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EXTRAORDINARY

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GOVERNMENT OF ARUNACHAL PRADESH  
DEPARTMENT OF LABOUR AND EMPLOYMENT  
ITANAGAR

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**NOTIFICATION**

The 17th December, 2021

No. LAB(W)17/2021.— Whereas the draft rules, as required under Sections 154, 156 and 158 of the Code on Social Security, 2020 (36 of 2020) read with Section 24 of the General Clause Act, 1897(10 of 1897) were published in the Arunachal Pradesh Official Gazette No.188, Vol. XXVIII, Naharlagun, dated 3rd September, 2021 inviting objections and suggestions from the persons likely to be affected, before expiry of the period of forty five days.

And whereas objections and suggestions received from persons likely to be affected before expiry of the said period of forty five days have been considered by the State Government.

Now, the State Government, in exercise of the powers conferred on it by sub-section (1) of Sections 154, 156 and 158 of the Code on Social Security ,2020 (36 of 2020) read with sub-section (2) of Sections 154 , 156 and in supersession of –

- (i) The Arunachal Pradesh Unorganised Workers' Social Security Rules, 2015 ;
- (ii) The Arunachal Pradesh Unorganised Workers' Social Security (First Amendment) Rules, 2015 ;
- (iii) The Arunachal Pradesh Building and Other Construction Workers (RE&CS) Rules 2006 ; and
- (iv) The Arunachal Pradesh Building and Other Construction Workers (RE&CS) (1<sup>st</sup> Amendment) Rules 2016.

except as respects things done or omitted to be done before such supersession, hereby makes the following, rules, namely : -

**Rules**

**CHAPTER – I**

**PRELIMINARY**

**1. Short title, extent and commencement :**

- (1) These rules may be called the **Code on Social Security (Arunachal Pradesh) Rules, 2021**.
- (2) These rules extend to the whole of Arunachal Pradesh.
- (3) These rules shall come into force from the date of effect of the Code on Social Security, 2020.

**2. Definitions :**

- (1) In these rules, unless the subject or context otherwise requires:-
  - (a) **“Agency”** means any corporation, body or institution, established under an Act of Parliament or State Legislature or Central/State Public Sector Undertaking or Special Purpose Vehicle as notified by the Government ;
  - (b) **“Appellate authority”** means the State Government or the authority specified by the State Government under sub-section (8) of Section 56 or an officer senior in rank to the Assessing Officer for the purposes of Sections 103 and 104 of the Code, appointed by the State Government, as the case may be;
  - (c) **“Assessing Officer”** means the Labour Officer of the Government of Arunachal Pradesh or an officer of a local authority holding a post equivalent to the Labour Officer and appointed or notified by the State Government for assessment of Cess under the Code;
  - (d) **“Authority”** means the State Government or the authority specified by the State Government under sub-section (3) of Section 72;
  - (e) **“Board”** means the Arunachal Pradesh Unorganised Workers’ Social Security Board and the Arunachal Pradesh Building and Other Construction Workers’ Welfare Board and such other Boards as may be constituted under the provisions of the Code on Social Security 2020, by the government;
  - (f) **“Career Centre”** means the Career Centre as notified by the State Government of Arunachal Pradesh as having jurisdiction;
    - (i) Over the area in which the establishments concerned are situated; or
    - (ii) Over specified classes or categories of establishments concerned or vacancies.
    - (iii) Private Sector establishments.
  - (g) **“Cess Collector”** means the Labour Officer notified by the Government of Arunachal Pradesh for collection of Cess under the Code;
  - (h) **“Chairperson”** means the Chairperson of the Corporation, the State Social Security Board, the State Building and Other Construction Workers’ Welfare Board, the State Unorganised Workers’ Board, the State Advisory Board, the Standing Committee, the Medical Benefit Committee, the Executive Committee or any other Board/ Committee, as the case may be;
  - (i) **“Chartered Engineer”** means a person having an engineering degree and the corporate membership of Institute of Engineers India;
  - (j) **“Code”** means the Code on Social Security, 2020 (36 of 2020);
  - (k) **“Electronically”** means any information submitted by email or any other electronic medium or uploading on the designated portal or digital payment in any mode for the purpose of the Code;

- (l) **“Excluded vacancies”** means those vacancies which have been excluded from the purview of the Section 139 as per the provisions of sub-sections (1) and (2) of Section 140;
- (m) **“Form”** means a form appended to these Rules;
- (n) **“Fund”** means the Arunachal Pradesh Building and Other Construction Workers’ Welfare Fund and the Arunachal Pradesh Social Security Fund and any other Social Security Fund, as the case may be ;
- (o) **“Government Securities”** means Government Securities as defined in the Government Securities Act, 2006 (38 of 2006);
- (p) **“Immovable Property”** includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (q) **“Movable Property”** means property of every description except immovable property;
- (r) **“Nodal Officer”** means the Labour Officer of the State Government to facilitate the registration, renewal and updating electronically or otherwise or any such other function of Building and Other Construction Workers working in the Private Sector, State Government, Central Government and Public Sector Undertakings of the Central or the State Governments or local authority.
- The Nodal officer shall also supervise and monitor functions of the Beneficiary Registering Officers designated by the Arunachal Pradesh Building and Other Construction Workers’ Welfare Board and any such other Social Security Boards constituted under the provisions of the Code on Social Security 2020, by the government;
- (s) **“Nomination”** means nomination made under Section 55 of the code;
- (t) **“Registered Medical Practitioner”** means a person as defined under sub-section 44 of Section 2 of the Code on Social Security,2020.
- (u) **“Register of Women Employees”** means a register of women employees maintained under Rule 79(1).
- (v) **“Schedule”** means the schedule appended to the Code;
- (w) **“Section”** means a Section of the Code;
- (x) **“Shram Suvidha Portal”** means the portal of Ministry of Labour and Employment, Government of India;
- (y) **“Specified”** means specified by an order of the Central Government or the State Government or any officer so authorized by such Government;
- (z) **“State Government”** shall mean the Government of Arunachal Pradesh;
- (za) **“Year”** shall mean the financial year, that is to say, beginning from the first of April and ending with the thirty-first of March of the year following.
- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

## CHAPTER – II

### SOCIAL SECURITY ORGANISATIONS

#### PART – A : STATE SOCIAL SECURITY BOARD

***Manner of exercising the powers and performance of the functions by the State Social Security Board, the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies among the member of the Board and the time, place and rules of procedure relating to the transaction of business at its meeting under sub- section (9), (12) and (14) of Section 6 of the Code :***

3. (1) **Constitution of the State Social Security Board for Unorganised Workers:**

(a) The Board constituted under sub-section (9) of Section 6 shall be called as "**Arunachal Pradesh Unorganised Workers' Social Security Board**".

(b) (i) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his appointment.

*Provided that the members of the Board shall be deemed to have vacated their office on expiration of the period of the Board as specified in sub-section (13) of Section 6 of the Code.*

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

*Provided that a member shall not hold office for more than total of two terms.*

(iii) The disqualification and removal of a member shall be as per provisions under Section 8 of the Code. No person shall be chosen as, or continue to be, a member of the Board, if such person attracts any provision(s) of Section 8.

(iv) A member nominated under sub-clause (iii) of clause (d) of sub-section (10) of Section 6 shall cease to be a member of the Board if he/she ceases to be a Member of the Legislative Assembly.

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

*Provided that out of seven persons nominated under sub-clause (i), at least one member each from the Arunachal Pradesh Scheduled Tribe and Women shall be represented.*

(c) The Board shall consist of the following:

(i) The Minister of Labour and Employment, Government of Arunachal Pradesh shall be the Chairperson of the Board, *ex-officio*.

(ii) The Principal Secretary or Secretary of Labour Department, Government of Arunachal Pradesh shall be the Vice Chairperson, *ex-officio*.

(iii) The Labour Commissioner, Government of Arunachal Pradesh shall be the Member-Secretary *ex-officio*, of the Board.

(iv) The State Government shall seek nomination of one Member representing the Central Government in the Ministry of Labour and Employment under clause (c) of sub-section (10) of Section 6 of the code.

(v) The State Government shall seek nomination of two Members representing the Legislative Assembly of the State under sub clause (iii) of clause (d) of sub-section (10) of Section 6, as the case may be.

(vi) The State Government may seek nomination from amongst the representatives of unorganized workers and employers, in the State Social Security Board for Unorganised Workers, in the category of sub-clauses (i) and (ii) of clause (d) of sub – section (10) of Section 6.

(vii) The State Government shall nominate five persons under sub-clause (iv) of clause (d) of sub-section (10) of Section 6 from amongst persons of eminence in the field of labour welfare, management, finance, law and administration.

(viii) The State Government shall nominate ten Members under sub-clause (v) of clause (d) of sub-section (10) of Section 6 representing State Government Departments, concerned with the matters related to the welfare of the unorganized sector workers.

(2) **Manner of exercising the powers and performance of the functions of the Board :**

The Board, for discharging its functions as assigned to it, under sub-section (15) of Section 6, may for every matter taken into consideration, shall be considered at a meeting of the Board, or if the Chairperson so desires, by sending the necessary papers to every Member for opinion, and the matter shall be disposed in accordance with the decision of the majority ;

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

**(3) Reconstitution of the Board :**

- (a) The State Government shall initiate the process for reconstitution of the Arunachal Pradesh Unorganised Workers' Social Security Board, prior to six months of expiry of the term of the Board.
- (b) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging the functions of the Board as may be decided by the State Government by a notification for the period till the new Board is constituted.
- (c) Consequent upon institution of such arrangement, all actions taken shall have the same effect as if it has been carried out by the Board itself.

**(4) Resignation :**

- (a) A member of the Board, not being an ex-officio member, may resign by a letter in writing addressed to the State Government.
- (b) The seat of such a member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.
- (c) The power to accept the resignation of a member shall vest with the State Government.

**(5) Change of Address:** If a member changes his address, he shall notify his new address to the Member- Secretary of the Board who shall thereupon enter his new address in the official records.

