



## 1 Short title and extent and commencement

- (1) These Rules may be called the Social Security (Andhra Pradesh) Rules, 2022.
- (2) They shall extend to the whole State of Andhra 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 subject or context otherwise requires, -
  - (a) "appeal" means an appeal preferred under sub-section (1) of section 23 and sec.99;
  - (b) "appellate authority" means - the State Government or the Authority specified by the State Government under sub section 8 of section 56 of the Code or an officer, senior in rank to the Assessing Officer for the purposes of Section 105 of the Code, appointed by the State Government, as the case may be
  - (c) "authority" means the State Government or the authority specified by the State Government under sub-section (3) of section 72;
  - (d) "average daily wages during a contribution period" under chapter IV of the Code in respect of an employee, means the aggregate amount of wages payable to him during that period divided by the number of days for which such wages were payable;
  - (e) "average daily wages during a wage period" under chapter IV of the Code means -
    - (i) in respect of an employee who is employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;
    - (ii) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the Contribution period divided by the number of days in full or part for which he has worked for wages in that wage period :

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

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

- (f) "benefit period" means the period not exceeding six (6) consecutive months corresponding to the contribution period, as may be specified in the Regulations;
- (g) "Board" means the Andhra Pradesh Un organised Workers Welfare Social Security Board and the Andhra Pradesh Building and other Construction Workers Welfare Board constituted under section 6 and section 7.
- (h) "career centre" means any office (including employment exchange, place or portal) established and maintained in the manner prescribed by the Central Government for providing such career services (including registration, collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other

mode) as may be prescribed by the Central Government, which may, interalia, relate generally or specifically 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

(i) "Chairperson" means the Chairperson of the Andhra Pradesh Building and Other Constructions workers' Welfare Board, the Andhra Pradesh Urban and Rural Unorganized Workers Welfare Board, the Standing Committee, the Medical Benefit Committee or the Executive Committee, as the case may be;

(j) "Code" means the Code on Social Security, 2020; (36 of 2020)

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

(l) "employee" means any person (other than an apprentice engaged under the Apprentices Act, 1961) employed on wages by an establishment, either directly or through a contractor, to do any skilled, semi-skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical, clerical or any other work, whether the terms of employment be express or implied, and also includes a person declared to be an employee by the appropriate Government, but does not include any member of the Armed Forces of the Union

(m) "employer" means a person who employs, whether directly or through any person, or on his behalf, or on behalf of any person, one or more employees in his establishment and where the establishment is carried on by any department of the Central Government or the State Government, the authority specified, by the head of such department, in this behalf or where no authority is so specified, the head of the department and in relation to an establishment carried on by a local authority, the chief executive of that authority, and includes,-

(i) in relation to an establishment which is a factory, the occupier of the factory;

(ii) in relation to mine, the owner of the mine or agent or manager having requisite qualification under the law for the time being in force and appointed by the owner or agent of the mine as such;

(iii) in relation to any other establishment, the person who, or the authority which has ultimate control over the affairs of the establishment and where the said affairs are entrusted to a manager or managing director, such manager or managing director;

(iv) contractor; and

(v) legal representative of a deceased employer;

(n) "establishment" means—

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

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

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

(o) "Executive officer" means such officer of the appropriate Government as may be notified by that Government for the purposes of "Chapter XIII - Employment Information and Monitoring of Gazette No.61" of the Code on

Social Security 2020 or an officer authorized in writing by such executive officer to discharge his duties under that Chapter;

**(p)** "form" means a form appended to these Rules;

**(q)** "fund" means Social Security Fund, as specified in section 108 and Section 141 as the case may be

**(r)** "Government" means Government of Andhra Pradesh;

**(s)** "Government Securities" means Government Securities as defined in the Government Securities Act, 2006; **(No 38 of 2016)**

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

**(u)** "movable property" means property of every description except immovable property;

**(v)** "nodal officer" means a person designated by Building and Other Construction workers' welfare Board or the State Government to facilitate the registration, renewal and updation electronically or otherwise or any such other function of building workers working in the private sector, State Government, Central Government and public sector undertakings of the Central and the State Governments or local authority. The Nodal officer shall also supervise and monitor functions of the beneficiary registering officers designated by the State Government;

**(w)** "nomination" means nomination made under section 55 of the code;

**(x)** "notification" means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression "notify" with its grammatical variations and cognate expressions shall be construed accordingly;

**(y)** "organized sector" means an enterprise which is not an unorganized sector

**(z)** "Portal" means A.P.Labour Department Portal or official web portal of Labour Department, Government of Andhra Pradesh with any other name;

**(aa)** "prescribed" means prescribed by Rules made under this Code;

**(bb)** "Registered Medical Practitioner" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;

**(cc)** "register of women employees" means a register of women employees maintained under **Rule 115 (1) (a)**;

**(dd)** "regulations" means regulations made by the Corporation under this Code;

**(ee)** "schedule" means the schedule of the Code;

**(ff)** "section" means a section of the Code;

**(gg)** "specified,, means specified by an order of the Central Government or any State Government or any officer so authorized by such Government;

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

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

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

## **CHAPTER - II**

### **SOCIAL SECURITY ORGANISATIONS**

#### **A. ANDHRA PRADESH UNORGANISED WORKERS**

##### **SOCIAL SECURITY BOARD**

Manner of exercising the powers and performance of the functions by the Andhra Pradesh Un organised workers Social Security Board under sub-section ( 9) of Section 6, the manner of nomination of members of the Board, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies among the members of the Board under sub- section (12) and time, place and Rules of procedure relating to the transaction of business at its meetings under sub-section (14) of section 6.-

**3 Constitution of the Andhra Pradesh Un organised Workers Social Security Board ;** - The 'Andhra Pradesh Unorganized Workers Social Security Board' shall be deemed as Board constituted under sub section (9) of section 6, which shall consists of:

(1) The Minister for Labour Department, Andhra Pradesh as the **ex-officio Chairperson**

(2) Principal Secretary of Labour Department as **Vice Chairperson**;

(3) **One member** to be nominated by **Central Government** in the ministry of labour and employment;

(4) Thirty one (31) members to be nominated by the state government out of whom :-

(a) **seven (7)** representing **unorganized workers**;- to be nominated from the approved federation of Trade Unions or any recognized umbrella Trade Union of Unorganised worker;

(b) **seven (7)** representing the **employers of unorganized workers**

- (i) – Four (4) to be nominated from Industry Associations
- (ii) – Two (2) from State Level Trade Organisations; and
- (iii) – One (1) from Registered Contractors

(c) **two (2)** members representing the legislative assembly of the Andhra Pradesh

(d) **five (5)** members representing eminent persons from civil society;

- (i) – One (1) person from the field of Law
- (ii) – One (1) person from eminent economist / sociologist with proven record of working in the field of unorganized workers,
- (iii) – Two (2) persons from among Non-Government Organisation with a proven record of working in the field of unorganized workers whom at least one should be from the field of domestic unorganized workers, and
- (iv) – One (1) person from the field of Finance with experience of at least five years,

(e) **Ten (10)** members representing State Government Departments concerned (Not below the rank of Joint Secretary / Joint Commissioner):

- (i) Women & Child Welfare,
- (ii) Social Welfare,
- (iii) Medical & Health,
- (iv) Finance,
- (v) Revenue,

- (vi) Skill Development,
- (vii) Grama Sachivalayam / Ward Sachivalayam Dept.,
- (viii) Commissioner of Labour
- (ix) Two (2) from any other State Government Department

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

- (5) The State Government shall appoint an officer not below the rank of Joint Labour Commissioner in the Labour Department as member secretary of the Board under clause (e) of sub-section (10) of section 6.

#### 4 **Term of Office:- (Sec 6(12) and 156(2) (a))**

- (1) The term of Board shall be three years from the date of notification and on completion of three years, the said Board shall cease to be in existence.
- (2) Provided that the Secretary / Chief Executive Officers of the Board shall submit necessary proposals to the Government well in advance of six months
- (3) The term of the members of the Board shall be co-existing with the term of the Board.
- (4) 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.
- (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 re-nomination for more than two terms.

#### 5 **Address of the Members (Section 6(12) and 156(2)(a) of the Code)**

- (1) Every Member shall furnish his or her Address to the Secretary / Chief Executive Officer of the Board who shall thereupon enter his address in the official records.
- (2) If a Member changes address, he/she shall furnish new address to the Secretary / Chief Executive Officer of the Board who shall thereupon enter new address in the official records.
- (3) Provided that, if a member fails to furnish new address, the address in the official records shall for all purposes be deemed to be the member's correct address.

#### 6 **Resignation:- (Section 6(12) and 156(2)(a) of the Code)**

- (1) A member appointed under clauses (d) of sub-Rule (1) Rule 3 may resign by a letter writing addressed to the Government.
- (2) The resignation shall take effect from the date of its acceptance by the State Government.

#### 7 **Vacation of office:-** A member appointed under clauses (d) and (e) of sub-Rule (1) of Rule 3 shall be deemed to have vacated his office, if -

- (1) He is declared to be of unsound mind or an undischarged insolvent by a competent court; or
- (2) he is convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or
- (3) He is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or
- (4) He ceases to represent the interest for representing which he was appointed
- (5) He is removed by the State Government



- 8 Filling up of casual vacancies (Section 6(12) and 156(2)(a) of the Code) :-** When a Vacancy occurs for any reason or is likely to occur in the membership of the Board, the Secretary / Chief Executive Officer 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.

**9 Meeting of Board and Quorum**

**(1)** The Board shall ordinarily meet once in three (3) months      Provided that the Chairperson shall, within fifteen (15) days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

Provided that if at a meeting, less than **eleven (11)** members are present, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall there upon be lawful for him/her to dispose of the business at the adjourned meeting irrespective of the number of members attending.

**(2)** Government may prohibit any member other than ex-officio members, from taking part in the Meeting of the Board

**(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 State Government, such member has ceased to represent the interest which he purports to represent on the Andhra Pradesh Unorganized Workers Social Security Board.

- 10 Notice of meeting and list of business:-** - Notice intimating the date, time and venue of every meeting, together with a list of business to be transacted at the meeting, shall be sent by electronically or otherwise, to each member fifteen(15) days before the meeting of Board separately:      Provided that when the Chairperson, calls a meeting for considering any matter which in his opinions of urgent nature, notice of not less than three (3) days shall be deemed sufficient.

- 11 Chairperson to preside at meetings -** The Chairman will preside over all the meetings of the Board and if the Chairman is unable for any reason to be present in the Board meeting, the Vice-Chairman will preside over the meeting

- 12 Transaction of Business-** All questions which come up before any meeting of Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or casting vote.

