FORM VI-A
[SEE SUB-RULE (2) OF RULE 7]
APPLICATION FOR GRATUITY BY A NOMINEE

To

[Give here name or description of the establishment with full address]

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under subsection (1) of section 4 of the Payment of Gratuity Act, 1972 as a nominee of late.....[Name of the employee] who was an employee of your establishment and died on the.....The gratuity is payable on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on.....retirement or/resignation of the aforesaid employee on.....after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....Necessary particulars relating to my claim given in the statement below:

STATEMENT

1. Name of applicant nominee.
 2. Address in full of the applicant nominee.
 3. Marital status of the applicant nominee (unmarried/married/widow/widower)
 4. Name in full of the employee.
 5. Marital status of employee.
 6. Relationship of the nominee with employee.
 7. Total period of service of the employee.
 8. Date of appointment of the employee.
 9. Date and cause of termination of service of the employee.
 10. Department /Branch/Section where the employee last worked.
 11. Post last held by the employee with Ticket or Serial No. if any.
 12. Total wages last drawn by the employee.
 13. Date of death and evidence/witness as proof of death of the employee.
 14. Reference No. of recorded nomination, if available.
 15. Total gratuity claimed.
 16. Share of gratuity claimed.
2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.
3. Payment may please be made in cash/crossed or open bank cheque.
4. As the amount payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above after deducting Postal Money Order commission therefrom.

faithfully,
Signature/Thumb
the applicant employee.

impression

of

Yours
Place
Date

FORM VI-B
[SEE SUB-RULE (3) OF RULE 7]
APPLICATION FOR GRATUITY BY A LEGAL HEIR

To

[Give here name or description of the establishment with full address]

Sir/Gentlemen,

I beg to apply for payment of gratuity to which I am entitled under subsection (1) of section 4 of the Payment of Gratuity Act, 1972 as a legal heir of late.....[Name of the employee] who 28 The Payment of Gratuity (Central) Rules, 1972 Forms was an employee of your establishment and died on the.....without making any nomination. The gratuity is payable on account of the death of the aforesaid employee while in service/superannuation of the aforesaid employee on the..... retirement or resignation of the aforesaid employee on the..... after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the.....Necessary particulars relating to my claim given in the statement below:

STATEMENT

1. Name of applicant legal heir.
2. Address in full of the applicant legal heir.
3. Marital status of the applicant legal heir (unmarried/married/widow/widower)
4. Name in full of the employee.
5. Relationship of the applicant with employee.
6. Religion of both the applicant and the employee.
7. Date of appointment and total period of service of the employee.
8. Department /Branch/Section where the employee worked last.
9. Post last held by the employee with Ticket or Serial No. if any.
10. Total wages last drawn by the employee.
11. Date and cause of termination of service of the employee (death or otherwise).
12. Date of death of the employee and evidence/witness in support thereof.
13. Total gratuity payable to employee.
14. Percentage of the gratuity claimed.
15. Basis of the claim and evidence/witness in support thereof.
2. I declare that the particulars mentioned in the above statement are true and correct to the best of my knowledge and belief.
3. Payment may please be made in cash/crossed or open bank cheque.
4. As the amount payable is less than rupees one thousand, I shall request you to arrange for payment of the sum due to me by Postal Money Order at the address mentioned above, after deducting Postal Money Order commission therefrom.

faithfully,

Signature/Thumb

the applicant employee

impression

of

Yours

Place

Date

FORM VII
[SEE SUB-RULE (I) OF RULE 10]
APPLICATION FOR DIRECTION

Before the Competent Authority under the Code on Social Security, 2020

Application no
Date.....

Between

[Name in full of the applicant with full address]

and

[Name in full of the employer concerned with full address]

The applicant is an employee of the above-mentioned employer / a nominee of latean employee of the above mentioned employer /a legal heir of lateand employee of the above-mentioned employer, and is entitled to payment of gratuity under section 53 of the the Code on Social Security, 2020 on account of his own/aforesaid employee's superannuation on..... (date)/his own retirement/aforesaid employee's resignation on..... [date] after completion of.....years of continuous service/his own/aforesaid employee's total disablement with effect from[date] due to accident/disease/death of the aforesaid employee on.....