*Provided that if a member fails to notify his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.*

**(6) Manner of Filling Vacancies:** When a vacancy occurs or is likely to occur in the membership of the Board, the Member Secretary of the Board shall submit a report to the State Government and on receipt of such report, the State Government may, by notification, nominate a person to fill the vacancy in the manner prescribed under sub-rules (1) of rule 3 above, and the person so nominated shall hold office, for the remainder of the term of office, of the member in whose place he is nominated.

**(7) Procedure for Removal of a Member from the Board :**

- (a) If the Government of Arunachal Pradesh or the Arunachal Pradesh Unorganised
  - (i) any member has incurred disqualification under Section 8; or
  - (ii) any member thereof representing employers or employees or Unorganised Workers as the case may be ceases to represent so; or
  - (iii) having regard to exigencies of circumstances or services in such Government, the member thereof representing such Government cannot continue to represent, then such Government, may by order, remove such member from his office.

*Provided that, no person shall be removed under clause (i) and (ii) above, unless that person has been given an opportunity to show cause as to why he should not be removed.*

- (b) During the pendency of the proceedings, if any, under clauses (b) and (c) of sub-section (2) of Section 8, for removal of a member of the Arunachal Pradesh Unorganised Workers' Social Security Board, such member shall abstain from the meeting(s) of the Board.
- (c) The decision of the State Government, on the debarment, disqualification and removal of any member under section 8, shall be final.

**(8) Meetings, Notice of Meetings and List of Business:**

- (a) The Board shall meet at such places and at such times as may be decided by the Chairperson and it shall meet at least once in a quarter.
- (b) The Chairperson shall preside over every meeting in which he is present and in his absence, the Vice Chairman shall preside over such a meeting.
- (c) Ordinarily, two weeks' notice shall be given to the members, of a proposed meeting.
- (d) No business except as included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson.
- (e) The Chairperson may at any time call for a special meeting of the Board in case of an emergency, after informing the members at least three days in advance about the subject matter of discussion and the reasons of urgency.
- (f) The Government of Arunachal Pradesh may by order remove a Member, other than the ex-officio members, if he absents himself from more than three consecutive meetings of the Board without obtaining leave of absence from the Chairperson.

*Provided no member shall be removed from office without having been given a reasonable opportunity of being heard.*

- (9) **Quorum** : No business shall be transacted unless at least ten members are present in that meeting.

*Provided that if at a meeting the quorum is not fulfilled, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that it is proposed to dispose of the business at such adjourned meeting, irrespective of the number of members present or attending, and it shall thereupon be lawful to dispose of the business.*

**(10) Allowances of the Members :**

- (a) The travelling allowance of an official member shall be governed by the rules applicable to him for journey performed on official duty and shall be paid by the concerned authority paying his salary.
- (b) Every non-official member shall be paid by the Board a sitting fee of Rupees Two Thousand only and travelling allowance at the rate admissible to a Group – A officer with Grade Pay –Rs. 5400, of the State Government.

**4. Constitution, Terms and Conditions of State Advisory Committee :**

- (1) The State Unorganized Workers Advisory Committee (hereinafter referred to as the State Advisory Committee) under sub-section (16) of Section 6 of the Code shall consist of the following members, namely : -

- (a) The Minister of Labour and Employment, Government of Arunachal Pradesh shall be the ex-officio Chairperson of the State Unorganized Workers Advisory Committee.
- (b) Secretary (Labour), Government of Arunachal Pradesh – Member.
- (c) Labour Commissioner, Government of Arunachal Pradesh – Member.
- (d) Three members representing employers;
- (e) Three members representing unorganized workers out of whom at least one shall be women;
- (f) One social worker nominated by the Government;
- (g) One member representing Accidents Insurance Institutions to be nominated by the Government.

**(2) Term of Office :**

- (a) The members shall hold office for a period of three years commencing from the date on which their appointment is notified in the official gazette;

*Provided that, where the appointment of the successor of any such member has not been notified in the official gazette on or before the expiry of the said period of three years such member shall, notwithstanding the expiry of the period of his office, continue to hold such office until the appointment of his successor is notified in the official gazette.*

(b) The State Advisory Committee shall be reconstituted after every three years.

**(3) Resignation of Member :**

(a) A member of the State Advisory Committee, not being an ex-officio member, may resign his office by a letter in writing addressed to the Government through the Secretary of the Labour Department with information to the Chairperson of such Committee.

(b) The office of such member shall fall vacant from the date on which his resignation is accepted by the Government or on the expiry of thirty days from the date of receipt of the letter of resignation by the Government, whichever is earlier.

**(4) Disqualification from Membership :**

(a) A person shall be disqualified for being a member of the State Advisory Committee:

(i) if he is of unsound mind and stand so declared by a competent court;

(ii) if he is an undischarged insolvent; or

(iii) if he has been convicted of an offence which, in the opinion of the Government, involves moral turpitude,

(b) Where a question arises as to whether a disqualification has been incurred under sub-rule (4) (a), the State Government shall decide the same and its decision shall be final.

**(5) Cessation of Membership :** If any member of the State Advisory Committee, not being an ex-officio member, fails to attend three consecutive meeting of the committee, without obtaining the leave of the Chairperson for such absence, he shall cease to be a member of the Committee.

*Provided that the Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meeting, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Committee.*

**(6) Removal from Membership :** The Government may remove from office any member of the State Advisory Committee, if in its opinion such member has ceased to represent the interest which he purports to represent on such committee.

*Provided that no such member shall be removed unless a reasonable opportunity is given to him for making a representation against the proposed action under this rule.*

**(7) Manner of filling Vacancies :** When a vacancy occurs or is likely to occur in the membership of the State Advisory Committee, the Chairperson of such Committee shall submit a report to the Government and on receipt of such report, the Government shall take steps to fill the vacancy by making an appointment from amongst the category of persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

**(8) Staff of State Advisory Committee :**

(a) The State Government Shall appoint such other staff, being in the service of the State Government, as it may think necessary, to enable such Committee to carry out its functions;

(b) The remuneration payable to such staff shall be such as may be decided by the Government from time to time.

- (c) The Officers of the Labour Department
- (i) shall assist the Chairperson of such Committee in convening meetings of the Committee;
  - (ii) shall keep a record of the minutes of the meeting of such Committee;
  - (iii) shall take necessary measures to carry out the decisions taken at the meeting of such Committee.
- (9) **Allowances of Members :**
- (a) The traveling allowances of an official member of the State Advisory Committee shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.
  - (b) The non-official members of the State Advisory Committee shall be paid traveling allowances for attending the meeting of such committee at such rate as are admissible to a Group – 'A' officer of the Government, and the traveling and daily allowance shall be calculated at the rate admissible to such officer with Grade Pay– Rs. 5400(Pay Level 10).
- (10) **Disposal of Business :**
- (a) Every matter which the State Advisory Committee is required to take into consideration shall be considered at a meeting of that Committee, or if the Chairperson so directs, by sending the necessary paper to every members for opinion, and the matter shall be disposed of in accordance with the decision of the majority;  
*Provided that where there is no opinion of majority on a matter and the members of such committee are equally divided, the Chairperson shall have a second or casting vote.*
  - (b) No act or proceeding of the State Advisory Committee shall be invalid merely for reason of any vacancy in or any defects in constitution of the committee.
- (11) **Meeting :**
- (a) The State Advisory Committee shall meet at such places and at such time as may be decided by the Chairperson,
  - (b) The Chairperson shall preside over every meeting of the Committee in which he is present and in his absence, Secretary (Labour) will preside over such a meeting.
- (12) **Notice of Meeting and list of Business :**
- (a) Ordinarily, two weeks notice shall be given to the member of the State Advisory Committee of a proposed meeting;  
*Provided that the Chairperson of such committee, if he is satisfied that it is expedient to do so, may give notice of shorter period of not less than three days for such meeting.*
  - (b) No business except which is included in the list of business for a meeting of such Committee shall be considered at such meeting without the permission of the Chairperson of the Committee.
- (13) **Quorum :** No business shall be transacted at any meeting of the State Advisory Committee unless at least four members of such committee are present in that meeting;  
*Provided that, if at any meeting of such Committee, less than four members are present, the Chairperson of such committee may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the numbers of members attending.*



**PART – B : STATE BUILDING & OTHER CONSTRUCTION WORKERS' WELFARE BOARD**

***Constitution, composition, terms and conditions of the Arunachal Pradesh Building and Other Construction Workers' Welfare Board under sub-section (3), terms and conditions of appointment, salaries and allowances under sub-sections (4) and (5) (c) and schemes and benefits under sub-section (6) of Section 7 of the Code on Social Security, 2020.***

**5. Arunachal Pradesh Building and Other Construction Workers' Welfare Board :****(1) The Board shall consist of following Members:**

- (a) The Chairperson of the Board shall be nominated by the Government of Arunachal Pradesh.
- (b) One member of the Board will be nominated by the Central Government.
- (c) Four members representing Government of Arunachal Pradesh of which one member each shall be from the Law and Finance Departments, and two members shall be from the Labour Department not below the rank of Assistant Labour Commissioner.
- (d) Four members from amongst the registered building and other construction workers of which at least one member shall be a woman.
- (e) Four members representing the employers of building and other construction workers.
- (f) The Board shall, with the concurrence of the Government of Arunachal Pradesh, appoint an Officer from Labour & Employment Department, Government of Arunachal Pradesh not below the rank of Labour Commissioner as Secretary of the Board.

**(2) The Term of Office of Non-official Members of the Board :**

- (a) The term of office of the Chairperson and the non-official members shall be of (3) three years from the date of their appointment. However, no person shall be appointed or nominated for more than a total of two terms whether as non-official member or Chairperson.
- (b) The non-official member shall be removed by the State Government from the Board if he ceases to represent the purported interest for which he was appointed or if such person attracts any provision(s) of Section 8 of the Code.

**(3) Change of Address :**

If the Chairperson or a member changes his address, he shall notify his new address to the Secretary of the Board who shall thereupon enter the new address in the official records.

*Provided that if the Chairperson or a member fails to notify his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.*

**(4) Resignation :**

- (a) A Chairperson or a member of the Board, not being an ex-officio member, may resign by a letter in writing, addressed to the State Government.
- (b) The seat of Chairperson or such a member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.
- (c) The power to accept the resignation of Chairperson or a member shall vest with the State Government.