**13 Minutes of the Meeting**

**(1)** The Member Secretary of the Board shall arrange for preparing the minutes of the proceedings of each meeting of the Board

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

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

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

- 14 Constitution and administration of Fund under sub-section (5) of Section 141:-** The Fund constituted by the State Government under sub-section (5) of section 141 shall be called as Andhra Pradesh Unorganised Workers Social

Security Fund to which there shall be credited the amount received from the following sources to, -

- (1) composition of offences under the code relating to the State Government;
- (2) amount allotted under the budgetary provisions of the State Government for the establishment of the fund;
- (3) amount of grant given by the Central Government;
- (4) amount received for implementation of the scheme notified by the Central Government / State Government
- (5) 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.

**15 Budget of the Board -** The Secretary of the Board shall cause the budget estimates of the fund containing estimated receipts and expenditure for every financial years, to be prepared and laid before the Board by 31<sup>st</sup> January every year and the Board will approve the budget before the 15<sup>th</sup> March. The details of all immovable and movable assets of the Board including the expenditure incurred on Welfare Schemes, administration and other sub-heads against the current year's approved budget, and a detailed progress report on the functioning of the Board during the current year, shall be placed before the Board as annexure to the Budget. Thereafter, the budget copies shall be forwarded to the Government.

**16 Operation of the Bank Account**

- (1) The Secretary of the Board shall open a Current Account in any Nationalized Bank for depositing the subscriptions, etc., after obtaining the prior permission of the Government
- (2) The Accounts shall be operated by the Secretary of the Board.
- (3) The Accounts with each of the Bank shall be reconciled once in every quarter with the Cash Book of the Board. The consolidated debits and credits of Bank Accounts shall tally with the Income and Expenditure of the Fund. A Bank Reconciliation Statement shall be made available at the end of every quarter to explain inconsistencies between the fund Account maintained in the Board and the Bank Accounts
- (4) In the contingency of non-availability of Secretary of the Board and in case of exigency, for reasons to be recorded in writing, the accounts may be operated by an officer not below the rank of Joint Commissioner of Labour approved by the Commissioner of Labour. However, such transactions shall be placed before the Board in its next meeting and shall obtain ratification of the Government.

**17 Maintenance and Audit of Accounts of the Fund :-**

- (1) The Board shall maintain proper accounts and other relevant records and prepare annual statement of accounts including statement of Income and Expenditure and balance sheet, in such form as may be notified by the Government in consultation with the Comptroller and Auditor General of India.
- (2) The accounts of the Board shall be balanced on the 31<sup>st</sup> March of each year
- (3) The Accounts of the fund shall be maintained by the Secretary of the Board and shall be audited by the Comptroller and Auditor General of India.
- (4) The Government may, also at any time, order special audit of the accounts of the Board. (5) The expenses for the audit shall be as may be approved by the Government.

**18 Allowances payable to Non-official members.-** Travelling allowance and daily allowance will be paid at the rates permissible to the first class officers of the state government to each government member to attend the meetings of the board and its sub-committees

**19 Sub-Committees of the Board.-**



- (1) The Board may appoint such sub-committees, as it may deem fit for the proper discharge of its duties.
- (2) Each sub-committee will be headed by the chairman of the board and will have an equal number of unorganized workers, employers and members of the board representing the state government
- (3) In the absence of the Chairman, the members present of the Sub-Committee shall elect one of their own to preside over the meeting.
- (4) No work shall be performed at a meeting of the Sub-committee unless at least one-third of its members are present, of which there shall be one representing the members and at least one unorganized worker
- (5) The term of any sub-committee except the sub- committee constituted for the short-term purpose shall be one year from the date of its constitution, but the sub- committee shall continue to function until a new sub-committee is formed, but in any case, no sub-committee shall function beyond the period of two (2) years from the date of its original formation.
- (6) The recommendations of each sub-committee shall be placed before the Board for its decision.

## **20 Reconstitution of Board under section 7(4)**

- (1) State Government shall initiate the process for reconstitution of the Board, prior to six months of the expiry of the term of the Board.
- (2) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging and function of the board as may be decided by the State Government for the period till the new Board is constituted, through a notification.
- (3) Consequent upon institution of such arrangement, all actions taken shall have the same effect as if it has been carried out by the Board itself.

## **21 Appointment of Secretary, other officers and Staff.-**

- (1) Board shall, with prior concurrence of the State Government appoint an officer of Indian Administrative Service / State Administrative Service of selection grade / an officer not below the rank of a Joint Commissioner of Labour as Secretary / Chief Executive Officer of the Board
- (2) Board may appoint such other officers and employees of Labour Department, as it may consider necessary for the efficient discharge of its functions:
- (3) The Board may in consultation with the State Government, open or shift or close District and Regional Offices, as it may consider necessary for the purpose of implementing the welfare schemes under the Code, taking into account the actual requirement of the such offices.
- (4) A senior officer not below the rank of Deputy Secretary cadre of State Audit / Finance Department may be deputed by the State Government to the Board to look after the financial matters of the Board.

Provided that no post shall be filled up in the Board, unless its creation, has first been approved by the State government.

## **22 Duties and Functions of the Board:-**

- (1) Under sub-section (15) of section 6 of the Code, the Board . shall adopt the following procedure for the performance of its duties, a scheme stipulating the procedures, formats and all other residual matters regarding each facility or group of facilities specified by the Board and the Code. Not expressly provided in these Rules, Board shall prepare and recommend to the State Government under which the following shall be mentioned-

- (a) Rates at which various facilities will be payable
- (b) Application procedure and format
- (c) Procedure for sanctioning and competent authority to grant approval

(d) Procedure for disbursement and

(e) Any other incidental matters

(2) Board can advise the State Government from time to time on the points related to the administration of Code.

(3) Undertake such other functions as are assigned to it by the State Government from time to time.

**23 Recruitment procedure and service conditions of officers and staff of the Board.-**

(1) Classification, pay scales, allowances, recruitment procedure, and terms and conditions of service of officers and employees of the Board, will be such as may be determined by the Board with the prior approval of the State Government.

(2) If in any specific case, any dispute or difficulty arises regarding the interpretation or enforcement of a provision, the matter shall be referred to the State Government, whose decision shall be final thereon.!

(3) The Government may sanction such number of posts for proper administration of the Board, based on the proposals received from the Secretary of the Board from time to time.

**24 Administrative departments/agencies shall adopt relevant Rules** These Rules shall be adopted by all the administrative departments / agencies which are implementing the Social Security Schemes to the Unorganized Sector Workers.

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

**B. ANDHRA PRADESH BUILDING AND OTHER CONSTRUCTION WELFARE BOARD**

**26** The terms and conditions of appointment and-the salaries and other allowances payable to the chairperson and the other members of the Building and other construction Welfare Board and the manner of filling of casual vacancies of such members, the terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the said Board under clause (c) of sub-section (5) of section 7.

**Name of the Board.-** "Andhra Pradesh Building and other construction workers welfare board" **Constitution of the Board.-**The Board shall consist of-

(1) The Minister for Labour, Andhra Pradesh as the ex-officio Chairperson,

(2) A member to be nominated by the Central Government,

(3) Five (5) members to be appointed by the State Government representing Government Departments of whom two (2) shall be representatives of Labour and one (1) shall be representative of Finance Department and two (2) shall be representatives of Departments engaged in building or other construction worker,

(4) Five (5) members to be appointed by the State Government representing building workers, and

(5) Five (5) members to be appointed by the State Government representing employers of building workers:

Provided that the Building, Welfare Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one member of the Board shall be a woman.

**27 Term of Office.** -A member appointed under clauses(d) and (e) of sub rule (1) of Rule 4 shall hold office unless he resigns his office or dies or otherwise vacates

his office at an earlier date, hold office for a period for three (3) years from the date of publication of the notification in the Andhra Pradesh Gazette appointing him as a member of the Board and shall be eligible for reappointment:

Provided that an outgoing member shall continue in office until the appointment of his successor is notified in the Official Gazette.

**28 Resignation**

(1) A member appointed under clause (d) and (e) of sub Rule (1) of Rule 4 may resign by writing under his hand addressed to the State Government;

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

**29 Vacation of office:-A member appointed under clause (d) and (e) of sub Rule (1) of Rule 4 shall be deemed to have vacated his office, if -**

(1) he is declared to be of unsound mind or an undischarged insolvent by a Competent court; or

(2) he is convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(3) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or

(4) he ceases to represent the interest for representing which he was appointed; or

(5) he is removed by the State Government.

**30 Filling up of casual vacancies. -** A member appointed to fill a casual vacancy, arising due to death, resignation or otherwise of the member shall hold office for the remaining period of the term of office of the member, in whose place he is appointed.

**31 Meeting of Board and Quorum.-**

(1) The Board shall ordinarily meet once in three (3) months:

Provided that the Chairperson shall, within fifteen (15) days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

(2) No business shall be transacted at any meeting of the Board, unless atleast (6) members are present, of whom at least one shall be from among those appointed under **clause (c) sub-Rule (1) of Rule 4.**

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

Provided that when the Chairperson, calls a meeting for considering any matter which in his opinion is of urgent nature, notice of not less than three (3) days shall be deemed sufficient.

**33 Chairperson to preside at meetings.-** The Chairman will preside over all the meetings of the Board and if the Chairman is unable for any reason to be present in the Board meeting, the Vice-Chairman will preside over the meetings.

**34 Transaction of Business.-** All questions which come up before any meeting of Board shall be decided by a majority of votes of the members present and voting, and in the event of equality of votes, the Chairperson, or in his absence, the person presiding, shall have a second or casting vote.

**35 Minutes of meeting.-**The proceedings of each meeting of the each Board shall be recorded and circulated to all members after approval by the Chairperson .as soon as possible after the meeting subject to confirmation in the next meeting of the Board. After such confirmation, they shall be recorded in a Minute Book, which shall be kept for permanent record.

**36 Allowances payable to Non-official members.-** Travelling allowance and daily allowance will be paid at the rates permissible to the first class officers of the State Government for each government member to attend the meetings of the board and its sub- committees.

**37 Sub-committees of the Board.-**

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

(2) Each sub-committee will be headed by the chairman of the board and will have an equal number of unorganized workers, employers and members of the board representing the State Government.

(3) In the absence of the Chairman, the members present of the Sub-Committee shall elect one (1) of their own to preside over the meeting.

(4) No work shall be performed at a meeting of the Subcommittee unless at least one-third of its members are present, of which there shall be one (1) representing the members and at least one unorganized worker. Must be among the members representing.

(5) The term of any sub-committee except the sub- committee constituted for the short- term purpose shall be one year from the date of its constitution, but the sub-committee shall continue to function until a new sub-committee is formed, but in any case. No sub- committee shall function beyond the period of two years from the date of its original formation.

