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**ANDHRA PRADESH  
DRAFT RULES  
ON  
SOCIAL SECURITY CODE  
2020**

**GOVERNMENT OF ANDHRA PRADESH**  
**Labour, Factories, Boilers & Insurance Medical Services Department**

The following draft rules, which the State Government proposes to make in exercise of the powers conferred by section 154 and 156 of the Code on Social Security, 2020 (36 of 2020) and in supersession of the :-

- (i) A.P. Employees Compensation Rules, 1953
- (ii) AP. Workmen's (Occupational Diseases- Pneumoconiosis) Diseases Rules, 1965
- (iii) A.P. Payment of Gratuity Rules, 1972
- (iv) A.P. Compulsory Gratuity Insurance Rules, 2011
- (v) A.P. Unorganised Workers Social Security Rules, 2012

The Maternity Benefit Act, 1961 (53 of 1961), The payment of Gratuity Act, 1972, the Building and other Construction Workers Welfare Cess Act, 1996, The unorganised Workers' Social Security Act, 2008 and Workmen's Compensation Act, 1923, as the case may be, which are repealed by section 164 of the said code, except things done or omitted to be done before such supersession, is, hereby, published, as required by the said section for information of all persons likely to be affected, thereby, and the notice is hereby given that the said draft will be taken into consideration after the expiry of a period of forty-five days from the date of publication of this draft in the official Gazette.

Objections and suggestions, if any, may be addressed to Special Chief Secretary to Government, Government of Andhra Pradesh, Labour, Factories, Boilers & Insurance Medical Services Department A.P. Secretariat, Velagapudi or by email to [secy\\_letf@ap.gov.in](mailto:secy_letf@ap.gov.in).

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

(Pravida Rao)  
(P. Rajendra)

Draft Rules  
CHAPTER I

**PRELIMINARY:-**

1. Short title and extent.-
- (1) These rules may be called the ~~Andhra Pradesh~~ Social Security Code Rules, 2020.
- (2) They shall extend to the whole State of Andhra Pradesh.

2. **Definitions.-**

- (1) In these rules, unless the subject or context otherwise requires, -
- (a) "appeal" means an appeal preferred under sub-section(8) of section 56 ;
- (b) "Appellate authority" means -  
the State Government or the Joint Commissioner of Labour or the authority specified by the State Government for the purpose of sub- section (8) of section 56 and;
- (c) "authority" means the State Government or the authority specified by the State Governmentunder 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, ~~or~~ 6 days or day if the wage period be a month, a fortnight, a week or a day respectively;

*Ans*

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

(f) "benefit period" means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the Regulations;

(g) "Board" means the Andhra Pradesh Unorganised Workers Welfare Social Security Board and the Andhra Pradesh Building and other Construction Workers Welfare Board constituted under section 6 and section 7.

(h) "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;

(i) "Code" means the Code on Social Security, 2020 (36 of 2020); (N.O.)

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

(k) "form" means a form appended to these rules;

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

(m) "Government" means Government of Andhra Pradesh;

(n) "Government Securities" means Government Securities as defined in the Government Securities Act, 2006 (38 of 2016); (N.O.)

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

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

(q) "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;

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

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

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

(u)"register of women employees" means a register of women employees maintained under rule 55; (26)

(v) "schedule,, means the schedule of the Code;

(w) "section" means a section of the Code;

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

(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

3. Manner of exercising the powers and performance of the functions by the Andhra Pradesh Unorganised workers Social Security Board under sub-section ( 9), 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 ( 1.2) and time, place and rules of procedure relating to the transaction of business at its meetings under sub-section ( 14) of section 6.-

(1) Constitution of the Andhra Pradesh Unorganised 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:

- (a) The Minister-in-charge of Labour Department, Andhra Pradesh as the ex-officio Chairperson;
- (b) Principal Secretary of Labour Department as Vice-Chairperson;

- (c) One member to be nominated by Central Government in the ministry of labour and employment; (3)
- (d) Thirty one members to be nominated by the state government out of whom :-
- (1) seven representing the employees of unorganized workers ;
  - (2) seven representing the employers of unorganized workers;
  - (3) two members representing the legislative assembly of the Andhra Pradesh ; (2)
  - (4) five members representing eminent persons from civil society; (5)
  - (5) ten members representing the State Government Departments concerned:

Provided that adequate representation shall be given to persons belonging to the Schedule castes, the schedule tribes, the minorities and women.

**(e) Member secretary as notified by the state government;**

Apart from the chairman of Andhra Pradesh Unorganized Workers Social Security Board, all other members who will be nominated by the state government will be eminent persons in the fields of labour welfare, management, finance, law and administration.

**(2) Terms of Office:-** A member appointed under clauses .(d) and (e) of sub-rule (1) of rule 3 shall, unless he resigns his office or dies or otherwise vacates his office at an earlier date, hold office for a period for three 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.

**(3) Resignation. -**

- (i) A member appointed under clauses (d) and (e) of sub-rule (1) rule 3 may resign by writing under his hand addressed to the State Government.
- (ii) The resignation shall take effect from the date of its acceptance by the State Government.