**(5) Procedure for removal of Chairperson or a Member :**

- (a) The Government of Arunachal Pradesh may remove the Chairperson or a Member of Arunachal Pradesh Building and Other Construction Workers' Welfare Board from his office, who
- (i) is or has become subject to any disqualifications mentioned in sub-section (1) of Section 8 of the Code; or
  - (ii) is absent without leave of the Board of which he is Chairperson or a member for more than three consecutive meetings of the Board; or
  - (iii) in the opinion of the State Government, has abused the position of his office as to render Chairperson or that member's continuation in office detrimental to the public interest or is otherwise unfit or unsuitable to continue as Chairman or such member in the opinion of the State Government;
  - (iv) representing employers or the employees, as case may be, ceases to adequately represent so; or
  - (v) representing the State Government cannot continue to represent such government, having regard to the exigencies of circumstances or services in State Government;

Provided that no person shall be removed under sub-clauses (ii),(iii) and (iv), unless that person has been given an opportunity to show cause as to why he should not be removed.

- (b) During the pendency of the proceedings under sub-causes (ii) and (iii) of clause (a) above for removal of the Chairperson or member, such Chairperson or member shall abstain from the meeting(s) of the Board.

**(6) Filling up of Casual Vacancies:**

- (a) Any member, inclusive of the Chairperson, appointed to fill a casual vacancy shall hold office, for the remainder of the term of office, of the member in whose place he is nominated.
- (b) When a vacancy occurs or is likely to occur in the membership of the Board, the Secretary of the Board shall submit a report to the State Government and on receipt of such report, the State Government may, by notification, nominate a person to fill the vacancy, and the person so nominated shall hold office, for the remainder of the term of office, of the Chairperson/ member in whose place he is nominated.

**(7) Reconstitution of the Board :**

- (a) The State Government shall initiate the process for reconstitution of the Arunachal Pradesh Building & Other Construction Workers' Welfare Board, prior to six months of expiry of the term of the Board or on supersession of the Board as the case may be.
- (b) If the new Board is not re-constituted after completion of the term of the Board or on supersession of the Board, such arrangements may be made for discharging and functions of the Board as may be decided by the State Government by a notification for the period till the new Board is constituted.
- (c) Consequent upon institution of such arrangement, all actions taken shall have the same effect as if such actions were carried out by the Board itself.

*Provided that such interim arrangement shall not exceed a period of six months, after the due date by which the new Board should have been re-constituted or six months after the supersession of the Board, as the case may be.*

**(8) Manner of exercising the powers and performance of the functions of the Board :**

Every matter to be taken into consideration, shall be considered at a meeting of the Board, or if the Chairperson so desires, by sending the necessary papers to every member for opinion, and the matter shall be disposed in accordance with the decision of the majority ;

- (9) **Quorum :** No business shall be transacted at any meeting of the Board unless a minimum of six members are present.

**(10) Meetings, Notice of meetings and List of Business :**

- (a) The Board shall meet at such places and at such times and it shall meet at least once in a quarter.

*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 meeting by issuing a notice giving 14 days' time.*

- (b) The Chairperson shall preside over every meeting in which he is present and in his absence, the member nominated by him shall preside over such a meeting. In the absence of such nomination by the Chairperson, the members present in such a meeting may choose from amongst themselves a member to preside over the meeting.
- (c) Ordinarily, two week notice shall be given to the members, of a proposed meeting.
- (d) No business, except as included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson.
- (e) The Chairperson may at any time call for a special meeting of the Board in case of an emergency, after informing the members at least three days in advance about the subject matter of discussion.
- (f) 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.

**(11) Transaction of Business :**

- (a) Every question considered at a meeting of the Board, shall be decided by a majority of the votes of the members present and voting, and in the event of any equality of votes, the Chairperson shall have a casting vote.
- (b) If the Chairperson or any member of the Board, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any matter coming up for consideration of the Board or a Committee thereof, then he shall, as soon as may be possible after such fact of interest has come to his knowledge, disclose the nature of the interest and such disclosure shall be recorded in the proceedings of the Board and such Chairperson or member, shall not take part in any proceeding or decision of the Board or a Committee thereof relating to that matter.

**(12) Minutes of the meetings :**

- (a) Every decision taken at a meeting of the Board shall be recorded in a *Minutes' Book* and signed by the Chairperson. The *Minutes' Book* shall be a permanent record of the Board.
- (b) Every decision of the Board will be assigned a resolution number. The decision and the corresponding agenda items will be kept as a permanent record.

**(13) Fees and allowances :**

- (a) Every non-official member of the Board shall be paid a sitting fee of Rs. 2500 (rupees two thousand five hundred) or any such amount as may be fixed by the Government from time to time, for attending a meeting of the Board.
- (b) Every non-official member shall be paid traveling allowance and daily allowance for attending the meeting of the Board at such rates as admissible to a Group 'A' officer of the state government, with Grade Pay of Rs.5400 (Pay Level 10).
- (c) The traveling allowance and daily allowance of an official member shall be governed by the rules applicable to him for journey performed on official duties and shall be paid by the Board.

**6. The Arunachal Pradesh Building and Other Construction Workers' Welfare Fund :**

- (1) The Board shall constitute a fund by the name "**The Arunachal Pradesh Building and Other Construction Workers' Welfare Fund**" in accordance with the provision of sub-section (1) of Section 108 of the Code.

- (2) The Fund will be utilised in accordance to the sub-sections (2) and (3) of the Section 108 of the Code.
- (3) The cess amount deposited with the State Government, if any, shall be transmitted by the State Government to the Board within thirty days of its receipt by the Government.

**7. Powers, duties and functions of the Board :** The Board shall be responsible for :

- (1) Performing all functions enumerated under sub-section (6) of Section 7 of the Code.
- (2) All matters connected with the administration of the Fund.
- (3) Laying down of policies for maintaining separate Accounts on various deposits, and policies on securities and assets of the Fund.
- (4) Submission of Annual Budget to government for approval.
- (5) Submission of Annual Report on the activities of the Board to the State Government for information.
- (6) Proper maintenance of accounts and books of records of the Board.
- (7) Annual audit of accounts of the Board in accordance with the provisions of the Code.
- (8) Collection of contribution and other charges to the Fund.
- (9) Launching of prosecutions for and on behalf of the Board.
- (10) Speedy settlement of claims and sanction of other benefits.
- (11) Proper and timely recovery of any amount due to the Board.
- (12) The Board shall furnish information to government on such matters as the government may, from time to time, require.

**8. Appointment, Power and Functions of Secretary and other Officers of the Board :**

- (1) The Secretary of the Board shall be the Chief Executive Officer of the Board.
- (2) The Government of Arunachal Pradesh shall be the Posting Authority/Assigning Authority in respect of the Government Officers/Staff to the Board.
- (3) The Government of Arunachal Pradesh shall post the following officers/staff to the Board :
  - (i) an officer from the Labour Department not below the rank of the Labour Commissioner, as Secretary of the Board,
  - (ii) an officer from the Labour Department not below the rank of the Assistant Labour Commissioner, as Joint Secretary of the Board,
  - (iv) as many officers from the Labour Department, not below the rank of Labour Officer as the Administrative Officer or the Officer on Special Duty etc. to discharge duties and functions assigned under the Code and these Rules,
  - (iv) a Finance and Accounts Officer of the Board from the officers of Arunachal Pradesh Labour Services or from the Finance and Account Services,
  - (v) an Accountant –cum-Cashier of the Board from the Labour Department not below the rank of Upper Division Clerk/Assistant and
  - (vi) from Labour Department or on deputation, such other staff or employees as it considers necessary to assist the Board in the efficient discharge of its functions.

- (4) The State Government may, delegate its powers to the Secretary and other officers of the Board, to enable the Board to carry out its functions efficiently and timely.
  - (5) The Secretary of the Board shall, with the approval of the Chairperson, issue notice to convene meeting of the Board and keep the record of the minutes and other records of the Board and shall take necessary steps for carrying out the decisions of the Board.
9. **Administrative and Financial powers of the Secretary :**
- (1) The Secretary of the Board, being the Chief Executive Officer, of the Board shall have the power to conduct the day-to-day administration of the Board subject to the provisions of the Code, these Rules and the directions of the State Government.
  - (2) The Secretary of the Board shall have full administrative and disciplinary powers over the officers and staffs of the Board.
  - (3) The Secretary of the Board shall have the power to allocate official responsibilities and duties to the officers and staff or employees of the Board.
  - (4) The Secretary of the Board shall have powers of administrative approval and expenditure sanction of up to Rupees 2.5 crores (rupees two crores fifty lakhs) only for statutory benefits to the beneficiaries.
  - (5) For direction and administration, the administrative approval for expenditure sanction shall be as per Annexure-C of the delegation of powers vide OM No. FIN/E-13/86(Pt) 347 dated-Itanagar the 22nd of February 2016 or as may be prescribed by the Government of Arunachal Pradesh from time to time.
10. **Investment of amount :** All moneys belonging to the Board shall be invested in the Nationalized Banks or Scheduled Banks or in the Securities referred to in clauses (a) to (d) of Section 20 of the Indian Trust Act, 1882 (Central Act 2 of 1882).
11. **Opening of Headquarter and District Offices :** The Board may, with the approval of State Government, open field offices as it may consider desirable for the purpose of registration of beneficiaries and implementing the welfare schemes under the Code and Rules.
- (1) The Board shall appoint other employees or staffs on contract basis, subject to the budget proposals approved by the State Government.
  - (2) Term of Contract engagement of an employee shall be for one year only and renewable subject to the condition of satisfactory performance appraisal from the concerned Nodal Officer or Controlling Officer.
  - (3) The services of the contract employee can be terminated at any time as per terms and conditions prescribed in the contract agreement.
  - (4) The employees or staff of the Board, deployed in the field offices, shall work as per the work assigned to them by the Secretary of the Board.
  - (5) The wages of the contract employees shall be in fixed pay or wages which shall be at the rate as may be fixed by the Board, on such contract agreement.
  - (6) The cadre and numerical strength and the method of recruitment of the contractual posts in the Board shall be decided by the Board, on the grounds of exigencies of work.
12. **Expenditure from the Fund :**
- (1) All Statutory Benefits to the beneficiaries will be paid from the Fund.
  - (2) All expenses for the administration of the Fund, fees and allowances of the Board members including the Secretary and other officers and staff of the Board, salaries and other allowances, compensatory allowance, pension contribution and other expenses for the legitimate needs of the Board, including awareness schemes or campaigns and the stationary expenses, shall be met from Administrative Account of the Fund within the limit of five percent of the total budget for that financial year.
13. **Execution of contract :**
- All orders and other instruments shall be made and executed in the name of the Board and shall be authenticated by such officer as the Board may specify.