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

**38 Opening of Regional Offices.-**With the approval of the State Government, the Board may open as many regional offices as it deems necessary for efficient discharge of its functions under the Code.

**39 Duties and functions of the Board.-**

(1) Under sub-section (6) of section 7 of the Code, the Board shall be responsible for-

(a) all matters related to the administration of the fund, including setting policies for the allocation of funds in it;

(b) submission of annual budget, annual report and audited accounts to the government under the Code;

(c) proper maintenance of accounts as per the provisions of the Code and its annual audit;

(d) collection of contribution and other charges in the fund;

(e) performing the functions specified in and under the Code;

(f) the Board shall, from time to time, give such information to the Government as it wishes.

(2) **Notification of schemes by the Board stipulating procedural and other residual matters related to the facilities** - The Board shall formulate a scheme which provided in the code and these Rules, laying down the procedure formats and all other residual matters regarding each facility or group of facilities specified and notification of the scheme with prior approval of the State Government under which will happen ;

(a) rates at which various facilities will be payable;

(b) application Procedure and format;

(c) procedure for sanctioning and competent authority to grant of approval;

(d) procedure for disbursement; and

(e) any other incidental matters.

**40 Appointment of Secretary, other Officers and Staff.-**

(1) Board shall, with prior concurrence of the State Government appoint an officer of Indian Administrative Service / State Administrative Service of selection grade / an officer not below the rank of a Joint Commissioner of Labour as Secretary of the Board;

(2) Board may appoint such other officers and employees of Labour Department, as it may consider necessary for the efficient discharge of its functions:

(3) The Board may in consultation with the State Government, open or shift or close District and Regional Offices, as it may consider necessary for the purpose of implementing the welfare schemes under the Code, taking into account the actual requirement of the such offices.

(4) A senior officer not below the rank of Deputy Secretary cadre of State Audit / Finance Department may be deputed by the State Government to the Board to look after the financial matters of the Board.

Provided that no post shall be filled up in the Board, unless its creation, has first been approved by the State Government.

**41 Recruitment Procedure and Service Conditions of Officers and Staff of the Board.-** Classification, pay scales, allowances, recruitment procedure, and terms and conditions of service of officers and employees of the Board, as may be determined by the Board with the prior approval of the State Government; If in any specific case, any dispute or difficulty arises regarding the interpretation or enforcement of a provision, the matter shall be referred to the State Government, whose decision shall be final thereon.

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

(1) Amount in connection with premium for Group Insurance Scheme of the beneficiaries under clause (c), the educational schemes for the benefit of children of the beneficiaries under clause (d) and the medical expenses for treatment of major ailments of a beneficiary or, such dependant under clause (e) of sub-section (6) of section 7.- Notwithstanding the welfare schemes mentioned in the sub-section (6) of the section 7 of the Code, the Board shall also formulate following scheme(s) for the Building workers and notification with prior approval of the state government:

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

(3) frame educational schemes for the benefit of children of the beneficiaries; and

(4) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant.

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

### **CHAPTER – III GRATUITY**

**43 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) or 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 any Nationalised Bank.

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



Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980.

**44 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-I** and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer, **(a)** in the case of an employee who is already in employment for a year or more on the date of commencement of these Rules but has not submitted the nomination, ordinarily, within ninety (90) days from such date; and **(b)** in the case of an employee who has completed one (1) year of service after the date of commencement of these Rules, ordinarily within thirty (30) days of the completion of one year of service

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

**(2)** Within thirty (30) days of the receipt of nomination in **Form-I** under sub-Rule (2), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in **Form-I** duly attested either by the employer or an officer authorised by him in this behalf 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 (90) days of acquiring a family submit in the manner specified in sub-Rule (2) , a fresh nomination, as required under sub-section (4) of section 55, duplicate in **Form-I** 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-I** 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.

**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 57—**

**45 Compulsory Insurance.—**



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

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

#### 46 Registration of Establishment:—

(1) Every employer of an establishment covered by the Code shall get his establishment registered electronically with the Competent Authority of the area in **Form-VIII**, within 30 days from the in the manner as may be prescribed by Government of Andhra Pradesh by Notification. (2) Every employer shall furnish the details of the employees insured, to the competent authority in **Form-IX** at the time of registration of the establishment with the competent authority and thereafter whenever there is a change in the employees insured.

(3) The certificate of registration shall be issued electronically immediately if the application is complete in all respects but not later than seven days from the date of submission of complete application, falling which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated

47 **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 **Form-X**, provided such existing Approved Gratuity Fund covers the entire liability of all the employees of the establishment, under the Code.

**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.-**

#### 48 Application for Gratuity:

(1) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form-II** to the employer: Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty (30) days of the date of superannuation or retirement:

Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of one (1) year and he shall be paid gratuity at the rate of fifteen (15) days' wages, based on the rate of wages last drawn by him, for every completed year of service or part thereof in excess of six months.

**(2)** A nominee of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within thirty (30) days from the date of gratuity became payable to him, in **Form-II** to the employer:

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

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

**(4)** Where gratuity becomes payable under the Code before the commencement of these Rules, the periods of limitation specified in clauses (a), (b) and (c) sub-Rule (11) shall be deemed to be operative from the date of such commencement.

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

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

#### **49 Notice for payment of gratuity.-**

**(1)** Within fifteen (15) days of the receipt of an application under sub-Rule (11) for payment of gratuity, the employer shall-

**(i)** if the claim is found admissible on verification, issue a notice in **Form-III** to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirty (30) 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-III** 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.

**(2)** In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in **Form-III** under sub-clause (i) of clause (a) sub- Rule (12) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

(3) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (a) of sub-Rule (12) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer

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

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

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

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

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

(1) refuses to accept a nomination under sub rule (5) of Rule 5 or to entertain an application sought to be filed under sub-Rule (1), or

(2) issues a notice under clause (a) of sub-Rule (1) of Rule 12 of Rule 5 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

(3) having received an application under sub- Rule ( 11) fails to issue notice as required. under sub-Rule (12) 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-IV** to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:

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

(4) Application under clause (a) sub-Rule (14) 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

**52 Procedure for dealing with application for direction.-**

(1) On receipt of an application under sub-Rule (14) the competent authority shall, by issuing a notice in **Form-V**, 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.

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

authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for , the reasons for the refusal.

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

**(4)** After completion of hearing on the date fixed under 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.

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

Provided that an order under clause (e ) of sub-Rule (15) may, on good cause being shown within thirty (30) days of the said order, be reviewed and the application re- heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

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

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

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

**56 Service of summons or notice.-**

**(1)** 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.

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

**57 Maintenance of records of cases by the competent authority.-**

**(1)** The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and date the particulars so recorded.

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

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

**58 Direction for payment of gratuity.-** If a finding is recorded under clause (d) of sub-Rule(15) 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-VI** 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.

**59 Appeal.-**

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

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

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

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

(5) Within fourteen (14) days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.

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

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

(8) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in **Form-VI** specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen (15) 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.

**60 Application for recovery of gratuity:-** Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-Rule (11) or sub-Rule (12), as the case may be, the



employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in **Form-VII** for recovery thereof under section 129 of the Code.

- 61**      **Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58.-**      The competent authority shall be appointed by the State Government by notification.

## **CHAPTER - IV**

### **MATERNITY BENEFIT**

- 62**      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- VIII** 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-IX** 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.

## **CHAPTER - V**

### **EMPLOYEE'S COMPENSATION**

**The amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer under sub section (7) of section 76.-**

- 63**      **Amount of Funeral :-**      If the injury of the employee results in death, the employer shall, in addition to the compensation under sub-section (1) extended the following :- If the injury of the employee result in his death, the employer shall, in addition to the compensation under sub section (1) , deposit with the competent authority a sum of not less than Rupees Fifteen Thousand Only (Rs. 15,000/-) or such amount as may be notified by the State Government



for the payment of the same to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee or where the employee did not have a dependent or was not living with his dependent at the time of his death , to the person who actually incurred such expenditure: If the Central Government enhances the amount specified in this sub-section, it shall be followed by the State Government.

**64 Conditions when application for review is made with certificate of a medical practitioner under sub section (1) of section 79.- When application may be made without medical certificates.-** Application for review of a half-monthly payment under section 79 of the code may be made without accompanying a medical certificate :-

- (1)** by the employer, on the ground that since the right to compensation was determined the workmen's wages have increased;
- (2)** by the workmen, on the ground that since the right to compensation was determined his wages have diminished;
- (3)** by the workmen, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workmen's condition such as two warrant such cessation;
- (4)** either by the employer or by the workmen, 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;
- (5)** either by the employer or by the workman on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

**65 Procedure on application for review:-**

- (1)** The competent authority on receipt of such review application shall examine and admit subject to payment of half monthly wages till further orders on review application.
- (2)** The competent authority shall dispose that review application within a month on or before the due date of half monthly payment being paid.

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

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

**66 Procedure on application for commutation:-**

- (1)** Where application is made to the Competent Authority under section 80 for redemption of a right to receive half-monthly payments by the payment of a lump-sum, the Competent Authority shall form an estimate of the probable duration of the disablement, and shall not a sum equivalent to the total of half- monthly

payments would be payable for the period during which he estimated the disablement will continue, less one-half per cent, of that total for each month comprised in that period:

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

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

**67 Class of employers and the form of notice book under sub section (4) of section 82:-** The appropriate Government may require that any class of employers as may be prescribed by that government shall maintain at their premises at which employees are employed, a notice book, in **See Form No -X** which shall be readily accessible at all reasonable times to any injured employee employed on the premises and to any person acting bonafide on his behalf. **68**

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

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

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

**(3) Examination in other cases:- In cases to which the sub -Rule 6 does not apply the employer may,-**

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

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

Provided that:

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

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

**(4) Restriction on number of examinations:-** A workman who is in receipt of a half-monthly payment shall not be required to submit himself for medical

examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident, or more than once in any subsequent month.

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

**(6) Examination of women:-**

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

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

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

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

**(2)** The statement to be submitted by an Employer under section 88 shall be in **Form-XII.**

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

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

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

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

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

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

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

Provided that the issue of a notice under sub- Rule (8) 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.

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

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

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

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

(c) If, on the date fixed under sub-Rule 8 (a), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to the record of the same, the Competent Authority may, if information has already been given to all the parties concerned, recorded the agreement. If, information has not been given 'to all such parties, he shall proceed in accordance with Rule 20 (2).