**(4) 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 -

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

**(5) 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

**(6) Meeting of Board and Quorum.-**

- (i) The Board shall ordinarily meet once in three ~~3~~ months.

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

- (ii) No business shall be transacted at any meeting of the Board, unless at least ~~11~~ members are present, of whom at least one shall be from among those appointed under clause (a), (b) and (c) of sub-rule(1) rule 3.

**(7) 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 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.

**(8) 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.

**(9) 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.

(10) **Minutes of meeting.** - The proceedings of each meeting of the 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.

(11) **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.

(12) **Sub-Committees of the Board.-**

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

(ii) 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 .

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

(iv) 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.

(v) 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.

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

(13) **Appointment of Secretary, other officers and Staff.-**

(i) 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;

(ii) Board may appoint such other officers and employees, as it may consider necessary for the efficient discharge of its functions: Provided that no post shall be filled up in the Board, unless its creation, has first been approved by the State government.

**(14) Duties and functions of 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-

- (i) rates at which various facilities will be payable;
- (ii) application procedure and format;
- (iii) procedure for sanctioning and competent authority to grant approval;
- (iv) procedure for disbursement; and
- (v) 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.

**(15) Recruitment procedure and service conditions of officers and staff of the Board.-**

- (i) 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.
- (ii) 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.

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

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.

**4. Name of the Board.**- "Andhra Pradesh Building and other construction workers welfare board"

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

(i) The Minister in-charge Labour Department, Andhra Pradesh as the ex-officio Chairperson,

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

(iii) Five members to be appointed by the State Government representing Government

Departments of whom two shall be representatives of Labour and one shall be representative of Finance Department and two shall be representatives of Departments engaged in building or other construction worker,

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

(v) Five 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.

(2) **Term of Office.** -A member appointed under clauses(iv) and (v) 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 of three 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.

(3) **Resignation.**-

(i) A member appointed under clause (iv) and (v) of rule 4 may resign by writing under his hand addressed to the State Government;

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

(4) **Vacation of office** .- A member appointed under clauses (iv) and (v) of rule 4 shall be deemed to have vacated his office, if -

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

(5) **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.

(6) **Meeting of Board and Quorum.-**

- (i) The Board shall ordinarily meet once in three months.

~~At least one third of the members of the Board, call a special meeting thereof.~~

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

- (ii) No business shall be transacted at any meeting of the Board, unless atleast ~~one third~~ members are present, of whom at least one shall be from among those appointed under sub-rule (3) of rule 4.

(7) **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 ~~nq~~ture, notice of not less than three days shall be deemed sufficient.

(8) **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.

**(9) 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.

**(10) 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.

**(11) 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.

**(12) Sub-committees of the Board.-**

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

(ii) 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.

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

(iv) 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 representing the members and at least one unorganized worker. Must be among the members representing.

(v) 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.

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

**(13) 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.

**(14) Duties and functions of the Board.-**

(i) 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.

(ii) 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.

**( 15 ) Appointment of Secretary, other Officers and Staff.-**

- (i) 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;
- (ii) Board may appoint such other officers and employees, as it may consider necessary for the efficient discharge of its functions:

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

**(16) Recruitment Procedure and Service Conditions of Officers and Staff of the Board.-**

- (i) 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;
- (ii) 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.

**5.** 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:

- (1) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries;
- (2) frame educational schemes for the benefit of children of the beneficiaries; and
- (3) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant.

~~CHAPTER III~~  
~~GRATUITY~~

6. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) 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 State Bank of India or 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 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) (No.)

7. Time, form and manner of nomination by an employee under sub-section (1), the time to make fresh nomination under sub-section (4), the form and manner of modification of a nomination under sub-section (5) and the form for fresh nomination under sub-section (6) of section 55.-

(1) A nomination shall be in Form-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,

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

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

Provided that nomination in Form-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 days of the receipt of nomination in Form-I under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in Form-I duly attested either by the employer or an officer authorised by him in this behalf (30)

as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded .

(3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1) , a fresh nomination, as required under sub-section (4) of section 55, duplicate in Form-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 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) Fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

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

**(1) Application for Gratuity:**

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

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

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

- (c) A legal heir of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within one year from the date of gratuity became payable to him, in Form-II to the employer.
- (d) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (a), (b) and
- (c) sub-rule (1) shall be deemed to be operative from the date of such commencement.
- (e) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision.
- (f) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

(2) **Notice for payment of gratuity.-**

- (a) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall-
  - (i) if the claim is found admissible on verification, issue a notice in Form-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 thirtieth day after the date of receipt of the application, for payment thereof, or
  - (ii) if the claim for gratuity is not found admissible, issue a notice in Form-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.

- (b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form-III under sub-clause (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made

by the payee explaining why it is not possible for him to be present in person on the date specified.

(c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause

(a) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.

(d) 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.

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

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

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

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

(a) If an employer-

(i) refuses to accept a nomination under rule 34 or to entertain an application sought to be filed under sub-rule (1), or

(ii) issues a notice under clause (a) of sub-rule (5)

(2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or

(iii) having received an application under sub- rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in Form-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.