2. The applicant submitted an application under ruleof the Code on Social Security, 2020 on the.....but the above-mentioned employer refused to entertain it/issued a notice dated the offering an amount of gratuity which is less than my due/issued a notice dated the rejecting my eligibility to payment of gratuity. The copy of the said notice is enclosed.

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

[Specify the dispute]

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

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

Date

Signature of the applicant/Thumb
impression of the applicant

ANNEXURE

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

Signature of the applicant/Thumb
impression of the applicant

Name of the Establishment.....

Date of opening.....

Name of the employer/occupier.....

[illegible]

FORM IX
(See Rule 37)
Statement of Fatal Accidents

To ,
Competent Authority,

.....

Sir,

1. I have the honour to submit the following statement of an accident which occurred in (date), at (here enter details of premises) and which resulted in the death of the employee/employees of whom particulars are given in the statement annexed.
2. The circumstances relating to the death of the employee/employees were as under: -
 - (a) Time of accident.
 - (b) Place where the accident occurred.
 - (c) Manner in which deceased was/were employed at the time.
 - (d) Cause of the accident.
 - (e) Any other relevant particulars.
3. I am responsible for payment of compensation
4. Details of employee
 - (a) Name of the employee
 - (b) Age of the employee
 - (c) Wages of the employee
5. The establishment is not responsible for payment of compensation due to reasons mentioned below.....
.....
....

(Signature and designation
of person making the statement)

FORM X
(See Rule 38)
Memorandum of Agreement

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

The said employee's monthly wages are estimated at Rs. The employee is over the age of 15 years will reach the age of 15 years on

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

Rs. on Rs. on
Rs. on Rs. on
Rs. on Rs. on

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

Dated20..... .

Signature of
employer

Witness
Witness

Signature or
employee

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

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

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

Dated20.... .

Employee

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

Witness

Note- This form may be varied to suit special cases, e.g. injury by occupational disease, agreement when employee is under legal disability, etc.

FORM X-A
(See Rule 48)
Memorandum of Agreement

It is hereby submitted that on the day of 20 personal injury was caused to residing at by accident arising out of said in the course of employment in The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs. per month/no wages.

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

It is further submitted that the employer of the employee has agreed to pay and on behalf of the said employee has agreed to accept half-monthly payments at the rate of Rs. for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with provisions of the said Act on account of an alteration in the earnings of the said employee during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are unaffected by this agreement it is therefore requested that this memorandum be duly recorded.

Dated 20.... .

Signature of employer

Witness

Signature of employee

Witness

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

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

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

Employee

Dated20 .

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 disease, etc.

FORM X-B
(See Rule 38)
Memorandum of Agreement

It is hereby submitted that on the day of 20..... personal injury was caused to residing at by accident arising out of and in the course of his employment in The said injury has resulted in death to the said workman.

The said employee's monthly wages are estimated at Rs. The employee is over the age of 15 years will reach the age of 15 years on

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

Rs. on Rs. on
Rs. on Rs. on
Rs. on Rs. on

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

Dated20..... .

Signature of employer

Witness

Witness

Signature or dependant(s)

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

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

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

Dated20.... .

Dependant(s)

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

Witness

FORM XI

(See Rule 39(1))

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

Dated20

Competent Authority

FORM XII

(See Rule 40)

Register of Agreement for year 20.....

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

Form XIII
[See rule-54(1)]
NOTICE FOR UNDER SUB-SECTION (1) OF SECTION 56 FOR COMPOSITION
OF OFFENCE

To,
.....,
.....
.....