(d) If, on the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in **Form-XVII** to any party who did not receive information under sub-Rule (8) procedure on refusal to record memorandum:-

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**Procedure on refusal to record memorandum:-**

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

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

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

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

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

Signature of Competent Authority"

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

**Eligibility of the Competent Authority:-**

- (1)** Member of State Judicial service who is serving for a period of not less than five (5) years; or
- (2)** Advocate with at least five (5) years of practice; or
- (3)** Gazetted officer with service not less than five (5) years having educational qualification and experience in personnel management, human resource development, Industrial relation and legal affairs; Or
- (4)** officer of the Labour Department not below the rank of Assistant Labour Commissioner / Deputy Director, Industrial Health and safety.

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

**(1) Transfer for report:-**

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

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

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

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

**Procedure:-**

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

**(2) Applications:-** Any application of the nature referred to in section 93 may be sent to the Competent Authority by registered post or may be presented

to him or to any of his subordinate authorised by him in this behalf and, if so sent or presented, shall unless the Competent Authority otherwise directs, be made in duplicate in the appropriate form, if any, and shall be signed and verified by the applicant in the manner prescribed by Order VI Rule 15 of the Code of Civil Procedure 1908 (Central Act No.5 of 1908). . (see Form-XXI, see Form-XXII, see Form-XXIII).

**(3) Production of documents:-** (a) When the application for relief is based upon a document, the document shall be appended to the application. (b) Any other document which the applicant desires to tender in evidence shall be produced at or before the first hearing. (c) Any document which is not produced at or within the time specified in Clause (a) or (c) of sub- Rule (11) as the case may be, shall not, without the sanction of the Competent Authority be received in evidence on behalf of the applicant. (d) Nothing in this Rule applied to any document which is produced for the purposes of cross-examining a witness or is handed to a witness to refresh his memory.

**76 Application presented to another Competent Authority (erroneously):-**

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

**(2)** It appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant (and the opposite party) if he has received a copy of the application under the sub rule (11) of Rule 5, accordingly. **(3)** The Competent Authority to whom an application is transferred under clause (ii) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interest of the parties will not thereby be prejudiced.

**77 Examination of applicant:-**

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

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

**78 Summary dismissal of application:-**

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

**(2)** The dismissal of the application under Clause (e) of sub-Rule (11) shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter



**79 Preliminary inquiry into application:-** If the application is not dismissed under Clause (f) of sub-Rule (11), the Competent Authority may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and if upon considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

**80 Notice to opposite party:-** If the Competent Authority does not dismiss the application under Clause (f) or (g) of sub-Rule (11), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party), a copy of the application, together with a notice of date on which he will dispose of the application and may call upon the parties to produce upon that date any evidence which they may wish to tender.

**81 Appearance and examination of opposite party:-**

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

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

**82 Framing of issues:-**

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

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

**83 Power to postpone trial of issues of fact where issues of law arise:-**

When issues both of law and of fact arise in the same case, and the Competent Authority is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.

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

**85 Trial and disposal of application:** 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.

**(1)** In the cases, where the period of six months has been expired, hearing shall be conducted day to day.

**(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.

- 86      Scale of Fee:** 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 fees in advance, the competent authority may proceed without deposit of advance fees and may direct the payment of the fee shall be due after final decision in the case.

- 87      Incidental Costs:**

(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 as notified by the State Government.

(2) 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;

(3) 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.

(4) 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.

- 88                      Judgment:-**

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

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

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

- 90                      Right of entry for local inspection:-** A Competent Authority before whom proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings: Provided that the Competent Authority shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment save with the permission of the employer or of the person directly responsible to him for the management of the establishment.

- 91                      Procedure in connection with local inspection:-**

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

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

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

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

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

## **92 Powers of Summary examination:-**

(1) The Competent Authority during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such case whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.

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

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

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

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

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

## **93 Agreement/decision to abide by Competent Authority's decision:-**

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

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

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

94

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

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

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

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

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

(4) If any person served with a notice under clause (iii) desires to contest the applicant's claim for compensation, or the claim under clause (iii) to be indemnified he/she shall appear before the Competent Authority on the date fixed in the notice in **Form XXV** or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under clause (i) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him: Provided that, if any person, so served appears subsequently and satisfies the Competent Authority that he/she was prevented by any sufficient cause from appearing, the Competent Authority shall, after giving notice to all parties on the record, hear such person, and may set-aside or vary any award made against such person under this Rule upon such terms as may be just

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

**95 Procedure in connected cases:-**

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

**(2)** Where action is taken under clause (i), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Competent Authority shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross examining the witnesses

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

Provided that:-

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

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

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

**98 Apportionment of compensation among dependents:-** The provisions of this part except those contained in Rules clause (g), (h) and (u) of sub rule 11 shall as far as may be apply in the case of any proceedings relating to the apportionment of compensation among dependents of deceased workman.

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

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

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

**(1)** On receiving the application of the nature referred to in section 93, the Competent Authority may examine the applicant on oath or may send the



application to any officer authorized by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority

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

## **CHAPTER – VI**

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

**102** Manner and time of collection of cess, manner of deposit of the cess so collected, and the uniform rate or rates of advance cess and manner of self-assessment of cess under section 100 and section 103 –

**(1)** Information to be furnished by the employer –

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

**(b)** Any change or modification in the information furnished under clause (a) shall be communicated to the Assessing Officer in Form XXVI incorporating details of such modification(s) immediately but not later than thirty (30) days from the date of affecting the modification or change.

**(2)** Time and manner of collection of Cess –

**(a)** The cess levied under sub-section (1) of section 100 of the Code shall be paid by an employer in advance, on the basis of his self-assessment duly certified by Chartered Engineer at the time of approval or before the commencement of the work.

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

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

Provided that if the duration of the project is likely to exceed one (1) year, the amount of cess payment may be for the amount of cess payable on cost of construction self-assessed to be incurred during one (1) year from the date of commencement and further payments of due cess shall be made as per the provisions.

Notwithstanding the provisions of clauses (a) and (b), where the levy of cess pertains to building and other construction work of a



Government or of a Public Sector Undertaking, such Government or the Public Sector Undertaking shall deduct or cause to be deducted the cess payable at the notified rates from the bills paid for such works. This deducted cess shall be deposited with the respective Board within a period of thirty (30) days from the date of such deduction made along with the details of the construction work to the Assessing Officer of the area concerned.

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

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

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

### **103      Transfer of the proceeds of the cess to the Board –**

(1) The proceeds of the cess collected under subclause (i) of clause (b) of sub-Rule (1), shall be transferred by State Government office, as the case may be, Public Sector Undertaking, local authority or such other authority notified by the State Government, or assessing officer, in the Bank account of the State Building Workers' Welfare Board, electronically through online payment system.

(2) The amount collected shall be transferred to the Board's fund within thirty (30) days of its collection through online payment system.

(3) The Board shall periodically reconcile the amount of cess collected, with the concerned authorities of the State Government or Public Sector Undertaking of the State Government or the Central Government or any such other authority, as specified by the State Government.

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

### **104      Assessment –**

(1) The Assessing Officer, on receipt of information of return and cess paid in **Form XXIX** from an employer may make a scrutiny of such information furnished and, if he is satisfied about the correctness of the particulars so furnished, he shall make an order of assessment within a period not exceeding one hundred and eighty (180) from the date of receipt of such information, indicating the amount of cess payable by the employer and endorse a copy thereof to the employer and to the cess-collector and to the Board and dispatch such order within five (5) days of the date on which such order is made.

Provided that scrutiny shall be done by the assessing officer only where the amount of cess based on self-assessment exceeds rupees ten lakh (Rs.10,00,000/-):

Provided that if the Assessing Officer fails to make the order of assessment within a period of one hundred and eighty (180) days, the self-assessment shall be deemed to be final.

(2) The order shall inter-alia specify the amount of cess due, cess already paid by the employer or deducted at source and the balance amount payable and the date, consistent with the provision of clause (b) of sub-Rule (1), by which the cess shall be paid to the cess collector.

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

(4) On receipt of such notice the employer shall furnish to the Assessing Officer a reply together with copies of documentary or other evidences in support of his claim, within thirty (30) days of the receipt of the notice:

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

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

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

## **105 Refund of overpaid cess –**

(1) Where the employer has deposited the cess in advance and the employer decides to withdraw from or foreclose the works or modifies the plan of construction thereby reducing the cost of construction undertaken or has been forced by other circumstances to call off the completion of the work undertaken, he may seek refund of the excess amount of advance cess paid by submitting information in Form XXVIII to the Assessing Officer giving details of such reduction or stoppage of work.

(2) The Assessing Officer, on receipt of information in **Form XXVIII** from an employer shall make a scrutiny of such information furnished and, if he is satisfied about the correctness of the particulars so furnished, he shall make an order of assessment within a period not exceeding within thirty (30) days of receipt of such information.

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

(4) The Board shall, within thirty (30) days of receipt of the endorsement from the Assessing Officer under clause (c), refund the amount specified in the order

to the employer through electronically online payment System in the bank account as per details furnished by the employer for this purpose.

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

**106 Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under section 101 –**

(1) Date of payment of cess shall be the date on which the amount is deposited with the Cess Collector, or the date of deduction at source, or the date on which the amount has been deposited with the local authority, as the case may be.

(2) If any employer fails to pay any amount of cess payable under section 100 of the Code, within such time as may be specified in the assessment order, such employer shall be liable to pay interest on the amount of cess, to be paid, at the rate of one per cent for every month or part of a month comprised in the period from the date on which such payment was due till such amount is actually paid.

**107 Authority to inquire and impose penalty under section 104 –**

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

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

(2) If any penalty is imposed on the employer or the notice for imposing the penalty is withdrawn, as mentioned in clause (a) of sub-Rule (3), the Assessing Officer will pass a speaking order in this regard stating the reasons thereof. A copy of such order shall be endorsed to the employer, cess-collector and to the Secretary of the Board.

**108 Time limit to prefer appeal, appellate authority, form and manner of appeal under sub-section (1) and fees for appeal under sub-section (2) of section 105 –**

(1) An employer aggrieved by an order of the assessment made or by an order imposing penalty made, may file an appeal in **Form XXX** against such order, within ninety (90) days of the receipt of such order, to the Appellate Authority as notified by the State Government in this regard.

(2) The such appeal, inter-alia, shall be accompanied with—

- (a) the order appealed against;
- (b) a certificate from the Cess Collector to the effect that the amount of cess or penalty or both, as the case may be, relating to such appeal has been deposited;
- (c) a non-refundable fee equivalent to half percent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal;
- (d) a statement of points in dispute; and

(e) documentary evidence relied upon.

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

(4) The Appellate Authority shall give the appellant an opportunity of being heard in the matter and dispose of the appeal as expeditiously as possible but not exceeding sixty (60) days from the date of receipt of such appeal.