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

**(5) Procedure for dealing with application for direction .-**

- (a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in Form-V, by electronically or registered post acknowledgement due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.
- (b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The competent authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for , the reasons for the refusal.
- (c) A party appearing by an authorised representative shall be bound by the acts of the representative.
- (d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.
- (e) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the competent authority may proceed to hear and determine the application ex parte. If the applicant fails to appear on the P.~~<?ifie.d~~ date of hearing without sufficient cause, the competent authority may dismiss the application?

Provided that an order under clause (e ) of sub-rule (5) may, on good cause being shown within thirty<sup>30</sup> days of the said order, be reviewed and the application re-heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

**(6) Place and time of hearing.-**

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

(7) **Administration of oath.-**

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

(8) **Summoning and attendance of witnesses.-**

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

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

(a) Subject to the provisions of clause (b) any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908) *(Act No.)*

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

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

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

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

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

(11) **Direction for payment of gratuity.-**

If a finding is recorded under clause (d) of sub-rule(5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form-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.

**(12) Appeal.-**

- (a) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgement due or electronically.
- (b) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought.
- (c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.
- (d) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.
- (e) Within fourteen<sup>{14}</sup> days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.
- (f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard . A copy of the decision shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent authority returning his records of the case.
- (g) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him.
- (h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in Form-VI specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen<sup>{15}</sup> 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.

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**(13) Application for recovery of gratuity.-**

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

**9. Appointment of competent authority.-**

The competent authority shall be appointed by the State Government by notification.

## CHAPTER IV

### MATERNITY BENEFIT

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

**(1) Complaint under section 72.-**

(a) A complaint under sub-section (1) of section 72 shall be made in writing in Form-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 State Government.

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 IV

### EMPLOYEE'S COMPENSATION

11. 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.-

**Amount of Funeral :-** 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 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.

12. Conditions when application for review is made with certificate of a medical practitioner under sub-section (1) of ~~Section~~ 79.-

(1) When application may be made without ~~two~~ medical certificates.-  
Application for review of a half-monthly 

~~payment under Section 79 of the code may be made without accompanying a~~ medical certificate :-

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

- (d) 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;
- (e) 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.

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

(3) **Procedure on application for commutation.** -

(1) Where application is made to the Competent Authority under Section 7 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, ofthat 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 anapproximate estimate of the probable duration of the disablement, he may from time to lime postpone a decision on the application for a period not exceeding two months at any one time.

**13. 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 there premises at which employees are employed, a notice book, in such form (See Form No -X) prescribed by that government, 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.

**14. 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 rule. - A workman who is required by sub-section (1) of ~~Section~~ 11 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 workmen is present at the employer's premises and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the workman shall submit himself for examination forthwith.

(3) **Examination in other cases.** - In cases to which Rule 14 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 so prescribed

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 examination.** - 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 72 hours after the workman has so offered himself.

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

- (i) No woman shall without her consent be medically examined by a male practitioner save in the presence of another woman.
- (ii) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

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

- (i) The notice to be sent by a Competent Authority under sub-section (1) of Section 88 of the code shall be in Form XI and shall be accompanied by a blank copy of form XII.
- (ii) ~~XII~~ The statement to be submitted by an employer under Section 88 shall be in Form ~~XII~~
- (iii) The report in respect of an accident under sub-section(1) of Section 88 may be sent to the authority to whom the notice of such accident is required to be given.

**16. 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. -**

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

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

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

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

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

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

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

(ii) If the parties to be 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 fixed in such notice shall be not less than seven days after the date of the issue of the same.

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

(iv) 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 (1).

**(4) Procedure on refusal to record memorandum. -**

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

(ii) If, the Competent Authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum of 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.

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

**(5) Registration of memorandum accepted for record.** - In recording a memorandum of agreement, the Competent Authority shall cause the same to be entered in a register in Form 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

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

**Eligibility of the Competent Authority -**

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

**18. 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.-**

- (i) 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.

(ii) A Competent Authority to whom a case is 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.

19. 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 Act 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 (V of 1908). (See From XXI), (See From XXII), (See From XXIII) (Act No. 5)

**(3) Production of documents.-**

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

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

(iii) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not, without the sanction of the Competent Authority be received in evidence on behalf of the applicant.

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

**(4) Application presented Authority to wrong Competent Authority:**

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

(ii) It appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant (and the opposite party) if he has received a copy of the application under the Rule 08 , accordingly.

(iii) The Competent Authority to whom an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceedings or any part of them had bee taken before him, if he is satisfied that the interest of the parties will not thereby be prejudiced .

**(5) Examination of applicant.-**

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

(ii) The substance of any examination made under sub-rule (1) shall be recorded in the manner provided for the recording of evidence in Section 97. *(In)*

**(6) Summary dismissal of application.-**

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

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

**(7) Preliminary inquiry info application.-**

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

**(8) Notice to opposite party.-**

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

**(9) Appearance and examination or opposite party.-**

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

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

**(10) Framing of issues.-**

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

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

**(11) Power to postpone trial of issues of fact where issues of law arise.-**

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

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

(13) **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.