- (1) Your establishment has been inspected by Inspector-cum-Facilitator on of of 20.....
- (2) In the said inspection you have been found violating Section of the Code.
- (3) As per provisions of sub-section (1) of Section 56 read with Sub-Rule (1) of Rule 38, you are hereby given notice to the effect that if you are willing to apply for composition of offence, you may apply for composition by submitting the application in Form VI-A along with deposit of Rupees /- through treasury challan or electronically on the departmental portal of Labour Commissioner. The details of which are given below.-

(i) Treasury Head

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

Or

- (ii) Flow chart of electronic payment.-
.....
.....
.....

(Signature)
Name and designation
of the
Officer.....

Form XIV
[See rule-54(2)]
APPLICATION UNDER SUB-SECTION (1) OF SECTION 56 FOR
COMPOSITION OF OFFENCE

To,

.....
.....
.....

Kindly refer to your notice no. dated I/we hereby applying for composition of Offence and I have deposited Rs...../- as the amount of Composition by depositing through Treasury Challan or electronically through the portal of Labour Commissioner on/...../..... (dd/mm/year).

So please accept my application and close the proceeding under the Code.

Dated:

Enclosure: The Treasury Challan/Payment receipt of electronic
Payment.

(Signature)
Name of the Applicant

- (1) Name of the establishment:.....
(2) Address of Establishment :.....

FORM-XV
[See Rule 56(3)(b)]
Form for Reporting Vacancies to Career Centres
 (Separate forms to be used for each type of posts)

| | | | |
|----|---|----------------------------------|--------------------------|
| 1 | Particulars of the employer: Name: Address with pin code: Telephone No. : Mobile No.: Emailaddress : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment underCode: Economic activitydetails: | | |
| 2. | Particulars of the indenting Officer: Name: Designation: Telephone No. : Mobile No.: Email address : | | |
| 3. | Particulars of vacancy (ies): (a) Designation/nomenclature of the vacancy (ies) to be filled (b) Description of duties of the post (job role/ functional role) | | |
| | (c) Qualifications/Skills required (educational, technical, experience) | Essential | Desirable/Preferable |
| | (i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience | | |
| | (d) Age Limits, if any (Age as on last date of application) | | |
| | (e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc) if any | | |
| | (f) duration of employment | Number of posts | |
| | (i) 3-6 months | | |
| | (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), Scheduled Tribe(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) | | |
| 5. | Category | Number of vacancies to be filled | |
| | (a) Scheduled Caste | Total | *By Priority candidates |
| | (b) Scheduled Tribe | | *(Applicable for Central |

| | | | |
|-----|---|--------|-----------------------|
| | (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify) | | 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 issituated) | | |
| 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 | | |
| 13. | Name, address, email id of the Career Centre | | |
| 14. | Date of receipt of Vacancies | | |
| 15. | NIC Code of the establishment/ | | |
| 16. | NCO Code of the post | | |
| 17. | Unique Vacancy ID(number) | | |

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

NOTE:

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

FORM-XVI
[See Rule 56(6)]
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 & Monitoring) 2020.

| Name & Address of the Employer | | | | |
|---|--|--|--------|--|
| Whether – Head Office | | | | |
| Branch Office | | | | |
| Type of Establishment (Public /Private Sector) | | | | |
| Nature of business/Principal activity | | | | |
| Establishment Registration No. under the Code | | | | |
| 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 is <i>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 | | | | |
| 2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year | | | | |
| Occurred | Reported | | Filled | Source(Career Centre / NCS Portal/ Govt. Recruiting agencies/ Private Placement Organisations /others) |
| | Career Centre (Regional) | Career Centre (Central) | | |
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

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

3. MANPOWER SHORTAGES:

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

| | |
|---|------------------------------------|
| Name of the occupation or designation of the post | 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 ore-organisation. | | | | |
| Description | Men | Women | Others (trans- gender) | Total | PWD (persons with disabilities) out of total |
| 1 | 2 | 3 | 4 | 5 | 6 |
| * | | | | | |
| | | | | | |
| | | | | | |
| Total : | | | | | |

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

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.