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

(6) An order remanded back under clause (e) shall be disposed of by the Assessing Officer within Thirty (30) days in view of the observation made by the Appellate Authority:

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

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

(8) The appeal under this Rule shall be disposed of by passing a speaking order and a copy of such order shall be sent to each of the appellant, the Assessing Officer and to the Secretary of the Board within five (5) days of the date on which such order is made.

(9) An order in appeal reducing the amount of cess shall also ask Secretary of the concerned Board to refund the excess cess within a specified time to the appellants.

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

(11) No further appeal shall lie against the order of the Appellate Authority under this Rule

## **109** Manner of registration of building worker as beneficiary under section 106 –

(1) It shall be the responsibility of the Board or the employer or the contractor, as the case may be, to register all eligible building workers working within the geographical area of the state, on the portal of the State Government or the Board, seeded with Aadhaar and the Universal Account Number (UAN) or any other such unique number generated through the designated portal of the State Government.

(2) The employer or the contractor of building or other construction work shall ensure that their eligible building workers are registered on the portal of the State Government or the Board, as the case may be, seeded with Aadhaar and Universal Account Number (UAN) or any other such unique number generated through the designated portal of the State Government.

**(3)** Registration or Renewal, as the case may be, of the building workers shall be done by the employer or the contractor or Board if such workers have been engaged in building or other construction work for not less than ninety (90) days in the preceding twelve months.

**(4)** The designated portal of the State Government shall have the facility for enabling each Board or the employer or the contractor of building or other construction work to have access for generating UAN or any other such unique number in respect of all eligible building workers. The State Board shall share details of the registered building workers periodically with the designated portal of the Central Government.

**(5)** The Board or the employer or the contractor may utilise the services of the Business Correspondents of the Department Posts or Common Service Centres or e-sewa kendras of the Central Government or the State Government or any such other agency as may be decided by the State Government or Board for facilitating the registration, renewal or updation of particular(s) of building workers.

**(6)** To facilitate the registration of eligible building workers the Board shall set up necessary camps as may be required in the labour intensive areas.

**(7)** Every registered building worker shall be issued an identity card, digital or otherwise, bearing his photograph and other details as specified by the State Government or the Board. Such digital card shall be downloadable from the portal of the State Government or the Board .

**(8)** Every building worker registered with Board, shall be entitled to receive the benefits provided by the Board from its fund during the validity period of such registration.

**(9)** The delivery of welfare scheme(s) for the building workers may be done electronically through the portal using Universal Account Number (UAN) or any other such unique number issued through the designated portal of the State Government. Any cash assistance shall be given through Direct Benefit Transfer only.

**(10)** When a registered building worker migrates from one state to another, he may enter his Universal Account Number (UAN) or any other such unique number alongwith such other details of his migration as specified by the Central Government on the portal of the Board of the destination State and, such eligible building worker shall be deemed to be registered in the destination state.

**(11)** It shall be the responsibility of the employer or the contractor, to whom a building worker joins after migration, to intimate the Board of the respective State about such migration alongwith his UAN or such other unique number electronically.

**(12)** Where a building worker migrates from one state to another, and is registered as mentioned in clause (j) and (k) sub-Rule(5), he shall be entitled to get such benefits as applicable to the other building workers of the destination state from the Board of that state.

**(13)** Every Board shall submit a report annually to the State Government with a copy to the Central Government in the form as specified by the State Government.



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

**(15)** The State Government or Board shall provide a mechanism for redressal of grievances of building workers including telephone helpline, registration, renewal, updation, portability and delivery of welfare schemes.

**110** Benefits of a beneficiary under sub-section (2) of section 107 – If any building worker has been beneficiary for at least three (3) years continuously immediately before attaining the age of sixty (60) years, for the benefit of such workers, the State Government may formulate such scheme (s) as may be notified by the State Government

**111** Exemptions –

**(1)** Any employer or class of employers in the State seeking exemption under section 102 of the Code may make an application to the State Government, stating the details of works undertaken, name of the Act or any other corresponding law in force in that State under which he is liable to pay cess for the social security and welfare measure of the construction workers and amount of cess actually paid along with the date of such payment and proof thereof. A copy of such application shall be endorsed to each of the Assessing Officer and the Building Workers Welfare Board concerned.

**(2)** On examining the grounds, facts and merits of such application the State Government may, by notification in the Official Gazette, issue an order exempting the employer or class of employers, as the case may be, from payment of cess payable under the Code where such cess is already levied and payable under such corresponding law.

**(3)** Assessment proceedings shall be stopped by the Assessing Officer for a period of thirty days commencing from the date of the receipt of a copy of the application under clause (a) to him, or till the order of the State Government under clause (b) is conveyed to an employer or class of employers who made the application under clause (a), whichever is earlier.

**112** **Fees for appeal under sub-section ( 2) of section 105.-** The such appeal, inter- alia, shall be accompanied with- a non- refundable fee equivalent to half percent, but not exceeding rupees twenty five thousand (Rs. 25,000/-) of the amount in dispute or penalty or both, as the case may be, under such appeal; which will be deposited in Labour Department head of account in Cyber Treasury of the State Government

## **CHAPTER - VII**

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

**113** “Any scheme notified by the State Government under sub section (2) of sec.109, for the unorganized workers, GIG Workers and Platform Workers shall be implemented through the Andhra Pradesh State Unorganized Social Security Board. The Board shall constitute under Rule 3(1).

**114** Eligible age for registration under clause (a) and form and manner of information under clause (b), of subsection (1) and the form of application, documents for registration and manner of self registration under sub - section (2), of section 113.-

**(1)** Registration of unorganised worker or any category or sub-category of unorganised workers. –


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

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

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

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

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

**(3)** The Commissioner of Labour, from time to time, shall de-duplicate the workers registered on the specified portal of the State Government, on the basis of Aadhaar and only such workers shall be eligible to derive the benefits of the scheme(s) notified under the Code. 

## **CHAPTER - VIII**

### **FINANCE AND ACCOUNTS**

**115** Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realize investments under sub-section (2) terms to raise loans and take measures for discharging such loans under sub-section 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:-

**(1)** The Board may, as soon as may be after the coming into force of these Rules constitute a fund to be called the Andhra Pradesh Social Security Fund in accordance with the provision of the code and these Rules. The fund shall be vested in and be administered by the board.

**(2)** All moneys belonging to the fund may be invested in nationalised bank or in securities referred to in clause (a) to (d) of section 20 of the Indian trust Act, 1882 (Act No. 2 of 1882).

**(3)** According to sub section (3) of section 120 Board may be receive Loan / fund in advance from the State Government and return according to terms and condition for the same.

(4) Time to time each of the social security organization with the prior approval of the state government and on such terms as may be prescribed by the state government , constitute for the benefit of its officers and staff or any class of them, such provident or other benefits fund as it may think fit.

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

- (1) Establishment has been closed for more than five (5) years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
- (2) Decree obtained by the said Boards could not be executed successfully for want of sufficient assets of the defaulting employer; or
- (3) Claim for contribution is not fully met by;
- (4) The Official Liquidator in the event of factories/ establishments having gone into liquidation; or
- (5) The Competent Authority of payments in the event of unit being nationalised or taken over by the Government

## **CHAPTER - IX**

### **Authorities Assessment, Compliance and Recovery**

**117 Other powers of Inspector cum facilitator under clause (e) of sub section (6) of section 122.-**

(1) The Government may by notification in the official Gazette appoint such persons as it thinks fit for such area as may be specified in the notification for the purpose of implementing all the provisions of the Code other than those contained in chapter III and IV.

(a) Fixing minimum number of establishments that need to be inspected in a specific month.

(b) Inspection of unregistered establishment which are not covered within the inspection scheme.

(c) Inspection of specific establishment based on the complaint of a substantial number of workmen of the establishment or a Trade Union as the case may be.

(2) The Inspector-cum-Facilitator appointed under the code may call for any Register or record maintained by the Employer under the Labour Codes

(3) Any other legislations pertaining to social security or service conditions of workmen which he considers proper and necessary for the purpose of the Inspection.

**118 Form and manner for maintenance of records and registers and other particulars and details under clause ( a), manner and form for display of notices at the work places of the employees under clause (b) and the**

**manner and period of filing returns to the officers or authority under clause ( d) of section 123.-**

**(1) Registers**

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

**(b)** Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum-Facilitator.

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

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

**(3) Annual returns.-**

**(a)** The employer to whom 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 XXXII** online on the web portal of the **State / Central Government** , giving information as to the particulars specified, in respect of the preceding year: Provided that during inspection, the Inspector-cum -Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

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

**(b)** If the employer to whom the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of the **State / Central Government** t, a further unified return in **Form XXXII** 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**

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

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

**(2)** The person to whom a notice has been served may apply in Part III of the **Form XXXIII** to the officer electronically and deposit the entire compounding

amount by electronic transfer or otherwise, within fifteen (15) days of the receipt of the notice.

**(3)** The **Compounding Officer** (officer notified by the Government for the purpose of compounding of offences under sub-section (1) of section 138 (herein after referred to as the compounding officer) shall issue a composition certificate in Part IV of **Form XXXIII** within ten (10) 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 to whom a notice has been served 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**

#### **120 Establishment and maintenance of Career Centre and the career services**

**(1)** The Government of Andhra Pradesh 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. Till such notification, existing local Employment Exchanges and Central Employment Exchange would function as Career Centres (Regional) and Career Centre(Central) respectively.

**(2)** The Government of Andhra Pradesh 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) ther services may be decided by the Government of Andhra Pradesh from time to time.

**121 Manner and from Reporting vacancies and filing of returns by the employer to the concerned Career Centre under sub-section 139:-**

**(1) Reporting of Vacancies to Career Centres:**

(a) After the commencement of this Code in Andhra Pradesh State or area thereof, the employer in **every establishment in public sector** in the Andhra Pradesh state or area shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the Government of Andhra Pradesh

(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 of Andhra Pradesh.

(c) Government of Andhra Pradesh 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.

**A 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 ( 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;

(iv) a local authority.

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

**C** Appropriate Government would be Central Government for Career Centre(Central) and state Government of Andhra Pradesh for Career Centre(Regional). The State Government, having no career centre or digital portal of its own, may specify by notification reporting of vacancies by establishments in an area thereof to the digital portal or to the Career Centre of 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 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 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 Government of Andhra Pradesh.

(b) The vacancies shall be reported in the format given at **Form XXXIV** 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:**

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

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

(c) The Employer shall furnish the information relating to the result of selection to the concerned Career Centre against the vacancies reported within thirty days from the date of selection

**(5) Maintenance of records:**

(a) After commencement of this Code in Andhra Pradesh 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 about

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

- (ii) Persons recruited during the year ending on 31st March;
- (iii) Occupational details of its employees on 31st March of every year;
- (iv) Vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) Approximate number of vacancies likely to occur during the next financial year.