**14. Maintenance of Audit and Accounts :**

- (1) All receipts and expenses including the administrative expenses, interest, rent and other income realized and all profits or losses if any, on the investment shall be credited or debited, as the case may be, to the account of the Board;
- (2) The Secretary of the Board or any other officer authorized by him shall submit a statement to the Government, as specified in Rule 16, an annual report appending a classified statement of the assets and the Fund of the Board.
- (3) The accounts of the Board shall be prepared and maintained by the Finance and Accounts Officer of the Board and shall be audited by the Auditors once a year as prescribed under **Section 116 of the Code.**

**15. Budget of the Board :**

- (1) The budget estimate for every financial year shall be prepared and laid before the Board on or before the 31st day of January of the preceding financial year and after it is approved by the Board, the same shall be forwarded to the State Government for approval within ten days after its approval by the Board.
- (2) The State Government shall approve the budget by the end of February of the preceding year, after making such amendments and alterations if any, as it considers necessary.
- (3) The budget amended or altered and approved shall constitute the budget of the Board for the financial year and shall be issued under the seal of the Board and signed by the officers of the Board duly authorized in this behalf.
- (4) Any re-appropriation and diversion of funds thereof, within the approved budget limits shall be permitted under justifiable conditions with the approval of the Board.
- (5) The budgetary provision for Administrative Expenses, in reference to Section 108 (3) of the Code, shall not exceed five percent of the total expenses during that financial year.
- (6) The welfare Board will follow all the guidelines/instructions issued by the Government of India and Government of Arunachal Pradesh, from time to time.

**16. Annual report of Board :** The Board shall submit to the State Government and the Central Government as soon as may be after the 30<sup>th</sup> of April every year and not later than 31<sup>st</sup> day of May an Annual Report in **Form – I** on the working of the Board during the preceding year ending on 31<sup>st</sup> March of the year along with audited copy of Accounts together with an Auditor's report.

**17. Registration and Cessation of beneficiaries :**

The registration and cessation of Building and Other Construction Workers as beneficiaries shall be in accordance with Sections 106 and Section 107 of the Code.

**18. Recovery of arrears :**

If any amount due from an employer or a member is in arrears, the same shall be recovered in the manner specified in Sections 129, 130, 131 and 132 of the Code by the Authorized Officer or Recovery Officer, as the case may be.

**19. Refund of extra amount of Contribution of Deceased members:**

On the death of a registered worker, the amount of contribution standing in the credit of the beneficiary, prior to the enactment of these rules, shall be given to his nominee. In the absence of a nominee, the amount shall be paid to his legal heir.

**20. Benefits under sub-section (6) (c), (d) and (e) of Section 7 of the Code:****(1) Group Insurance Scheme {clause (c) of sub-section (6) of Section 7} :**

- (a) The Board shall pay such amount of premium of Group Insurance Scheme for the beneficiary in accordance with the detailed policy framed by the State Government regarding the insurance of the registered Building and Other Construction Workers.
- (b) An application to the authorised officer, in **Form – II** shall be submitted with such information and documents and within such time as may be specified by the government.

**(2) Financial Assistance for Educational Expenses {clause (d) of sub-section 6 of Section 7} :**

- (a) An application to the Authorised Officer, relating to grant of financial assistance for educational expenses of the children of the registered beneficiaries, up to twenty-one years of age, in **Form – II** shall be submitted with such other documents and within such time as may be specified by the Board.
- (b) The financial assistance on account of educational expenses of the children of the registered beneficiaries shall be restricted and available to the regular students only, up to twenty-one years of age of the child.
- (c) The Board shall institute, every year, a minimum financial assistance for educational expenses of the children of the registered beneficiaries, at the rates per child per annum, as given in Schedule I. The Board may revise the rates annually after getting them approved by the State Government in the Budget of the Board.

**(3) Medical Expenses for Major Ailments {Clause (e) of sub-section (6) of Section 7} :**

- (a) The Board may sanction financial assistance to the registered beneficiaries of the Board or their dependents for the treatment of major ailments like – cancer, renal failure, cardiac diseases, major surgeries, organ transplant or such other major ailments as may be specified by the State Government, from time to time.
- (b) An application to the Authorised Officer, in **Form – II** shall be submitted with such other documents as may be specified by the Board.
- (c) Such amount sanctioned for actual medical expenses shall be subject to a maximum limit of Rupees Five lakhs only or the actual expenses incurred on medicine, surgery and hospitalization, whichever is less, in a financial year.
- (d) The Board shall decide such claims within a period of thirty days from the date of submission of complete application to the Authorised Officer of the Board.

**21. Supersession of the Boards :**

- (1) If the Government of Arunachal Pradesh is of the opinion that the Arunachal Pradesh Unorganised Workers' Social Security Board or the Arunachal Pradesh Building and Other Construction workers' Welfare Board is unable to perform its functions or has persistently made delay in the discharge of its functions or has exceeded or abused its powers or jurisdiction, then such Government may, by notification supersede the Arunachal Pradesh Unorganised Workers' Social Security Board or the Arunachal Pradesh Building and Other Construction workers' Welfare Board, as the case may be, and reconstitute it in the manner as specified in sub-rule (3) of Rule 3 for Arunachal Pradesh Unorganised Workers' Social Security Board or in sub-rule 7 of Rule 5 for Arunachal Pradesh Building and Other Construction workers' Welfare Board as the case may be.

Provided that before issuing a notification under this sub-rules on any of the grounds, the Arunachal Pradesh Unorganised Workers' Social Security Board or the Arunachal Pradesh Building and Other Construction workers' Welfare Board, as the case may be, shall be given an opportunity to show cause.

- (2) The State Government shall cause, a full report of any action taken by it under this Rule, and the circumstances leading to such action, to be laid before the State Legislature, at the earliest opportunity and in any case not later than three months from the date of notification of supersession under sub-rule (1).

**22. Constitution, Terms and Conditions of State Advisory Committee :**

- (1) **The State Building and Other Construction Workers' Advisory Committee** (hereinafter referred to as the State Advisory Committee) under sub-section (7) of Section 7 of the Code shall consist of the following members, namely: -

- (a) The Minister of Labour and Employment Government of Arunachal Pradesh, shall be the ex-officio Chairperson of the Arunachal Pradesh State Building and Other Construction Workers' Advisory Committee.
- (b) Four members representing employers of building and other construction workers;
- (c) Four members representing building and other construction workers out of whom one shall be women;
- (d) One social workers nominated by the Government;
- (e) One member representing Architects/Engineers nominated by the Government;
- (f) One member representing Accidents Insurance Institutions to be nominated by the Government.
- (2) **Term of Office :**
- (a) The members of the State Advisory Committee shall hold office for a period of three years commencing from the date on which their appointment is notified in the official gazette;
- Provided that where the appointment of the successor of any such member has not been notified in the official gazette on or before the expiry of the said period of three years such member shall, notwithstanding the expiry of the period of his office, continue to hold such office until the appointment of his successor is notified in the official gazette.*
- (b) The State Advisory Committee shall be reconstituted after every three years.
- (3) **Resignation :**
- (a) A member of the State Advisory Committee, not being an ex-officio member, may resign his office by a letter in writing addressed to the Government through the Secretary of the Labour Department with information to the Chairperson of such Committee.
- (b) The office of such member shall fall vacant from the date on which his resignation is accepted by the Government or on the expiry of thirty days from the date of receipt of the letter of resignation by the Government, whichever is earlier.
- (4) **Cessation of Membership :**
- If any member of the State Advisory Committee, not being an *ex-officio* member, fails to attend three consecutive meeting of the Committee, without obtaining the leave of the Chairperson for such absence, he shall cease to be a member of the Committee.
- Provided that the Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meeting, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of the Committee.*
- (5) **Disqualification from Membership :**
- (a) A person shall be disqualified for being a member of the State Advisory Committee: -
- (i) if he is of unsound mind and stand so declared by a competent court;
  - (ii) if he is an undercharged insolvent; or
  - (iii) if he has been convicted of an offence which, in the opinion of the Government, involves moral turpitude,
- (b) Where a question arises as to whether a disqualification has been incurred under sub-rule (5) (a), the State Government shall decide the same and its decision shall be final.
- (6) **Removal from Membership :**
- The Government may remove from office any member of the State Advisory Committee, if in its opinion such member has ceased to represent the interest which he purports to represent on such committee.



*Provided that no such member shall be removed unless a reasonable opportunity is given to him for making a representation against the proposed action under this rule.*

**(7) Manner of filling Vacancies :**

When a vacancy occurs or is likely to occur in the membership of the State Advisory Committee, the Chairperson of such Committee shall submit a report to the Government and on receipt of such report, the Government shall take steps to fill the vacancy by making an appointment from amongst the category of persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

**(8) Staff of State Advisory Committee :**

(a) The Secretary of the Arunachal Pradesh Building and Other Construction Workers' Welfare Board shall be the Secretary to the State Advisory Committee .The Board shall assign to its officers and staff the work of Committee to enable Advisory Committee to carry out its functions;

(b) The Secretary of the State Advisory Committee :

(i) shall assist the Chairperson of such Committee in convening meetings of the Committee;

(ii) shall keep a record of the minutes of the meeting of such Committee;

(iii) shall take necessary measures to carry out the decisions taken at the meeting of such Committee.

**(9) Allowances of Members :**

(a) The traveling allowances of an official member of the State Advisory Committee shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(b) The non-official members of the State Advisory Committee shall be paid traveling allowances for attending the meeting of such committee at such rate as are admissible to a Group – 'A' officer with Grade Pay – Rs. 5400/-(Level 10), of the State Government and the daily allowance shall be calculated at the maximum rate admissible to such officer.