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

(ii) 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.

(iii) **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.

(iv) **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 at the following rate :-

(a) the cost for the copies of any document of record or statement or order or decree shall be Rs. 2/- per page along with Rs. 10/- for the application for the copies;

(b) the cost of service of summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as may be specified;

(c) the Court, whenever it finds either on applications of applicant or otherwise that the applicant is unable to pay the cost, may exempt the applicant from the payment of cost.

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

(14) **Judgement**.

- (i) The Competent Authority in passing orders, shall record concisely a judgement, and his finding on each of the issues framed and his reasons for such finding.
- (ii) The Competent Authority, at the time of signing and dating his judgement, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgement other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

**( 15 ) 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.

**( 16 ) Right of entry for local inspection.-**

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

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

**(17) Procedure in connection with local inspection.-**

- (i) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representative notice of his intention lo conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.
- (ii) Such notice may be given orally or in writing, and, in the case of an employer may be given to any person upon whom notice of a claim can be served under sub-section (2) of Section 88, or to the representatives of any such person.
- (iii) Any party, or the representative of any party, may accompany the Competent Authority at a local inspection.
- (iv) The Competent Authority, after making local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who

desires to see the same, and, on payment of the prescribed fees, shall supply any party with a copy thereof.

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

**(18) Powers of summary examination.-**

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

(ii) No oath shall be administered to a person examined under sub-rule (1).

(iii) Statements made by persons examined under sub- rule (1), if reduced to writing, shall not be signed by the person making the statement, nor shall they except as hereinafter provided, be incorporated in the record or utilised by the Competent Authority for the purpose of arriving at a decision in the case.

(iv) If a witness who has been examined under sub- rule (1) 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 ~~fl.Inlisbed~~ with the relevant part of ~~u\_chstatern,ent~~ for the purpose of examining or cross-examining the witness.

(v) Any statement or part of a statement which is furnished to the parties under sub-rule (4) shall be incorporated in the record.

(vi) Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under sub-rule (1), and may utilise such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

**(19) Agreement to abide by Competent Authority's decision..**

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

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

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

*(in Jemnity)*

**( 20) Procedure where indemnity claimed under Section 85 (2).-**

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

(ii) If any person served with a notice under sub-rule

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

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

(iii) If any person served with a notice under sub-rule (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 is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Competent Authority accompanied by the prescribed fee and the Competent Authority shall thereupon issue notice to such person in Form xxv.

(iv) If any person served with a notice under sub-rule(3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Competent Authority on the date fixed in the notice in Form 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 sub- rule ( 1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him :

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

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

**(20) Procedure in connected cases.-**

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

(ii) Where action is taken under sub-rule (1), the evidence bearing on the common issue or issues shall be recorded on the record of one case, and the Competent Authority shall certify under his hand on the records of any such other case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present of cross- examining the witnesses.

**(21) Certain provisions of Code of Civil Procedure, 1908 to apply.-** Save as otherwise expressly provided in the Act or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, ~~(1911)~~ 1908, namely, those contained in Order V Rules 9 to 13 and 15 to 30,

(1908)

Order IX. Order XII Rules 3 to 10, Order XVI Rules 2 to 21, Order XVII, Order XVIII Rules 1 and 2 shall apply to proceedings before Competent Authorities, in so far they may be applicable thereto :

Provided that :-

?

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

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

(23) **Apportionment of compensation among dependents.** - The provisions of this part except those contained in Rules 08, 09 and 21 shall as far as may be apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased workman.

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

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

## 20. 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 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 sub-rule (1) 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

21. Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under section 101.- 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, or ~~30~~ days from the date of issue of the assessment order, whichever is earlier, ~~such~~ such employer shall be liable to pay interest on the amount

Draft

The following Rules may be added in the Draft Rules at Chapter-VII of the Social Security for unorganized workers, GIG Workers and Platform Workers:

**Rule – 22 A :** "Any scheme notified by the state government under sub section (2) of section 109, for the unorganized workers, GIG Workers and Platform Workers shall be implemented through the A.P. State Unorganized Social Security Board. The Board shall constitute under Rule 3(1)."

**Rule – 22 B :** Eligible age for registration under clause (a) and form and manner of information under clause (b), of section (1) and the form of application, documents for registration and manner of self registration under subsection (2), of section 113(1) Registration of unorganised workers or any category or sub-category of unorganised workers.

- (a) Every eligible unorganized worker, or any category or sub-category of unorganised workers under section 113 shall be required to be registered with Aadhar, 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 unorganized 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 unorganized worker shall submit application form, electronically, with Aadhar on self-declaration basis for registration to such authority on the specified portal of State Government.
- (d) On completion of registration, such worker shall be issued an acknowledgement, electronically or otherwise, bearing his Unique Registration Number.
- (e) The unorganized worker, or any category or sub-category of unorganized 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 unorganized worker may not remain eligible to avail such benefit(s) of the social security scheme(s) notified under the Code.
- (f) 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.

of cess, to be paid, at the rate of one per cent. for every month or part of a month comprised in the period from the date on which such payment was due till such amount is actually paid.