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

- (i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
- (ii) Persons recruited during the year ending on 31st March;
- (iii) Occupational details of its employees on 31st March of every year;
- (iv) Vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) Approximate number of vacancies likely to occur during the next financial year.

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


(7) **Declaration of Executive Officer:**

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

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

(8) **Levy of penalty:** The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional/District) of the Andhra Pradesh 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 of code on social security 2020

- (9) **Issue of guidelines:** For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII(Employment Information and Monitoring of the Code GoI Gazette No.61 of 29.09.2020)and Rules thereof, the Central Government may issue detailed guidelines which may be supplement further by the State Government of Andhra Pradesh as per local needs. 

## **CHAPTER - XII**

### **MISCELLANEOUS**

#### **122 Such other sources of funding and the manner of Administering and expending of the Fund under sub- section (5) of section 141.-**

(1) There shall be established by the state government a social security fund for the welfare of the unorganized workers in which there shall be credited the amount received from :-

- (a) wholly funded by the Central Government; or
- (b) partly funded by the Central Government and partly funded by State Government;
- (c) partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be specified in the scheme by the Central Government;
- (d) funded from any source including corporate social responsibility fund within the meaning of the companies act, 2013 (Act No. 18 of 2013) or any other sources as may be specified in the scheme;
- (e) any grant or loan received from the Central Government.
- (f) funded from State Government by Budget;
- (g) other sources notified by the State Government.

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

(3) The scheme will be prepared for the unorganised worker registered as a beneficiary and it's family by the unorganized Social Security Board with the prior approval of the state government and the funds will be utilised under the notified scheme.

#### **123 Time within which the State Board, shall forward its view to the appropriate Government under sub-section ( 1) section 143.-**

The State Board, shall forward its views on the application seeking exemption under section 143 of the Code to the appropriate government within six (6) months of receipt of proposal for exemption. If State Board is unable to provide its views within the said period, the appropriate government may extend the time limit or take action on the application of exemption, as it may deem fit.

#### **124 Conditions which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption under sub-section (2) of section 143.-**

**(1)** The establishment to which exemption has been granted from the provision of Chapter IV of the Code:

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

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

**125 Repeal and Savings :- The following Rules and Regulations are hereby repealed:-**

**(1)** A.P. Employees Compensation Rules, 1953 (Notification No.188, dt 22-10-1953)

**(2)** AP. Workmen's (Occupational Diseases- Pneumoconiosis) Diseases Rules, 1965

**(3)** A.P. Payment of Gratuity Rules, 1972 (G.O.31 DATED 8-1-1973)

**(4)** A.P.Compulsory Gratuity Insurance Rules, 2011

**(5)** A.P. Unorganised Workers Social Security Rules, 2012 (G.O.20 DATED 17-02-2012)

Provided that anything done or any action taken there under shall be deemed to have been done or taken under these regulations



**FORM-I**  
**[See sub-rule (1),(2), (3) and (4) of Rule 44]**

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

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

1. Shri/Shrimati/Kumari\_\_\_\_\_ (Full Name) whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/ have acquired a family within the meaning of clause (33) of section 2 of Code on Social Security 2020 with effect from the.....(date) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

or

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

2. I, hereby, certify that the person(s) mentioned is/are a member(s) of my familywithin 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) ofsection 2 of the said Code.

4. (a) My father/mother/parents is/are not dependent on me.  
(b) My husband's father/mother/parents is/are not dependent on my husband.

5. I have excluded my husband from my family by a notice dated the to

competentauthority in terms of clause (33) of the section 2 of the said Code.

6. Nomination made herein invalidates my previous nomination.

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

Manner of acquiring a "Family"

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

Statement

1. Name of employee in full:
2. Sex:
3. Religion:
4. Whether unmarried/married/widow/widower:
5. Department/Branch/Section, where employed:
6. Post held with Ticket no. or Serial no., if any:
7. Date of appointment:
8. Permanent address:

Village..... division..... Pin-Code.....District..... E-mail ID.....

Place:

Date:

Signature/Thumb-  
impression  
of the Employee

### **Certificate by the Employer**

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

Employer's Reference No. \_\_\_\_ if any

Signature of the employer/Officer

authorised Designation Date: Name and address of the establishment or  
rubber stamp thereof.

### **Acknowledgement by the Employee**

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

Date:.....

Signature of the  
Employee

### **FORM-II**

**[See sub-rule (1) (2) and (3) of Rule 48]**

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

To,.....  
(Give the name or description of the establishment

with full address) Sir/Madam,

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

- (a) my superannuation / retirement / resignation after completion of not  
less than five years of continuous service / total disablement due to  
accident/total disablement due to disease / on termination of contract  
period under employment with effect from the.....

(b) death of the aforesaid employee fixed term while in service/superannuation on.....after completion of years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the ..... or

(c) death of aforesaid employee of your establishment while in without service/superannuation on making any nomination after completion of (date) service/total disablement of the aforesaid employee due to accident or disease while years of in service with effect from.....

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

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

- a. Marital status of employee(unmarried/married/widow/widower)
- b. Full address of employee; or

2. Name of nominee/legal heir, (if the gratuity is claimed by nominee / legal heir)

- a. Name of Employee.
- b. Marital status of legal heir (unmarried / married / widow / widower) nominee / legal.
- c. Relationship of nominee/legal heir with the employee.
- d. Full address of nominee/legal heir.
- e. Date of death and proof of death of the employee.
- f. Reference No. of recorded nomination, if available.

3. Department / Branch / Section where last employed.

4. Post held by employee.

5. Date of appointment.

6. Date and cause of termination of service.

7. Date of Death.

8. Total period of service of the employee.

9. Total wages last drawn by the employee.

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

11. Payment may please be made by crossed bank cheque/credit in my bank accountno.....

Yours faithfully,

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

Place:

Date:

**FORM-III**  
**[See sub-rule (1), (2), (4) and (5) of Rule 49]**

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

To.....  
.....

(Name and address of the applicant

employee/nominee legal heir] You are hereby

informed that,

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

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

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

2. Please call on (specify place) ..... on ..... at ..... (Here specify date and time) for collecting your payment of gratuity crossed cheque.

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

4. Brief statement of calculation

(a) Date of appointment.

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

(c) Total period of service of the employee concerned:

..... years... ..... months.

(d) Wages last drawn:

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

(f) Amount payable:

Place:

Date:

Employer/authorised officer

Signature  
Name or description of  
establishment & rubber stamp  
thereof.

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

**FORM-IV**  
**[See sub-rule (3) of Rule 51]**

**Application for Direction before the Competent Authority for  
Chapter Vunder, Code on Social Security 2020**

Application No.

Date:

BETWEEN

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

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

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

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

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

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

Date:

Signature/Thumb impression of the  
applicant.

**ANNEXURE**

1. Full Name of applicant with full address
2. Basis of (Death / Superannuation / Retirement / Resignation / Disablement Employee / Completion of contract period under Fixed (Employment)
3. Name and address in full of the employee
4. Marital status of (unmarried / married / widow / widower)
5. Name and full address of the employer the
6. Department / Branch / Section where the employee was last employed (if known)
7. Post held by the employee with Ticket or Sl. No., if any (if known)
8. Date of appointment of the employee (if known)
9. Date and cause of termination of service of the employee (Superannuation/ retirement  
/ resignation /disablement / death/Completion of contract period under Fixed



TermEmployment)

10. Total period of service by the employee
11. Wages last drawn by the employee
12. If the employee is dead, date and cause thereof
13. Evidence/witness in support of death of the employee
14. If a nominee, no. and date of recording of nomination with the employer
15. Evidence/witness in support of being a legal heir if a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Place:

Date:

Signature/Thumb-impression of the  
applicant

### **FORM-V**

**[See sub-rule (1) of Rule 52 and Rule 55]**

#### **Notice for Appearance before the Competent Authority/Summon**

(Strike out the words/paragraphs not applicable)

To:

\_\_\_\_\_ (Name and address of the employer/applicant)

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

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

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

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

Whereas, your attendance is required to give evidence/you are  
required to produce the documents mentioned in this list below, on  
behalf of, in the case arising out of the claim for gratuity through  
Form..... and referred to this authority by an application under  
section 56 of the Code on Social Security 2020, you are hereby  
summoned to appear personally before this authority on the day of at  
"O'clock in the forenoon/afternoon and to bring with you to send to this  
authority) the said documents.

List of documents

- 1.
- 2.
3. so on

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

Competent Authority under the Code on Social Security,  
2020

Note:

1. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.
2. In case the summon is issued only for producing a document and not given evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent authority on the day and hour fixed for the purpose.

**FORM-VI**

**[See Rule 58 and sub-rule (8) of Rule 59]**

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

To,  
(Name and address of employer)

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

Whereas, a notice was given to you on .....  
Requiring you to makepayment of Rs..... Sri/Smt./Kumari,  
..... requiring to as gratuity  
under Code  
on Social Security, 2020.

2. And whereas, the application was heard in your presence on .and after the hearing have come to the finding that the said Shri/Smt./Kumari..... to a payment of Rs.....is entitled as gratuity under Code on Social Security 2020; or whereas, you/the applicant went in appeal before the appellate authority who can decided that an amountofRs..... to be paid to Shri/Smt./Kumari...  
.....under the Code on Social Security,  
2020 is due as gratuity under the Code on Social Security, 2020.

Now, therefore, I hereby, direct you to pay the said sum of Rs..... to Shri/Smt./Kumari.....within 30 (thirty) days of the receipt of this notice.

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

Competent Authority under the Code on Social Security, 2020

Copy to:

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

**FORM-VII**  
**[See Rule 60]**

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

Application No. \_\_\_\_\_ Date: \_\_\_\_\_

BETWEEN

(Full Name of the applicant with  
full address)AND

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

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

Place:  
Date:

Signature/Thumb-impression of applicant.

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

**FORM-VIII**  
**[See clause (a) of sub-rule (1) of Rule 62]**

**Complaint to the Inspector-cum-Facilitator**

To,  
The Inspector-cum-Facilitator  
(Under the Code on Social  
Security, 2020) Sir,

I..... (Name of woman) employed in..... (name and full address of the establishment) or I..... (name), a person nominated under section 72 by or a legal representative of ..... (name of woman) employed in ..... name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security 2020 and the Rules there under, I am entitled to Rs..... being maternity benefit and/ or Rs..... being the medical bonus and/ or Rs..... being wages for leave due under section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Chapter VI of Code on Social Security, 2020.

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

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

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

Date.....