**(10) Disposal of Business :**

(a) Every matter which the State Advisory Committee is required to take into consideration shall be considered at a meeting of that Committee, or if the Chairperson so directs, by sending the necessary papers to every members for opinion, and the matter shall be disposed of in accordance with the decision of the majority;

*Provided that where there is no opinion of majority on a matter and the members of such committee are equally divided, the Chairperson of such committees shall have a casting vote.*

(b) No act or proceeding of the State Advisory Committee shall be invalid merely for reason of any vacancy in or any defects in constitution of the committee.

**(11) Meeting :**

(a) The State Advisory Committee shall meet at such places and at such time as may be decided by the Chairperson and it shall meet at least once in six months;

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

**(12) Notice of Meeting and list of Business :**

(a) Ordinarily, two weeks' notice shall be given to the member of the State Advisory Committee of a proposed meeting;

- (b) No business except which is included in the list of business for a meeting of such Committee shall be considered at such meeting without the permission of the Chairperson of the Committee.
- (13) **Quorum** : No business shall be transacted at any meeting of the State Advisory Committee unless at least four members of such committee are present in that meeting;

*Provided that if at any meeting of such committee less than four members are present, the Chairperson of such committee may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the numbers of members attending.*

### CHAPTER – III

#### EMPLOYEES INSURANCE COURT

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

23. **Constitution of Presiding Officer of Industrial Tribunal as an Employees Insurance Court:**

- (1) The Government of Arunachal Pradesh may appoint the Presiding Officer of the State Industrial Tribunal constituted under Industrial Relations Code as an Employees Insurance Court for the territorial jurisdiction of Arunachal Pradesh and such Presiding Officer shall thereupon discharge the functions of the Employees Insurance Court in addition to his own duties.
- (2) Fixing of time of sitting :
  - (a) The Court shall appoint the time and place at which it shall sit for conducting proceedings under the provisions of this Code ;
  - (b) The Court shall publicize the timing and place, so fixed, well in advance for the convenience of stake holders.
- (3) The Court shall be subject to the administrative control and superintendence of the High Court and shall:
  - (a) Keep such registers, books and accounts as the High Court may, from time to time, direct ;
  - (b) Comply with such requisitions as may be made by the High Court or the Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs ; and
  - (c) The Court shall keep a seal of such size, dimensions and design as the Government may direct.

24. **Right to File Second Appeal :**

The Insured person or the Corporation may appeal to the Employees Insurance Court by presenting an application in **Form – III**, within 90 days of the date of communication of decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be.

*Provided that the Employees Insurance Court may entertain an application after the period of 90 days, if it is satisfied that the appellant has sufficient reason for not presenting the application within the said period.*

25. **Application :**

- (1) Every proceeding under Section 49 of the Code shall be instituted by the presentation of an application to the court

- (2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.
- (3) The court may summarily reject an application, if it is not in accordance with sub-rule (2) of Rule 25.
- (4) (a) The proceedings before an Employees Insurance Court shall be commenced by an application;
- (b) Such application presented in **Form – IV**, shall be duly stamped in accordance with these rules, and shall contain the following particulars:
  - (i) The name of the Court in which the application is brought ;
  - (ii) The full name including the father's name, description including age, occupation and place of residence of the applicant ;
  - (iii) The full name including the father's name, description including age, occupation and place of residence of the opposite party as far as can be ascertained ;
  - (iv) Where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian ;
  - (v) The facts constituting the cause of action and the date when it arose ;
  - (vi) The facts showing that the court has jurisdiction ;
  - (vii) Particulars giving the address within the jurisdiction of the court at which notice or summons may be served on the applicant ; and
  - (viii) The relief which the applicant claims.

**26. Production of Documents :**

- (1) When any application is based upon a document, the document shall be appended to the application.
- (2) Any document, which any party desires to tender in evidence, shall be produced at or before the first hearing.
- (3) Any document which is not produced as specified in sub-rule (1) or (2), as the case may be, shall not, without the permission of the court, be admissible in evidence on behalf of the party who should have produced it.
- (4) All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in **Form – V**.
- (5) Nothing in this rule shall apply to any documents which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

**27. Register of Proceedings :**

All application shall be entered in a register in **Form – VI** called the Register of Proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

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

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

**29. Limitations :**

Every application to the court shall be brought within three years from the date on which the cause of action arose, or the claim became due, as the case may be;

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

**30. Applications presented to Wrong Court :**

- (1) Where, on receiving an application, it appears to the court that it should be presented to another court, it shall return to the applicant after endorsing upon it the dates of presentation and return, the reason for returning it and the name of the court to which it should be presented.
- (2) Where it appears to the court at any stage subsequent to the presentation of an application, that the application should have been presented to another court in the same state, the first mentioned court shall send the application to the court empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of application under Rule-31) accordingly.
- (3) The court to which an application is transferred under sub-rule (2) may continue the proceeding as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

**31. Issue of Summons :**

- (1) On receiving an application, the court shall ordinarily within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the "opposite party"), a summons in **Form – VII** and **Form - VIII** electronically or otherwise, as the case may be, to appear and answer the application on a day, not later than fifteen days from the date of issuance of such summons:

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

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

**32. Service of Summons or Notice :**

- (1) A summon or notice may, on payment of the required fee, be sent by the court by which it is issued, either by registered post or in such other manner as the court thinks fit.
- (2) Where the court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the court shall order summons or the notice to which served by publication in the leading newspapers or in any other mode as the court may think proper.
- (3) Where a summons or notice is served under sub-rule (2) the court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

**33. Addition of Matters at Summons :**

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

**34. Written Statement :**

- (1) The opposite party may, and, if so required by the court, shall, at or before the first hearing or within such time as the court may permit, present a written statement of his defense along with the documents on which he relies, and an accurate list thereof in **Form – V**.
- (2) Every such written statement shall be verified in the same manner as a pleading in a civil court and shall be accompanied by two copies thereof.

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

35. **Failure to present Written Statement called for by the Court :**

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

36. **Framing of issues :**

- (1) At the first hearing of the application, after the summons is served, the court shall, after considering the application and written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issue upon which the right decision appears to depend.
- (2) In recording the issues, the court shall distinguish between those issues which in its opinion concern points of facts and those which concern points of law.
- (3) The court may, in like manner, at any time before passing its final order, strike out from or in any way amend the issues on such terms as it may think fit.

37. **Order where parties are not at issue:**

Where at any hearing of the case it appears that the parties are not at issue on any question of law or a fact, the court may at once pronounce its final order.

38. **Appearance of parties and consequence of Non-Appearance:**

- (1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the court in person or as prescribed in sub-section (2) of Section 51 of the Code.
- (2) When neither party appears when the application is called on for hearing, the court may make an order that the application be dismissed.
- (3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the court shall make an order that the application be dismissed. However, if the opposite party admits the claim or part thereof in which case the court shall make an order against the opposite party upon such admissions and where only part of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.
- (4) Where the applicant appears and the opposite party after receiving the summons fails to appear when the application is called on for hearing, the court may proceed *ex parte*.
- (5) Where the application is wholly or partially dismissed under sub-rule (2) or (3) the applicant may within thirty days of such dismissal apply in **Form – IX** for an order to set the dismissal aside and the court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same :

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

- (6) In any application in which an *ex parte* order has been passed against the opposite party, he may within thirty days from the date of such order apply in **Form – IX** to the court which passed the order to set it aside and if the court is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, it shall after servicing notice thereof to the applicant in **Form – X** make an order

setting aside the order upon such terms as to costs or otherwise as it thinks fits or may proceed with the hearing of the case or appoint a day for proceeding with the same.

**39. Summoning of Witnesses :**

- (1) At any time after the framing of issues, the court may call upon the parties to produce their evidence in support of the issues.
- (2) The court may, on the application of either party, issue a summons in **Form – XI** to any witness directing him to attend or to produce any document.
- (3) The court may, before summoning any witness on application under sub-rule (2) require that his reasonable expenses to be incurred in attending the court, be deposited with it.

**40. Grant of Time and Adjournment of Hearing :**

- (1) The court may, if sufficient cause is shown, at any stage of the application, grant time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.
- (2) In every such adjournment, the court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the cost occasioned by the adjournment :

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

**41. Right to begin Proceedings :**

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

**42. Statement and Production of Evidence :**

- (1) On the day fixed for the hearing of the application or on any other day to which hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.
- (2) The other party shall then state his case and produce his evidence, if any, and may then address the court generally on the whole case.
- (3) The party beginning may then reply generally on the whole case.

**43. Method of Recording Evidence :**

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

**44. Recall of Witness :**

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

**45. Inspections by Court :**

The court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

**46. Pronouncement of Order:**

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

**47. Signing of Order :**

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

**48. Statement of Decision on each Issue :**

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

**49. Compromise of Suit :**

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

**50. Finality of Order :**

Save as provided in Section 52, the order of a court shall be final and binding upon the parties.

**51. Costs :**

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

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

**52. Contents of the Decree :**

(1) A decree in **Form – XII** shall be prepared in conformity with the order made by the court; it shall contain the number of application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceedings.

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

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

**53. Certified copies of Order, Decree, etc. to be furnished :**

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

(2) If any party required copies of any order, decree or any other matter on record made by or furnished to the court, as the case may be, to be supplied to him within 48 hours of the submission of an application therefor to the court, he shall pay an additional fee of ten rupees per page of each such copy.

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished by the court, as the case may be, after the expiry of the 12 months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of ten rupees per page.

**54. Execution :**

(1) Any person in whose favour an order has been passed shall, within one year from the date of the order, apply in **Form – XIII** to the court which made the order for its execution.

- (2) An order of the Employees Insurance Court shall be enforceable by it as if it were a decree passed in a suit by a Civil Court.

**55. Fees :**

- (1) The fee payable on an application in respect of any matter referred in Section 49 shall be Rs.200 (Rupees Two hundred) only.
- (2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the court under these rules shall be Rs.200 (Rupees Two hundred) only.