22. 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 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 0230-00-101-0555 in Cyber Treasury of the State Government.

## ~~CHAPTER VII~~ SOCIAL SECURITY FOR UNORGANISED WORKERS, GIG WORKERS AND PLATFORM WORKERS.

## ~~CHAPTER VIII~~ FINANCE AND ACCOUNTS

23. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section ( 1), conditions to invest moneys, re-invest or realise investments under sub-section ( 2) terms to raise loans and take measures for discharging such loans under sub-section ( 3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under sub-section ( 4) of section 120.-

( 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 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.

**24. Conditions and manner of writing off irrecoverable dues under section 121.-**

- (1) 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: -
- (i) establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
  - (ii) decree obtained by State Social Security Board could not be executed successfully for want of sufficient assets of the defaulting employer; or
  - (iii) claim for contribution is not fully met by -
    - (a) the Official Liquidator in the event of factories/ establishments having gone into liquidation; or
    - (b) the Competent Authority of payments in the event of unit being nationalised or taken over by the Government.

~~CHAPTER IX~~  
**Authorities Assessment Compliance & Recovery**

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

The inspector cum facilitator can exercise such powers which will be determined by the state government time to time.

**26. Form and manner for maintenance of records and registers and other particulars and details under clause (a), manner and form for display of notices at the work places of the employees under clause (b) and the manner and period of filing returns to the officers or authority under clause (d) of section 123.-**

**(1) Register of Women Employees.-**

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

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

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

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

(3) **Annual returns.-**

(a) The employer to 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-XXVII online on the web portal of the Central Government in the Ministry of Labour and Employment, 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 (21 of 2000). (N.D.)

(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 Central Government in the Ministry of Labour and Employment, a further unified return in Form XXVII 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**

27. 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-XXVIII for the offences which are compoundable under section 138.

*Compoundable*

(2) The person to whom a notice has been served may apply in Part III of the Form-XXVIII to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

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

(4) If a person 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~~

### MISCELLANEOUS

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

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

- (i) wholly funded by the Central Government; or
- (ii) partly funded by the Central Government and partly funded by State  
Government;
- (iii) partly funded through contributions collected from the beneficiaries of the  
scheme or the employers as may be specified in the scheme by the Central  
Government;
- (iv) funded from any source including corporate social responsibility fund within the  
meaning of the companies act 2013 (18 of 2013) or any other sources as may be  
specified in the scheme; *ACT NO.*
- (v) any grant or loan received from the Central Government.
- (vi) funded from State Government by Budget;

(vii) other sources notified by the State Government.

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

(2) The scheme will be prepared for the unorganised worker registered as a beneficiary and its 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.

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

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

**31. 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.

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

- (i) A.P. Employees Compensation Rules, 1953 (Notification No.188, dt 22-10-1953)
- (ii) AP. Workmen's (*Occupational Diseases- Pneumoconiosis*) Diseases Rules, 1965
- (iii) A.P. Payment of Gratuity Rules, 1972 (G.O.31 DATED 8-1-1973)
- (iv) A.P. Compulsory Gratuity Insurance Rules, 2011

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

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

<<XX>>

**FORM-I**

[See subrule (1), (2), (3) and (4) of Rule 7(1)]

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

To.....

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

I, Shri/ Shrimati/ Kumari.....(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 2020 with effect from the .....(date here) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

or

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

\*Strike out unnecessary portion.

2. I, hereby, certify that the person(s) mentioned is/ are a member(s) of my family within the meaning of clause (33) of section 2 of the , 2020.

3. I, hereby, declare that I have no family within the meaning of clause (33) of section 2 of the said Code.

4 (a) My father/mother/parents is/ are not dependent on me.

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

5. I have excluded my husband from my family by a notice dated the..... to the competent authority in terms of clause (33) of section 2 of the said Code.

4869454/2021/LAB.II-LAE01

6. Nomination made herein invalidates my previous nomination.

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

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

#### Statement

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

Village..... Thana..... Sub-  
 Division..... Post-office .....  
 Pin-Code..... District..... State.....  
 E-mail ID..... Mobile Number.....

Place:-  
 Date:-

Signature/Thumb-impression of the  
 Employee

4869454/2021/LAB.II-LAE01

**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 employee/Officer authorized

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 subrule (1) of Rule 8]

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

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

Sir/Madam,

I, .....(name of employee/nominee/legal heir)/nominee of late.....(Name of the employee)/ as a legal heir of late.... ....(Name of the employee), beg to apply for payment of gratuity to which I am entitled under subsection (1) of section 53 of 2020 or 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/ or termination of contract period under fixed term employment with effect from the. .... Or

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

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

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

1. Name of employee, in full, (if the gratuity is claimed by an employee)
  - a. Marital status of employee (unmarried/married/widow/widower)
  - b. Full address of employee  
or
2. Name of nominee/legal heir, (if the gratuity is claimed by nominee/legal heir)

4869454/2021/LAB.II-LAE01  
a. Name of Employee

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

3. Department/Branch/ Section where last employed
4. Post held by employee.
5. Date of appointment.
6. Date and cause of termination of service
7. Date of Death
8. Total period of service of the employee
9. Total wages last drawn by the employee.
10. Total gratuity payable to the employee/ share of gratuity claimed by a nominee/legal heir.
11. Payment may please be made by crossed bank cheque/credit in my bank account no

Yours faithfully,  
Signature/Thumb-impression of the  
Applicant employee/nominee/legal heir

**FORM - III**

[See subrule (2) of Rule 8]

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

To,.....