**FORM-IX**  
**Appeal**  
**[See clause (b) of sub-rule (2) of Rule 62]**  
**(Strike out unnecessary words/paragraphs)**

To,  
The Authority,  
(Appointed under the Code on Social Security 2020)  
.....(Address)

Sir,

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

Shri..... Inspector-cum-Facilitator, having directed under sub section (2) of section 72 to pay the maternity benefit or other amount being..... (nature of amount) to which. (name of woman) is said to be entitled/to set aside my discharger dismissal during or on account of absence from work in accordance with the provisions of this Chapter V of the Code on Social Security 2020.

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

Signature or thumb impression of the Women/Aggrieved person

Date.....

Signature of an AttesterIn case the woman is not able to sign, affix thumb impression.Full address of the nominee/legal representative

**FORM-X**  
**(See Rule 47)**

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

Competent Authority for Workmen's Compensation

**FORM-XI**  
**[See sub-rule (1) of Rule 69]**

1. I reply to your notice, dated..... ..20.... which was received by me on the .....

20....., it is submitted that \*..... residing at ...../workmen over/under 15 years of age and employed in \*\*.....met with an accident on the.....20....., as a result of which he/she died on the.....20.....The monthly wages of the deceased amounted to Rs.....

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

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

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

(\*) Insert name of workman.....

(\*\*) Insert name of establishment.....  
.....Employer

**FORM-XII**  
**[See sub-rule (2) rule 69]**

**Notice Book of Accidents**

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

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

Signature or thumb impression of person giving notice

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

Rate of

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



**FORM-XIII**  
**[See sub-rule (1) of Rule 70]**

**Memorandum of Agreement**

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

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

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

Signature of employer.....

Witness

Signature of Workman .....

Witness.....

Note:-An application to register an agreement can be presented under signature of one party, provided that the other party has agreed to the terms. But both signatures should be appended, whenever possible (Receipt to be filled in when the money has actually been paid). In accordance with the above agreement, I have this day received the sum of Rs. ....

Date... ..20....

Workman.....

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

**FORM-XIV**  
**[See sub-rule (1) of Rule 70]**  
**Memorandum of Agreement**

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

The said injury has resulted in permanent disablement to the said workman of the following nature, namely, the said workman's monthly wages are estimated at Rs. ....

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

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

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

Signature of employer.....

Name of Witness of Workman.....

Signature of Witness.....

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

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

In accordance with the above agreement, I have this day received the sum of Rs.....on Date... ..20.....

Workman

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

Witness

**FORM-XV**  
**(See sub-rule (1) of Rule 70]Memorandum of Agreement**

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

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

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

It is further submitted that the employer of the workman has agreed to pay, and on behalf of the said workman Mr/Mrs..... has agreed to accept half-monthly payments at the rate of Rs..... for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the said Code on account of an alteration in the earnings of the said workman during disablement. It is further stipulated that all rights of commutation under sub section (3) of Section 93 of the said Code, are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded.

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

Signature of Witness.....  
Employer.....

Signature of Workman.....  
Witness.....

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

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

In accordance with the above agreement, I have received the sum of Rs.... on date... ..20.....

Workman

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

.....  
Witness

**FORM-XVI**  
**(Notice for Registration of**  
**Memorandum)**  
**[See clause (a) of sub-rule (2) of Rule 70]**

Whereas, an agreement to pay compensation is said to have been reachedbetween ..... and .....

Whereas.....has/have applied for registration of the agreement under  
Section 89(1) of the Code on Social Security 2020, notice is hereby given that the said agreement will be taken into consideration on..... 20..... and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections it is my intention to proceed to the registration of the agreement.

Competent Authority.

**FORM-XVII**  
**[See clause (c) of sub-rule (2) & clause (d) of sub-rule (3) of 70]**

**NOTICE**

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

Date.....20...  
Competent Authority

**FORM-XVIII**  
**[See clause (b) of sub-rule (3) of Rule 70]**  
**Notice**

Whereas an agreement to pay compensation is said to have been reachedbetween..... and .....and whereas. Has /have applied for registration of the agreement under Section 89(1) of the Code on Social Security 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

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

Date..... 20...

Competent Authority

**FORM-XIX**  
**[See clause (b) of sub-rule (3) of Rule 70]**

**Notice**

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

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

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

Competent Authority

**FORM-XX**  
**[See Rule 72]**  
**Register of Agreements for the Years, 20...**

Serial No.	Date of agreement	Date of registration	

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

**FORM-XXI**  
**[See sub-rule (2) of Rule 75]**  
**Application for Compensation by Workmen**

To  
The Competent Authority for Workmen's Compensation  
.....

..... Residing at.....

Applicant

Verses

..... Residing at.....

Opposite Party

It is hereby submitted that:

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

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

(3) The monthly wages of the applicant amount to Rs. the applicant is

- over/under the age of 15 years.
- \* (4) (a) Notice of the accident was served on the..... Day of  
 (b) Notice was served as soon as practicable.....  
 (c) Notice of the accident was not served (on due time) by reason of
- (5) The applicant is accordingly entitled to receive:-
- (a) Half-monthly payments of Rs. ....from the .....day of  
 20.....to .....  
 (b) A lump-sum payment of Rs.....
- (6) The applicant has taken the following steps for settlement by agreement,  
 namely  
 .....to settle but it has proved impossible to settle the question in  
 disputebecause.....
- \*You are, therefore, requested to determine the following questions in dispute,  
 namely:
- (a) Whether the applicant falls within the meaning of workman under the code.  
 (b) Whether the accident arose out of or in the course of the applicant's  
 employment.  
 (c) Whether the amount of compensation claimed is reasonable/due, or  
 any part of that amount.  
 (d) Whether the opposite party is liable to pay such compensation as  
 is due etc., (as required).
- \*Strike out of the clauses which are not applicable.*

**FORM-XXII**  
 [See sub-rule (2) of Rule 75]  
**Application for order to Deposit Compensation**

To  
 The Competent Authority for Workmen's Compensation  
 .....

..... Residing at..... Applicant

Verses

..... Residing at..... Opposite Party

- (1) a workman employed by (a contractor with) the opposite party on the  
 .....  
 day of..... 20..... received personal injury by accident arising  
 out of and in the course of the employment resulting in his  
 death on the..... day of  
 .....20..... The cause of the injury was (here insert briefly in ordinary  
 language the  
 cause of the injury).....
- (2) The applicant(s) is/are dependent(s) of the deceased workman
- (3) The wages of the deceased amount to Rs..... The  
 deceased was under/over the age of 15 years at the time of his death.
- (4) (a) Notice of the accident was served on the..... day of.....  
 (b) Notice was served as soon as practicable.  
 (c) Notice of the accident was not served (in due time) by reason of  
 .....

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

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

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

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

Applicant

**FORM-XXIII**  
[See sub-rule (2) of Rule 75]  
**Application for Commutation**

To  
The Competent Authority for Workmen's Compensation  
.....

..... Residing at.....

Applicant

Verses

..... Residing at.....

Opposite Party

It is hereby submitted that:

Applicant

Opposite party.

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

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

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

You are, therefore, requested to pass orders:

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

Date.....of 20.....

Applicant  
t



**FORM-XXIV**  
**[See sub-rule (1) of Rule 94]**

**Notice**

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

date.....  
.Competent Authority

**FORM-XXV**  
**[See sub-rule (3), (4) of Rule 94]**

**Notice**

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

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

Date.....20....

# FORM XXVI

[See Rule 102 (1)(a) and (b)]

## Format for Self- assessment of Cess for Building or other Construction Work to be furnished by Employer

1.	Name and address (permanent) of the establishment.		
2.	Name of the employer and address details		
3.	Name and address/ location of place where the building and other construction is proposed to be carried on.		
4.	Name, designation and address of the authorised Person along with contact details		
5.	Correspondence address for the proposed building or other construction work may be		
6.	Nature of proposed construction work		
7.	Date of commencement of work (in case construction has started)		
8.	Approximate duration of work		
9.	Total proposed area of construction work		
10.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 2.		
11.	Total estimated cost of construction as certified by chartered engineer		
12.	Amount of provisional cess	%age of total estimated cost of the construction as notified by the Central Government	Total estimated cess (in Rs.)
13.	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work)/ deduction at source		
14.	Details of cess paid (when duration of the proposed construction work is more than one year)		
	Sr. No.	Year	Amount in Rs....
	14.1	1 <sup>st</sup> year	
	14.2	2 <sup>nd</sup> year	
	14.3	3 <sup>rd</sup> year	
15.	Total cess of the paid (srl. No. 13 + 14)		

### **Declaration**

1. I/We hear by declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.
2. I/We hear by declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self- assessment of cess amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of cess amount is found, punitive action may be taken against me/us.

Signature and seal of employer  
Name:

Date:  
Place:

Mobile Number:E-  
mail (if any):

**Certified by Chartered Engineer**  
**Along with his registration number, duly stamp.**

**FORM XXVII**  
[See Rule 102 (2)(b)]  
**Information for commencement or modification in respect of Building  
or Other Construction Work by the Employer**

1.	Name and address (permanent) of the establishment	
2.	Name of the employer and address details	
3.	Name and address/ location of place where the building and other construction is proposed to be carried on	
4.	Name, designation and address of the authorised Person along with contact details	
5.	Correspondence address for the proposed building or other construction work may be sent	
6.	Nature of proposed construction work	
7.	Date of commencement of work(in case construction has started)	
8.	Approximate duration of work	
9.	Details of any change /modifications in the proposed construction work	

I/we hear by intimate that the building or other construction work (name of work) have you registration number ..... dated ..... is likely to commence/ is likely to modify with effect from (date)/ [on(date)].

Name:  
Date:  
Place:  
Mobile Number:E-mail (if any):

Signature of employer

**FORM XXVIII**  
[See Rule 102 (2) (d), 105 (1), (2), (3) ]  
**Notice for stoppage or reduction of Building or Other Construction Work**

1.	Name of Establishment		
2.	Registration number of Establishment		
3.	Address of establishment		
4.	Date of commencement of work		DD MM YYYY
5.	Approximate proposed period of work		DD MM YYYY
6.	Date of stoppage or reduction of the building or other construction work		
7.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 2.		
8.	Total incurred cost of the construction work		
9.	Total amount of cess payable %age of total incurred cost of the construction as notified by the Central Government Total cesspayable (in Rs.)	%age of total incurred cost of the construction as notified by the Centr alGovernment	Total cess payable (in Rs.)
10.	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any		
11.	Details of cess paid (when duration of the proposed construction work was more thanone year)		
	Sr. No.	Year	Amount in Rs....
	11.1	1 <sup>st</sup> year	
	11.2	2 <sup>nd</sup> year	
	11.3	3 <sup>rd</sup> year	
12.	Total of the cess paid (Srl.No. 10 + Srl.No 11)		
13.	Amount of outstanding cess (Srl.No. 13 –Srl.No .16)		
14.	Proof of payment of outstanding Cess, if applicable		
15.	Amount of overpaid cess, if applicable		
16.	In case overpaid, details of the bank account in which excess amount is to be refunded		
17.	Remark, if any		

**Declaration**

1. I/We hear by declare that the particulars given above are true to the best of

my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.