*Provided that the fee for an application for obtaining a copy of translation of any document or record or statement order or decree presented to or made before or by the court, as the case may be, shall be Rupees Ten only per page.*

- (3) The fee for copies of any document or record, or statement or order or decree shall be Rupees Ten only per page.
- (4) The fee for any authorization for the appearance of any person under sub-section (2) Section 51 on behalf of any of the parties in a case shall be Rupees Ten only
- (5) The fee for filing certified copies of any document in the court shall be Rupees Ten only.
- (6) All fees referred to in this Rule and in Rule 53 shall be collected by means of court fees stamps used in ordinary courts and no document which ought to bear stamp under these rules shall be of any validity unless and until it is properly stamped:

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

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

**56. Payment of Costs of Services of Summons etc.—**

- (1) The cost of services of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in Rule 55 shall be such amount as may be specified, in each case, by the court and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefor.
- (2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the court to the party by whom or whose behalf the amount was originally paid into the court.
- (3) The court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

**57. Fees and Costs of Pauper Person :**

The court may, whenever it thinks fit, receive and register proceedings instituted under this Code and an application made under these Rules, by persons who are extremely poor, and may issue summons or notices on behalf of such persons, without payment or on a part payment of fees and costs mentioned in Rules 55 and 56.



## CHAPTER – IV

## GRATUITY

58. **Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of Section 53 :** In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term-deposit with the State Bank of India or a Nationalized Bank.

*Explanation - "Nationalized 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).*

59. **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 – XIV** and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically or otherwise to the employer,
- (a) In the case of an employee who is already in employment for a year or more on the date of commencement of these rules but has not submitted the nomination, ordinarily, within ninety days from such date; and
- (b) In the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily within thirty days of the completion of one year of service:

*Provided that nomination in Form – XIV 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 – XIV** 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 – XIV** duly attested either by the employer or an officer authorized in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.
- (3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of Section 55, duplicate in **Form – XIV** 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 – XIV** to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*.
- (5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression and shall be submitted by the employee electronically or by registered post acknowledgement due.
- (6) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.
60. **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 authorized, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date on which the gratuity became payable, in **Form – XV** 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 on which gratuity became payable to him, in **Form – XV** to the employer :

*Provided that an application in plain paper with relevant particulars shall also be accepted and 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 on which gratuity became payable to him, in **Form – XV** 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) of 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 electronically or by 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 – XVI** 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 – XVI** to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons as to 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 – XVI** under sub-clause (i) of clause (a) of sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining as to why it is not possible for him to be present in person on the date so 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 – XVI** shall be served on the applicant either electronically or by personal service after taking receipt or by registered post with acknowledgement due.
- (e) A notice under sub-section (2) of Section 56 shall be in **Form – XVI**

(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 59 or to entertain an application sought to be filed under sub-rule (1), or
  - (ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or
  - (iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in **Form – XVII** to the Competent Authority for issuing a direction under sub-section (5) of Section 56 with as many extra copies as are the opposite parties:

*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 electronically or in person to the competent authority or shall be sent by registered post acknowledgement due.

(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 – XVIII**, electronically or by registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorized 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 authorized 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 specified 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 sufficient cause being shown within thirty days of the said order, be reviewed and the application re-heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.*

**(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 an Officer/Official subordinate to him of his office to administer oath 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 – XVIII** 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 electronically or personally or by registered post acknowledgement due or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908).
- (b) Where there are numerous persons as parties to any proceeding before the Competent Authority and such persons are members of any trade union or association or are represented by an authorized 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 authorized person shall be deemed to be service on such person.

**(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 – XIX** 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 electronically or through delivery in person or under registered post acknowledgement due.
- (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 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, electronically or by 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 – XIX** specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the Competent Authority within fifteen days of the receipt of the notice by the employer. A copy of the notice is to be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the Appellate Authority.

**(13) Application for Recovery of Gratuity :**

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 – XX** for recovery thereof under Section 129 of the Code.

**61. The manner of Registration of an Establishment by the employer under sub-section (3) and the manner of Composition of Board of Trustees of the Approved Gratuity Fund and the manner in which the Competent Authority may recover the amount of the gratuity payable to an employee from the insurer under sub-section (4) of Section 57:**

**(1) Obtaining Insurance for payment of Gratuity :**

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

**(2) Recovery of the amount of Gratuity :**

- (a) The Competent Authority appointed under sub-section (4) of Section 57 is authorized to recover the amount of the Gratuity payable to an employee, from the insurer with whom an insurance has been taken under sub-section (1) or as the case may be, the Board of Trustees of the Approved Gratuity Fund as defined in sub-section (5) of Section 2 of the Income Tax Act, 1961 ;
- (b) Such Board of Trustees should include equal number of representatives of the employer and the employees of the establishment.

**(3) Registration of Establishment :**

- (a) Every employer of an establishment covered by the Code shall get his establishment registered electronically or otherwise with the Competent Authority of the area in **Form – XXI** within 30 days from the notification of the compulsory insurance provided under sub-section (1) of Section 57 of the Code, along with details of employees of the establishment, to be furnished in **Form – XXII** ;
- (b) The Certificate of Registration shall be issued electronically or otherwise immediately if the application is complete in all respects but not later than seven days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the Certificate of Registration shall be auto generated ;
- (c) Every employer shall furnish the details of the employees insured, to the competent authority in **Form – XXII** at the time of registration of the establishment with the Competent Authority and thereafter whenever there is a change in the employees insured.

**(4) Continuing the Approved Gratuity Fund :**

Every employer of an establishment covered under the Code, who had already established an Approved Gratuity Fund in respect of his employees and who desires to continue such arrangement, and every employer employing 500 or more persons who establishes an Approved Gratuity Fund in accordance with sub-section (5) of Section 2 of the Income Tax Act, 1961 may opt to continue or adopt such arrangement by submitting an option in the prescribed **Form – XXIII** provided such existing Approved Gratuity Fund covers the entire liability of all the employees of the establishment, under provisions of the Code.

**62. Qualifications and experience of the officer appointed as the Competent Authority under sub-section (1) of Section 58 :**

The Government of Arunachal Pradesh may by notification appoint an officer of the Government not below the rank of Labour Officer to be the Competent Authority for implementation of any provisions of Chapter–V of the Code on Social Security, 2020 for such area as may be specified in the said notification.

**CHAPTER – V****MATERNITY BENEFIT****63. Authority to whom a complaint may be filed under sub-section(1) and an appeal may be preferred under sub-section (3) of Section 72 :****(1) Complaint under Section 72 :**

- (a) A complaint under Section 72 shall be made in writing in **Form – XXIV** .
- (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 Section 72 shall lie to the Competent Authority.
- (b) The aggrieved person shall prefer an appeal in writing to the Competent Authority in **Form-XXV** and file other supporting documents within stipulated period.
- (c) When an appeal is received, the Competent Authority shall call from the Inspector-cum-Facilitator before a fixed date, the record of the case. The Competent Authority shall, if necessary, also record the statements of the aggrieved person and of the Inspector-cum-Facilitator and seek clarification, if any is required.
- (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 – VI****EMPLOYEES COMPENSATION****64. The amount to be deposited towards expenditure of the funeral of the employee with the Competent Authority by the employer under sub-section (7) of Section 76 :**

- (1) If the injury of the employee results in his death, the employer shall, in addition to the compensation under sub-section (1) of Section 76, deposit with the Competent Authority a sum of not less than Rs.15000/- (Rupees Fifteen Thousand) only or such amount as may be notified by the State Government, from time to time, for the payment of the same to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee or where the employee did not have the dependent or was not living with his dependent at the time of his death, to the person who actually incurred such expenditure.
- (2) In the event of the Central Government enhancing the amount specified in sub-rule (1) above, it shall also be complied with by the State Government.

**65. Conditions when application for review is made without certificate of a medical practitioner under sub-section (1) of Section 79 :**

- (1) **Application for review of a half monthly payment under sub-section (1) of Section 79 may be made without being accompanied by a medical certificate :**
  - (a) by the employer on the ground that since the compensation was determined, the Employee's wages have increased ;
  - (b) by the employee, on the ground that since the compensation was determined, his wages have diminished;
  - (c) by the Employee, on the ground that employer, having commenced to the pay compensation, has ceased to pay the same, notwithstanding, the fact that there has been no change in the employee's condition such as to warrant such cessation ;
  - (d) either by the employer, or by the employee, on the ground that the determination of the compensation for the time being in force, was obtained by fraud or undue influence or other improper means ;
  - (e) either by the employer, or by the employee on the ground that in the determination of compensation there is a mistake or error apparent on the fact of the record.

**(2) Procedure on application for Review :**

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

66. **Class of employers and the form of Notice Book under sub-section (4) of Section 82 :**

Every employer of an establishment dealing with hazardous nature of work shall maintained at his premises, where employees are employed as a *Notice Book*, in **Form – XXVI**.

67. **Medical Examination under sub-section (1) of Section 84 and the frequent interval for medical examination under the proviso to sub-section (1) of Section 84 :**

(1) **Employee not required to submit to medical examination save in accordance with rules :**

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

(2) **Examination when both employee and medical practitioner present on premises :**

When such employee is present at the employer's premises and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the employee shall submit himself for examination forthwith.

(3) **Examination in other cases :**

In cases to which sub-rule (2) does not apply the employer may—

- (a) Send the medical practitioner to the place where the employee is residing for the time being, in which case the employee shall submit himself for medical examination on being requested to do so by the medical practitioner ; or
- (b) Send to the employee and offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the employee shall submit for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified :

*Provided that—*

- (i) *The time so specified shall not, save with the express consent of the employee, be between the hours of 7 P. M. and 6 A.M.; and*
- (ii) *In case where the employee's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.*

(4) **Restriction on Number of Examinations :**

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

(5) **Examination after suspension of right to compensation :**

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

(6) **Examination of Women :**

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



**68. Form of Statement to be submitted by the employer under sub-section (1) of Section 88:**

The employer within 30 days from the date of receiving notice from the Competent Authority will furnish the statement in **Form – XXVII**.

**69. 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 admitted with **Form – XXVIII (A)** or **Form – XXVIII (B)** or **Form – XXVIII (C)**, as the case may be.