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

You are hereby informed that,

(a) \*as required under sub-clause (ii) of clause (a) of sub-rule (2) of rule 35 of the (Central) Rules, 2020, that your claim for payments of gratuity as indicated on your application in **Form-IV** under the said rules is not admissible for the reasons stated below:

Reasons(Here specify the reasons); or

(b) \*as required under sub-clause (i) of clause (a) of sub-rule (2) of rule 35, the (Central) Rules, 2020 that 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 at .....on .....(Here specify place).....(date) at.....(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:

*\*strike out para, if, not applicable*

Place:

**FORM- IV**  
[See sub-rule {4} of Rule 8]

**Application for Direction before the Competent Authority for  
Chapter V under, 2020 *(The Code)***

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..... an employee of the above-mentioned employer/ a legal heir of late..... and employee of the above-mentioned employer and is entitled to payment of gratuity under section 53 of 2020 on account of his own/aforsaid employee's superannuation on.....(date)/his own retirement/ aforsaid employees' resignation on.....(date) completion of.....years of continuous service/his own/aforsaid employees' total disablement with effect

from.....(date)due to accident/disease death of aforsaid employee on.....

2. The applicant submitted an application under Rule..... of the (Central) Rules, 2020 on the.....but the above-mentioned employer refused to entertain it/issued a notice dated the..... under clause of sub-rule of rule.....offering an amount of gratuity which is less than my due/issued a notice dated .....the under clause..... of sub-rule.....of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

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

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

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

Date:

Signature/Thumb impression of the applicant.

**ANNEXURE**

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

Place:

Date:

Signature/Thumb-impression of the applicant

**FORM-V**  
**[(See Sub Rule (5) and (8) of Rule 8)]**

**Notice for Appearance before the competent Authority/Summon**  
*(Strike out the words 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 under sub-rule (4) of rule 35 of the (Central) Rules, 2020 alleging that----

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

Now, therefore, you are hereby called upon/ summoned to appear before the Competent Authority at ..... (place) either personally or through a person duly authorized this behalf for the purpose of answering all material questions relating to the application on the.....day of .....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 or 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, or behalf of.....in the case arising out of the claim for gratuity by.....Form..... and referred to this authority by as application under section 56 of the 2020 you are hereby summoned to appear personally before this authority on the.....day of .....20.....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, 2020

- Note:
1. Strike out the words and paragraphs if not applicable.
  2. The portion not applicable to be deleted.
  3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.
  4. In case the summon is issued only for producing a document and no 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.

4869454/2021/LAB.II-LAE01

**FORM — VI**  
**[See subrule (11) and (12) of Rule 8]**

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

To,

(Name and address of employer)

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

Whereas, a notice was given to you on.....requiring you to make payment of Rs.....to Shri/ Smt./Kumari.....,.....as gratuity under, 2020.

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

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

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

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

Competent Authority  
under the Code, 2020

Copy to:

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

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

4869454/2021/LAB.II-LAE01

**FORM - VII**  
**[See Sub rule {13) of Rule 8]**

**Application for recovery of Gratuity before the Competent Authority for  
Chapter V and under the Social Security Code, 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.....under sub rule (11) or sub rule (12) of Rule 35 of (Central) Rules, 2020 for payment of a sum of Rs.....as gratuity payable under the , 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs.....due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place:

Date:

Note.—Strike out the words if not applicable.

4869454/2021/LAB.II-LAE01

**FORM-VIII**

[See clause (a) of sub rule (l) of Rule 10]  
 F  
 O  
 R  
 M  
 Complaint to the inspector - cum - facilitator

F

To,  
 The Inspector-cum-Facilitator  
 (Under The , 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, 2020 and the Rules there under, 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 , 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.

Date. .......

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

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

Full address of the women/nominee/legal representative.

**FORM-IX****Appeal**

[See Clause (b) of sub~~7~~ rule (2) of Rule 10]

To,

The Authority,

(Appointed under the 2020)

..... (Address)

Sir,

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

\*Fee1 aggrieved by be 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 b8 and request that the said employer be ordered to pay the above mentioned amount to me. A copy of the order of Inspector-cum-Facilitator cum Facilitator in this behalf is enclosed; or

\*Shri....., Inspector-cum-facilitator, having directed under subs 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~~2020~~<sup>7</sup> (Strike out unnecessary portion).

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

•!Strike out unnecessary portion.

Signature or thumb impression of the Women/Aggrieved person

Date.....

Signature of an Attester in case the woman is not able to sign and affixes thumb impression. Full address of the nominee/legal representative

4869454/2021/LAB.II-LAE01

**FORM X**  
[See rule 16]  
**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-XI**  
**[See Sub rule (1) of Rule 15]**

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

.....