2. I/We hear by declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self- assessment of cess amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of cess amount is found, punitive action may be taken against me/us.

Signature and seal of employerName:

Date:

Place:

Mobile Number:E-mail (if any):

**Certified by Chartered Engineer  
Along with his registration number, duly stamp.**



**FORM XXIX**  
[See Rule 102 (2) (e), 104 (1), (3) and (5)]  
**Return on completion of building or other construction work submitted  
by employer**

1.	Name and address (permanent) of the establishment		
2.	Name of the employer and address details.		
3.	Name and address/ location of place where the building and other construction is proposed to be carried on		
4.	Name, designation and address of the authorised Person along with contact details		
5.	Correspondence address for the proposed building or other construction work may be sent		
6.	Nature of proposed construction work		
7.	Date of commencement of work(in case construction has started)		
8.	Date of completion of work		
9.	Duration of work		
10.	Total completed area of construction work		
11.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 2.		
12.	Total incurred cost of the construction work		
13.	Total amount of cess payable	%age of total incurred cost of the construction as notified by the Central Government	Total cess payable (in Rs.)
14.	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any		
15.	Details of cess paid (when duration of the proposed construction work is more than one year)		
	Sr. No.		Year
	14.1		1 <sup>st</sup> Year
	14.2		2 <sup>nd</sup> Year
	14.3		3 <sup>rd</sup> Year
16	Total of the cess paid (Sr. No. 14 + 15)		
17.	Amount of outstanding cess (Sr. No. 13 – Sl. No.16)		
18.	Proof of payment of outstanding Cess, if any		
19.	Amount of overpaid cess, if applicable		
20.	In case overpaid, details of the bank account in which excess amount is to be refunded		
21.	Remark, if any		

**Declaration**

1. I/We hear by declare that the particulars given above are true to the best of

my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.

2. I/We hear by declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self- assessment of cess amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of cess amount is found, punitive action may be taken against me/us.

Signature and seal of employer

Name:

Date:

Place:

Mobile Number: E-mail (if any):

**Certified by Chartered Engineer**

**Along with his registration number, duly stamp.**

**FORM XXX**

[See Rule 108 (1) and section 105 of the Code on Social Security, 2020]

**Proforma for Appeal before the Appellate Authority against Order of  
Assessment or Order Imposing Penalty**

1.	Name and address (permanent) of the establishment		
2.	Name of the employer and address details		
3.	Name and address/ location of place where the building and other construction is proposed to be carried on.		
4.	Name, designation and address of the authorised Person along with contact details		
5.	Correspondence address for the proposed building or other construction work may be sent		
6.	Nature of proposed construction work		
7.	Date of commencement of work (in case construction has started)		
8.	Date of completion of work		
9.	Duration of work		
10.	Total completed area of construction work		
11.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 2.		
12.	Total incurred cost of the construction work		
13.	Total amount of cess payable	%age of total incurred cost of the construction as notified by the Central Government	Total cess payable (in Rs.)
14.	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any		
15.	Details of cess paid (when duration of the proposed construction work is more than one year)		
	Sr. No.	Year	
	14.1	1 <sup>st</sup>	
	14.2	2 <sup>nd</sup>	
	14.3	3 <sup>rd</sup>	
16.	Total of the cess paid (Sr. No. 14 + 15)		
17.	Amount of outstanding cess (Sr. No. 13 – Sr. No.16)		
18.	Proof of payment of outstanding Cess, if any		
19.	Amount of overpaid cess, if applicable		
20.	Amount of cess assessed by the Assessing Officer		
21.	Amount of outstanding cess to be paid by the employer		

22.	Amount of penalty for non-payment of cess imposed / outstanding cess claimed by the Assessing Officer.	
23.	Ground for Appeal with supporting documents	
24.	Remark, if any	

**Declaration**

1. I/We hereby declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.
2. I/We hereby declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self- assessment of cess amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of cess amount is found, punitive action may be taken against me/us.

Signature and seal of employerName:

Date:

Place:

Mobile Number:E-mail (if any):

**FORM-XXXI**  
**[See clause (a) of sub-rule (1) of Rule 118]**

**REGISTER OF WOMEN EMPLOYEES**

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

Month	No. of days employed	No. of laid daysoff	No. of days not employed	Remark
A	B	C	D	E

6. Date on which the woman gives notice under section 62:
7. Date of discharge/dismissal, if any:
8. Date of production of proof of pregnancy under section 62:
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/ tubectomy operation /death / adoption of child.
11. Date of production of proof of illness referred to in section 65.
12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid, under section 64.
15. Date with the amount of wages paid on account of leave under section 65(1) & 65(3).
16. Date with the amount of wages paid on account of leave under section 65(2) and period of leave granted.
17. Name of the person nominated by the woman under section 62.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
21. Remarks column for the use of the Inspector-cum-Facilitator.

**FORM XXXII**  
**[See clause (a) and (b) of sub-rule (3) of Rule 118]**  
**Unified Annual Return**

- A. General Part:
- (a) Name of the establishment.....  
Address of the establishment:  
House No./Flat No.....Street. No/Plot.No.....  
Town.....District.....pin code.....
- (b) Name of the employer.....  
Address of the employer:  
House No./Flat No...Street No./Plot No.....  
Town.....  
District..... State.....  
E-mail id..... Telephone  
Number.....

Mobile Number .....

(c) Name of the employer.....  
Address of the employer:  
House No.Flat No..... Street no./Plot No.....  
Town ..... District..... State .....  
Pin Code.....  
Email ID..... Telephone Number .....  
Mobile Number.....

B. Employer’s Registration/License number under the Codes mentioned incolumn (2) of the table below:

S. No	Nam e	Registration		If yes (Registration No.)
1	2	3		4
1	The Code on Occupational Safety, Health and workingconditions code 2020.			
2	The Code on SocialSecurity 2020			
3	Any other Law for the timebeing in force			

C. Details of Employer, Contractor and Contract Labour:

1	Name of the employer in the case of a contractor’s establishment	
2	Date of commencement of the establishment	
3	Number of Contractors engaged in the establishment during the year	
4	Total Number of days during the year on which Contract Labour was employed	
5	Total number of man-days worked byContract Labour during the year.	
6	Name of the Manager or Agent (in case of mines)	
7	Address House No./Flat No. Street /Plot No. Town District State Pin Code Email Id Telephone Number Mobile Number	

D. Working hours and weekly rest day:

1	Number of days worker during the year	
2	Number of man-days worked during theyear	
3	Daily hours of work	
4	Weekly day of rest	

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



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

F. Wage Rates (Category Wise):

Category	Rates of Wages	No of Workers							
		Regular				Contract			
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly Skilled									
Skilled									
Semiskilled									
Unskilled									

G. (a) Details of Payments:

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

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

S. No	During the year	Number of Workers	Granted Leave with wages

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

S. No	Nature of various welfare amenities provided	Statutory (specify the salute)

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

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

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

(b) Leave Granted under the, 2020

1	Total number of female employees in the establishment,	
2	Total number days of leave granted	
3	Number of employees granted maternity leave/benefited by ESI	

Declaration

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

Place  
Sign Here.

Date

**FORM-XXXIII**

[See sub-rule (1)(2)(3) of Rule 119]

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

**Notice No.....**

**Date:**

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

**PART-I**

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

**PART-II**

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

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

**(Signature of the Compounding Officer)**

**Date:**  
**Place:**

**PART-III**

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

**compounding of offence**Ref: Notice No..... **Date:**

The undersigned has deposited the entire amount as specified in Column 6 of Part-I and the details of payment are given below with a request to compound the offences mentioned in Part-1.

1. Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):
2. Details of the prosecution, if filed for the violation of above mentioned offences maybe 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  
..... (Rupee  
s  
towards the composition of offences to the satisfaction of the said Notice.

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

**Date:**  
**Place**

**FORM-XXXIV**  
**(See Rule 121 (3)(b))**  
**Form for Reporting Vacancies to Career Centers**  
 (Separate forms to be used for each type of posts)

1.	<b>Particulars of the employer:</b>		
	Name: Address with pin code: Telephone No: Mobile No: Email address: Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Privateetc.,) Registration No of establishment under Code: Economic activity details:		
2.	<b>Particulars of the indenting Officer:</b>		
	Name: Designation : Telephone No: Mobile No: Email address:		
3.	<b>Particulars of vacancy (ies):</b>		
	(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		
4.	(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		
4.	(iii) 12 months and more		
	<b>Whether there is any obligation for arrangement for giving reservation / preference</b> to any category of persons such as Scheduled Caste (SC), Scheduled Tribe (ST), Economically Weaker Sections (EWS), Other Backward Classes (OBC), Ex-serviceman and persons with disabilities etc., in filling up the vacancies : <b>Yes/No</b>  (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
	Category	Number of vacancies to be filled	

	(a) Scheduled Caste (b) Scheduled Tribe (c ) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others (specify)	Total	*By Priority candidates  * ( Applicable for Central Government vacancies)
5.	<b>Pay and Allowances :</b> For Government vacancies : Mention pay level/pay scale of the post with basic pay / per month with other details if any  For others: Mention minimum total emoluments per month with other details, if any.		
6.	<b>Place of work</b> ( Name of the town /village and district. Pin code, etc. in which it is situated)		
7.	<b>Mode of Applications</b> (email, online, in writing etc.,) and Last date for receipt of applications.		
8.	<b>Particulars of officer to whom the applications be sent/candidates should approach</b> (Mention Name, designation, email id, address, telephone No., website address in case of online)		
9.	<b>Mode of Recruitment</b> (Through Career Centre, Placement Agency, Self- management, any other mode(specify)		
10.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No	
11.	Any other relevant information		
Signature, Name & Designation of Authorized Signatory of establishment/ employer with seal & date			
<u>(For Official Use- to be filled by Career Centre)</u>			
12.	Name, address, email id of the Career Centre		
13.	Date of receipt of Vacancies		
14.	NIC Code of the establishment		
15.	NCO Code of the post		
16.	Unique Vacancy ID (number)		

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

**NOTE:-**

- Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.

2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode. May invariably quote that unique vacancy reporting number in that advertisement or recruitment process.
3. Any change in the particulars already furnished to the Career Centre, shall be reported in working or through valid official email or digitally (including through a portal) as the case may be, to the appropriate government.