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

(a) On receiving a memorandum of agreement, the Competent Authority shall unless he consider 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 – XXIX** to the parties concerned that in default of objection he proposed 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 while notice in writing would otherwise issue;*

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

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

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

**(3) Procedure when Competent Authority considers that he should refuse to record memorandum :**

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

(b) If, the parties to be informed are not present, a written notice shall be sent to them in **Form – XXXI (A)** or in **Form – XXXI (B)**, as the case may be, and the date fixed in such notice shall be not less than 7 days after the date of the issue of the same ;

(c) If, on the date so fixed under clause (a), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the Competent Authority may if information has already 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 the sub-rule (2) ;

(d) If, on the date so fixed the Competent Authority refuses to record the memorandum he shall send notice in **Form – XXX** to any party who did not receive information under clause (a).

**(4) Procedure on refusal to record memorandum :**

(a) If, in any case the Competent Authority refuses to record a Memorandum of Agreement, he shall briefly record his reasons for such refusal ;

- (b) If, the Competent Authority refuses to record a Memorandum of Agreement, he shall not pass an order directing the payment of any sum or amount over and above sum specified in the agreement unless opportunity has been given to the party liable to pay such sum to show cause as to why it should not be paid. Where the agreement is for the redemption of half monthly payments by the payment of a lump sum, and the Competent Authority considers that the Memorandum of Agreement should not be recorded by reasons of the inadequacy of the amount of such sum as fixed in the agreement he shall record his estimates of the probable duration of the disablement of the employee.

**70. Such other experience and qualifications for appointment as a Competent Authority under sub-section (1) of Section 91:**

The State Government may, by way of notification, appoint Competent Authority from among the serving or retired officers of the State Government not below the rank of Labour Officer for the purposes of Chapter-VII of the Code.

**71. The manner in which matters may be dealt with by or before a Competent Authority under sub-section (1) of Section 92 :**

A Competent Authority under Section 92 (1) (b) or (c) may initiate proceeding afresh or he may continue the previous proceeding initiated under Section 92 (1) (a) as if the same or any of its part had been taken before him if he is satisfied that the interest of the parties shall not thereby be prejudiced.

**72. Time Limit for disposal of application and Costs incidental to the proceedings under sub-section (4) of Section 93 :**

**(1) Time limit :**

The Competent Authority shall dispose of an application within the time limit of not more than six months from the date of application.

*Provided that in the cases where disability is required to be proved, the time limit of "not more than six months" can exceed with the consent of both the parties but for not more than one year.*

*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 be regulated in accordance with the rules contained in this.*

**(2) Incidental Costs :**

(a) Any party to the dispute desirous of getting certified copies of decision, decree or other documents of record may do so on payment of fee at the rate of Rupees Ten only per page.

(b) Any person, not a party to dispute may get certified copies of decision, decree or other documents of record except the confidential documents on payment of fees prescribed in clause (a) above.

(c) The cost of service or summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred at sub-rule (a) above, shall be as may be specified in each case by the Court.

(d) If the Competent Authority is satisfied that an applicant is unable, by reason of poverty, to pay the prescribed fees, he may exempt any or all of such fees. If the case is decided in favor of applicant, the prescribed fees which had not been remitted 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.

**73. The manner of Authentication of Memorandum under Section 97 :**

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

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

- (3) In recording a memorandum of agreement, the Competent Authority shall cause the same to be entered in a register in **Form – XXXII** and shall cause an endorsement to be entered and authenticated under his signature on a copy of the memorandum to be retained by him in the following term, namely :

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

#### CHAPTER – VII

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

#### 74. Time limit to pay the amount of Cess and the rate of interest in case of delayed payment of Cess under Section 101 :

- (1) Date of payment of Cess shall be the date on which the amount is deposited with the Cess Collector, or the date of deduction at source, or the date on which the amount has been deposited with the local authority, as the case may be, at such rates as per rules framed by the Central Government.
- (2) If any employer fails to pay any amount of Cess payable under Section 100 of the Code, within such time as may be specified in the assessment order, such employer shall be liable to pay interest on the amount of Cess, to be paid, at the rate of one per cent for every month or part of a month comprised in the period from the date on which such payment was due till such amount is actually paid.

#### 75. Fees for Appeal under sub-section (2) of Section 105 :

An appeal preferred shall be accompanied by 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, and such appeal fee shall be deposited into Head of Account – **‘B’ Non-Tax Revenue ‘0230’ – Labour and Employment**.

#### CHAPTER – VIII

#### FINANCE AND ACCOUNTS

#### 76. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realize investments under sub-section (2), terms to raise loans and take measures for discharging such loans under sub-section (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 Government of Arunachal Pradesh in this regard and in consultation with the Arunachal Pradesh Unorganised Workers’ Social Security Board and the Arunachal Pradesh Building & Other Construction Workers’ Welfare Board or any other State Social Security Board shall frame a detailed policy in reference to sub-section (1) of Section 120.
- (2) The Arunachal Pradesh Unorganised Workers’ Social Security Board and the Arunachal Pradesh Building & Other Construction Workers’ Welfare Board or any other State Social Security Board, as the case may be, may soon after the coming into force of these rules constitute their respective fund to be called the Arunachal Pradesh Unorganised Workers’ Social Security Fund and the Arunachal Pradesh Building & Other Construction Workers’ Welfare Fund or any other State Social Security Fund as the case may be, in accordance with the provisions of the Code and these Rules. The fund shall be vested in and administered by the respective Board.
- (3) All moneys belonging to the respective Fund may be invested in nationalized bank or in securities as referred to in clause (a) to (d) of Section 20 of the Indian Trust Act, 1882 (Act No. 2 of 1882).

- (4) In accordance to sub-section (3) of Section 120, the respective Boards may receive loan or fund in advance from the State Government and return the same according to terms and conditions set for the same.
- (5) From time to time, each of the Social Security Organization may, 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.

**77. Conditions and manner of writing off irrecoverable dues under Section 121:**

Where the Arunachal Pradesh Social Security Board or the Arunachal Pradesh Building and Other Construction Workers' Welfare Board or any other Social Security Boards, so constituted by the State Government, is of the opinion that the amount of contribution, Cess, interest and damages due to these Boards has become irrecoverable, the said Boards or any other officer authorised by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely : —

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

## CHAPTER – IX

### AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

**78. Other powers of Inspector-cum-Facilitator under Section 122 (6) (e) :**

The Inspector-cum-Facilitator shall also exercise other powers that the Government of Arunachal Pradesh may deem proper and delegate from time to time.

**79. 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 officer 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 maintain a register of women employees in **Form – XXXIII** electronically or otherwise in hard copy and shall enter therein particulars of all women workers in the establishment.

*Further, the Register 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 of the Code and the rules framed thereunder shall be preserved for a period of five years from the date of their preparation.

**(3) Annual Return :**

- (a) The employer to which the provisions of Chapter V and VI of the Code applies, shall, on or before the last day of February in each year, upload a unified annual return in

**Form – XXXIV** online on the web portal of the State Government or otherwise, giving information as to the particulars specified, in respect of the preceding year:

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

*Explanation - For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of sub-section(1) of Section 2 of the Information Technology Act, 2000 (21 of 2000).*

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

#### 80. 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 Government of Arunachal Pradesh by notification for the purposes of compounding of offences under sub-section (1) of Section 138 shall issue electronically or otherwise a compounding notice in **Form – XXXV** for the offences which are compoundable under Section 138.
- (2) The person so noticed may apply in Part III of the **Form – XXXV** to the officer electronically or otherwise 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 – XXXV** within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- (4) If a person so noticed fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the competent Court for the offence in respect of which the compounding notice was issued, against such person.
- (5) Composition after institution of prosecution :
  - (a) The Court may compound any compoundable offence at any time after filing of a complaint under Section 138 of the Code.
  - (b) The provisions of Section 320 of the Code of Criminal Procedure, 1973 shall apply to such compositions.

## CHAPTER – XI

### EMPLOYMENT INFORMATION AND MONITORING

#### 81. Manner and form of reporting Vacancies and form of filing the return by the employer, to the concerned Career Centre under sub-section (2) of Section 139 :

- (1) **Reporting of Vacancies to Career Centres :**
  - (a) After the commencement of this Code, the employer in every establishment in public sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the Government.

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

**Explanation :**

- (i) *“Establishment in public sector” means an establishment owned, controlled or managed by -*
  - (a) *the Government or a Department of the Government; or*
  - (b) *a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 ( No. 18 of 2013) ; or*
  - (c) *a Corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned ,controlled or managed by the Government ; or*
  - (d) *a local authority.*
- (ii) *“Establishment in private sector” means an establishment which is not an establishment in public sector and with ordinarily 20(twenty) or more employees or such number of employees as may be notified by the Government.*

**(2) Type of vacancies and respective Career Centre for reporting of vacancies :**

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

**(3) Form and manner of Reporting of Vacancies :**

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

(4) **Time limit in the Reporting of Vacancies :**

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

(5) **Maintenance of Records :**

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

(6) **Submission of returns :**

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

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

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

(8) **Levy of Penalty under Chapter XIII of the Code :**

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

**(9) Issue of Guidelines :**

For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII and rules thereof, the Central Government may issue detailed guidelines which may be supplemented further by the respective State Government as per local needs.

**CHAPTER – XII****MISCELLANEOUS****82. Manner of establishment and administration of the Social Security Fund under sub-section (5) of Section 141 :**

- (1) All the following funds received shall be credited to separate account(s) and called as Arunachal Pradesh Unorganised Workers' Social Security Fund and all expenses towards the scheme(s) notified under Sections 109 for the Unorganised Workers shall be met out of this Fund:-
  - (a) under sub-section (5) of Section 141 of the Code on Social Security, 2020 (36 of 2020); and
  - (b) under sub-section (1) of Section 115 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).
- (2) The Government of Arunachal Pradesh shall identify the source(s) for initial funding and replenishing the Social Security Fund, from time to time.
- (3) The fund shall be administered by the State Government through an Agency designated by the State Government in the manner, as may be notified by the State Government.
- (4) Directions of the State Government, if any shall be complied by the Agency designated for the administration of the Social Security Fund.
- (5) The Statement of Accounts of Arunachal Pradesh Unorganised Workers' Social Security Fund shall be maintained by the Agency, in the form(s) and manner as specified by the State Government and shall be submitted to the State Government from time to time.
- (6) The accounts of the Arunachal Pradesh Unorganised Workers' Social Security Fund shall be audited by Comptroller and Auditor General of India.