Competent Authority For Workmen's Compensation

**FORM-XII**  
**[See Sub rule (2) of Rule 15]**

1. In reply to your notice, dated.....20.... Which was received by me on the.....  
 20....., it is submitted that (1)....residing at/workmen over/under 15 years of age and I employed in (2).....met with an accident on the.....20.....as a result of which he died on the.....20.....The monthly wages of the deceased amounted to Rs.....

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

.....  
 .....

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

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

- (1) Insert name of workman.....
- (2) Insert name of establishment.....

Employer

### FORM-XIII

**{see subrule (1) of Rule 16]  
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 old employment in.....The said injury  
 has resulted in temporary disablement to the workman whereby it is estimated that he  
 will be prevented for earning more than of his previous wages for a period  
 of.....month. The said workman has been in receipt of half-monthly payment which  
 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 the that..... the employer ofand  
 said workman has agreed to payagreed to the said workman has  
 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 be memorandum  
 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  
 whenever possible (Receipt to be filled in  
 actually been paid). In accordance with the above  
 received the sum of Rs.....

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

Workman.....

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

Whitnesss.....

**FORM-XIV**

[See subPrule (1) of Rule 16]  
**Memorandum of Agreement**

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

The workman is over the age of 15 years/will reach the age of 15 years or.....

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

It is further submitted that ..... the employer of the said workman, has agreed to pay, and the said workman has agreed to accept the sum of Rs..... in full settlement of all and every claim under the Social Security Code fLO2O , in respect of the dioahlernr nt stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Date.....20....

Signature of the Employer.....

Witness of Workman.....

Signature of Witness.....

Note An application to register as 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 thr 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

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**FORM - XV**  
**[See sub Rule (1) of Rule 16]**  
**Memorandum of Agreement**

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

The said injury has resulted in ~~tempo7ary~~ <sup>Temporary</sup> disablement to the said workman who is at present in receipt of wages amounting to Rs..... per month no wages. The said workman's monthly wages prior to the accident are estimated at Rs.....

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

It is further submitted that.... the employer of the workman has agreed to pay and on behalf of the said workman has agreed to accept half-monthly payments at the rate of 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 the Employer.....

Witness of Workman.....

Signature of Witness.....

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

**Receipt**

*[To be filled in when the money has actually been paid]*

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

Date.....20...

Workman

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

Witness

**FORM-XVI**  
[See clause (i) of sub~~7~~rule (2) of Rule 16]

Whereas, an agreement to pay compensation is said to have been reached  
Between.....and .....whereas.....  
has/have applied for registration of the agreement. under Section 89(1) of the , 2020,  
notice is hereby given that the said agreement will be taken into consideration or  
..... 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 (iii) of sub~~7~~rule (2)of Rule 16]

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

4869454/2021/LAB.II-LAE01

FORM-XVIII

[See clause (ii) of sub rule (3) of Rule 16]

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

.....  
.....

An opportunity will be afforded to the said..... for showing cause on .....19.....why the said agreement should be registered.

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

Date.....19.....

Competent Authority

FORM-XIX

[See clause (ii) of sub rule (3) of Rule 16]

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

.....  
.....

An opportunity will be afforded to the said.....for showing cause on.....on .....19.....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that dat. If adequate cause is then shown, the agreement may be registered.

Date.....19.....

Competent Authority

### FORM-XVIII

**[See clause (ii) of sub rule (3) of Rule 16]**

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

.....  
 .....

An opportunity will be afforded to the said.....For showing cause on .....19.....why the said agreement should be registered.

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

Date..... 19.....

Competent Authority

### FORM-XIX

**[See sub rule (5) of Rule 16]**

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

.....  
 .....

An opportunity will be afforded to the said.....for showing cause on.....on .....19.....why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that dat. If adequate cause is then shown, the agreement may be registered.

Date.....19.....

Competent Authority

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**FORM-XX**

[See sub rule (5) of Rule 16]  
Register of Agreements for the Years, 19...

Serial No.	Date of Agreement	Date of Registration

Employer	Workman	Initials of Competent Authority <i>Authority</i>	Reference to orders rectfing the register

**FORM-XXI**  
**[See subrule (2) of Rule 19]**

**Application for Compensation by Workmen**

To,

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

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

Versus

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

It is hereby submitted that:-

(1) The applicant, a workman employed by (a contractor with) the opposite party or 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 languages the cause of the injury).....

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

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

(4)(a) Notice of the accident was served on the ..... day of .....

(b) Notice was served as soon as practicable.....

(c) Notice of the accident was not served (on due time) by reason of.....

(5) The applicant is accordingly entitled to receive-

(a) Half-monthly payments of Rs..... from the ..... day of 20.... to.....

(b) A lump-sum payment of Rs.....

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

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

(a) Whether the applicant is a workman within the meaning of the Code.....

(b) Whether the accident arose out of or in the course of the applicant's employment.....

(c) Whether the amount of compensation claimed is due, or any part of that amount.....

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

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

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

Strike out of the clauses which are not applicable.

Applicant

**FORM-XXII**  
**[See sub rule (2) of Rule 19]**

**Application for order to Deposit Compensation**

To,

The Competent Authority for Workmen's Compensation

.....

.....

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

Versus

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

It is hereby submitted that :—

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

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

(3) The majority wages of the deceased amount to Rs.....

The deceased was under/over the age of 15 years at the time of his death.

(4) (a) Notice of the accident was served on the.....day of....

    (b) Notice was served as soon as practicable.

    (c) Notice of the accident was not served (in due time) by reason

    Of.....

(5) The deceased before his death received as compensation the total sum of Rs.....

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

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

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

Strike out of the clauses which are not applicable.

Applicant

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**FORM-XXIII**  
[See subrule (2) of Rule 19]

**Application for Commutation**

To,

The Competent Authority for Workmen's Compensation

.....

.....

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

Versus

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

It is hereby submitted that:—

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

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

(a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments

(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are therefore requested to pass orders\

(a) directing that the right to receive half-monthly payments should be redeemed.

(b) fixing a sum for the redemption of the right to receive half-monthly payments.

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

Applicant

**FORM- XXIV**  
[See sub~~r~~ule (20) of Rule 19]

**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 ~~T~~<sup>GoI</sup> 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you would be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

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

.....  
Competent Authority

**FORM XXV**  
[See sub~~rule~~ (20) of Rule 19]  
**Notice**

Whereas a claim for compensation has been made by.....applicant, against and the said.....has claimed, that.....is liable under Section 93 (3)(4)of the , 2020, to indemnity him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said.....on notice served has claimed that you.....stated to him in the relation of a contractor from whom the applicant ..... could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party.....in default of your appearance you will be deemed to admit the validity of any award made against the opposite party.

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

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

.....  
Competent Authority

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**FORM XXVI**

[See sub rule (1) of Rule 29] 26

**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:

M ont h	No. of days employed	No. of days laid off	No. of days not employed	Re mar k
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 XXVII**  
[See subrule (3) of 26]

**Unified Annual Return**

**A. General Part:**

(a) Name of the establishment.....

Address of the establishment:

House No./Flat No.....Street No./Plot  
No.....

Town.....District.....State.....  
pin code.....

(b) Name of the employer. ....

Address of the employer:

House No./Flat No.....Street No./Plot  
No.....

Town....., .....District.....State.....  
.....pin code.....

E-mail ID..... Telephone  
Number.....Mobile number.....

(c) Name of the manager or person responsible for supervision and control of establishment:

Address:

House No./Flat No.....Street No./Plot  
No.....

Town.....District.....State.....  
pin code.....

E-mail ID..... Telephone  
Number.....Mobile number.....

**B. Employer's Registration/License number under the Codes mentioned in column {2} of the table below:**

S No.	Name	Registration	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Code on Occupational Safety Health and working condition code 2020.		
02.	The 2020?		
03.	Any other Law for the time being in force.		

**C. Details of Employer, Contractor and Contract Labour:**

01.	Name of the employer in the case of a contractor's establishment.		
02.	Date of commencement of the establishment.		
03.	Number of Contractors engaged in the establishment during the year.		
04.	Total Number of days during the year on which Contract Labour was employed.		
05.	Total number of man-days worked by Contract Labour during the year.		
06.	Name of the Manager or Agent (in case of mines).		
07.	Address House No./Flat No. Town District Pin Code E-mail ID Mobile Number	Street/ Plot No. State Telephone Number	

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**D. Working hours and weekly rest day:**

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

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

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

**F. Wage rates (category wise):**

Category	Rates of wages	No. of workers					
		Regular			Contract		
		Mal	Fema	Childr	dolesce	Mal	Fema
Highly					I		
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:**

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

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

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

**I. Maternity Benefit under the , 2020:**

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

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

**(b) Leave Granted under the , 2020**

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

**Declaration**

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

Place:

Date:

Sign Here:

**FORM - XXVIII**

[See subrule (1)(2)(3) of Rule 27]

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

**Notice No.....**

**Date:**

On the basis of records and documents produced before me, the undersigned has reasons to believe that you, being the employer of the establishment..... (Registration No.....), has committed offence for the violation of provision of the Code or 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 of the Establishment :
3. Registration No of the Establishment:
4. Particulars of the offence:
5. Provisions of the Code/Scheme/Rules/Regulations under which the offence is committed:
6. Compounding amount required to be paid towards composition of the offence:
7. Name and Details of Account for depositing the Amount specified in Column 6:

**PART —II**

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

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

**(Signature of the Compounding Officer)**

**Date:**

**Place:**

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**PART-III**

**[See Rule 27(2)]**

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

**Ref: Notice No.....**

**Date:**

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

**Signature of the Applicant**

**(Name and Designation)**

**Dated:**

**Place:**

**PART-IV**

**[See Rule 27(3)]**

**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.....(Applicant), the employer of (name and Registration Number of establishment) has been compounded on account of remission of full amount of Rs.....(Rupees \_\_\_\_\_)towards the composition of offences to the satisfaction of the said Notice.

**(Signature)**

**Name and Designation of the Officer**

**Date:**

**Place:**