**83. 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 :**

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

- (1) shall maintain such records regarding the exempted employees and submit such returns and other information to the Corporation as may be specified in the Regulations; and
- (2) 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.

**84. Time within which Board or Corporation shall forward its views to the Appropriate Government under sub-section (1) of Section 143 :**

The State Board or Corporation, as the case may be, 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 of exemption. If it is unable to provide its views within the specified period, the appropriate government may extend the time limit or take such necessary action on the application for exemption, as it may deem fit.

**85. Conditions for management of the Trust under sub-section (5) of Section 143:**

- (1) A Board of Trustees shall be established for the management of the Provident Fund or the Pension Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time.



- (2) The Board of Trustees shall consist of such equal number of representatives each of the employers and employees as may be prescribed in the Provident Fund Scheme or the Pension Scheme, as the case may be.
- (3) The employer of such exempted establishment shall be the Chairperson of the Board of Trustees. The Chairperson may exercise a casting vote in an event of equality of votes. However, arm's length principles shall be maintained by the Chairperson in all meetings of the Board of Trustees.
- (4) The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government or the Central Provident Fund Commissioner or any officer authorized by him.
- (5) The terms and conditions, including the tenure of office of the Trustees, the procedure and manner for election or nomination of the representatives of the employees and of employers to the Board of Trustees, disqualification and cessation of trusteeship, re-election or re-nomination of trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all such other matters and conditions for the management of the Trust shall be as provided for in the Provident Fund Scheme or the Pension Scheme, as the case may be.
- (6) In case of any dispute or doubt on any general issues within the ambit of these terms and conditions, the matter shall be referred to the Regional Provident Fund Commissioner in whose jurisdiction the head office of the establishment is located. The decision of the Regional Provident Fund Commissioner in the matter shall be final and binding.

**86. Manner of determining the Misuse of any benefit by an Establishment or by any other person under Section 148 :**

If any Establishment or any other person to which the provisions of this Code applies, is found misusing any benefit granted to it or him under this Code or Rules, regulations, schemes made or framed thereunder, then the Government may by notification deprive such establishment or other person as the case may be from such benefit for such time as may be specified in the notification.

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

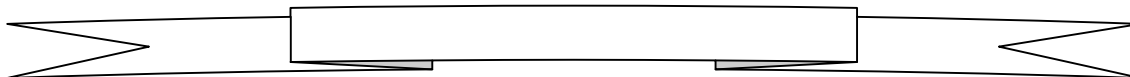
**87. Submission of copy of Forms on Annual Reports to the Director General, Labour Bureau, Government of India under Section 156 (2) (I) of the Code:**

A copy of the following Forms shall be shared electronically or otherwise with the Director General, Labour Bureau, Government of India.

<b>Sl.</b>	<b>Form Number</b>	<b>Particulars of the Form</b>
1	Form-XVI	Notice for Payment/ Rejection of Gratuity Claim
2	Form-XXXIV	Unified Annual Return

**88. Any other matter required to be prescribed under Section 156 (2) (I) of the Code on Social Security, 2020 :**

The Government of Arunachal Pradesh may at any time after publication of these Rules make such amendments, modification, insertion, addition or deletion as it may deem proper, by way of notification, for carrying out any of the provisions under the Code on Social Security, 2020.



**FORM – I**

[See Rule – 16]

**Arunachal Pradesh Building and Other Construction Workers' Welfare Board****Annual Report for the Year.....****I. Board :**

- (a) Full registered address :
- (b) Date of constitution :
- (c) Name of Chairperson :
- (d) Members of the Board :
- (e) Number of Officers and staff of the Board (grade/group-wise) :

**II. Membership :****A. Beneficiaries :**

- (a) Number of beneficiaries registered with the Board in the opening of the year :
- (b) Number of beneficiaries registered during the year :
- (c) Number of beneficiaries deregistered/cancelled during the year :
- (d) Number of registered beneficiaries at the end of the year :

**B. Employers :**

- (a) Number of employers register in the opening of the year :
- (b) Number of employers registered during the year :
- (c) Number of employers deregistered/cancelled during the year :
- (d) Number of registered employers at the end of the year :

**III. Meetings :** The number of meetings held with dates during the year and names of the members remaining absent :**IV. External Audit :**

- (a) Date of audit during the year :
- (b) Have any irregularities been mentioned in the audit report ?
- (c) The action taken on the issues, if any raised in the audit report :

**V. Internal audit :**

- (a) Is there a formal internal audit system in operation?
- (b) Any special areas which are taken up by the internal auditor? If yes, list them
- (c) Who had done the internal audit? Whether the internal auditor is from the panel of auditors?
- (d) Whether recommendations made by the internal auditor have been complied with by the Board;? if no, specify them :

**VI. Cash, bank balance and securities :****(a) Cash :**

- (i) Whether the cash is counted physically by the internal auditor? If yes, give the date.
- (ii) Who produced the cash for counting? Give his name and designation. Is he authorized to keep cash? Whether the cash balance was within the limits stipulated.
- (iii) Is it correct according to cash book?
- (iv) Are management for safety of cash in safe and cash in transit adequate?
- (v) Whether any insurance policy for money in transit; cash in safe and fidelity guarantee taken t? If yes, specify the sum insured against each categories.

**(b) Bank balance :**

- (i) Does the bank balance shown in bank statements/pass book tally with the bank book? If not, whether any reconciliation statement is prepared? Attach statement.
- (ii) Whether confirmation of balance is obtained from all the banks?

**(c) Securities :**

- (i) Verify securities physically and see whether they are in the name of the Board:
- (ii) Are dividends and/or interests being duly collected and whether provision of accrued interest is calculated correctly?
- (iii) If securities are lodged with the bank, are relevant certificate obtained?
- (iv) Is investment register kept and written up to date?
- (v) Whether the aggregate amount as per the register tallies with the ledger? If not, what is the quantum of difference?
- (vi) Amount not received upon maturity:

**VII. Moveable and immovable property :**

- (a) Are relevant registers maintained up to date?
- (b) Verify property physically and obtain list. Does the balance tally with balance sheet features?
- (c) In case of immovable properties including land, verify title deeds and see whether they are in the name of the Board
- (d) Is the property duly insured ? If so, give details.
- (e) Depreciation:
  - (i) Is due depreciation charged ?
  - (ii) State the rates of depreciation charges on various assets.

**VIII. Receipts during the year under report :**

- (a) Amount of Cess received
- (b) Amount of registration fees received from the beneficiaries
- (c) Amount of contribution received from the beneficiaries.
- (d) Amount of grants/loans received from the Central or State Govt. and other sources.
- (e) Any other source

**IX. Expenditure during the year under report :**

- (a) Financial assistance provided to the beneficiaries, Give the details scheme-wise
- (b) Administrative expenditure.
- (c) Expenditure on other heads (specify with details)

**X. Activities :**

- (a) State the various activities of the Board.
- (b) Proposals for the future scheme:

**XI. General :**

- (a) **Litigations :**

Sl. No.	Case Type	Supreme Court	High Court	Lower Court	Other Tribunals	Total
1.	Cases in the beginning of the year					
2.	Cases instituted during the year					
3.	Cases at the close of the year					

**(b) Inspections by the Government :**

- (i) Whether any inspection has been carried out by any Central/State Govt. authority
- (ii) Orders/directions issued, if any

**(c) Proposal Pending :** Pending proposals, if any, with the Government

Signatures( two officers as authorised by the Board)

**FORM – II***[See Rule 20]*

***Common Application Form for claiming benefits of Group Insurance Scheme/ Educational Assistance/ Medical Assistance from the Arunachal Pradesh Building & Other Construction Workers' Welfare Board under provisions of the Code on Social Security Arunachal Pradesh Rules, 2021.***

1.	Name of Applicant	
2.	Father's/Mother's/Husband's name	
3.	Residential Address	
4.	Date of Birth	
5.	Registration Number (attach proof)	
6.	Aadhar Number	
7.	Bank Account No & IFSC Code ( <i>attach copy of Bank Passbook – front page only</i> )	
8.	Contact number ( <i>mobile or landline</i> )	
9.	Application for Benefit (name of the Scheme)	

**DECLARATION BY THE APPLICANT :**

I hereby declare that the furnished particulars and facts are correct and true to the best of my knowledge and belief. Further, I declare that any similar assistance have not been availed from any other Board or body constituted by the government. In the event of any information given above being found to be false, I shall refund the amount received as assistance and be liable for legal action.

This declaration is made in sound mind and good health.

Date :

Name and Signature of Applicant

Place :

Enclosures :

- 1.
- 2.
- 3.
- 4.
- 5.

<b>Sl. No.</b>	<b>Scheme of Benefits</b>	<b>Documents and Particulars Required</b>
1.	Educational Assistance	(i) Name of student (ii) Name of Institution & the Name and Year of Course (iii) Bank Account details of student (iv) Certificate of Bonafide Student from the Institution (v) Receipt of Course fees including hostel fees, in original.
2.	Medical Assistance	(i) Medical Certificate, in original, from Authorised Medical Practitioner (ii) Original Bills and Cash Memo along with copy of prescription
3.	Group Insurance Scheme	As may be specified by the government
4.	Any Other Scheme	As may be specified, from time to time

**(Space below for office use only)**

### **SCRUTINY AND VERIFICATION OF APPLICATION :**

After a thorough scrutiny of the application with respect to the records available with this office the following observations are made below :-

1. The applicant is a registered member of the Board under Registration No. .... dated .....
2. The applicant has/ haven't availed similar assistance on earlier occasion for an amount of ..... vide office Order No. ....dated .....
3. (Any other observations, if any) :

Date :

Signature and Name :  
Beneficiary Registering Officer :

Place :

### **RECOMMENDATION/ REJECTION OF APPLICATION :**

Upon the scrutiny and verification of the application and the observations made by the Beneficiary Registering Officer, the application of the applicant ..... is hereby recommended/ rejected for the grant of (name of benefit/scheme) .....

*Reasons for Rejection (in brief), if any :*

Signature and Name :  
Designation with seal:  
District Labour Officer/ In-charge District Labour Officer

**FORM - III***[See Rule 24]***Appeal to Employees' Insurance Court**

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

Sir,

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

\*Feeling aggrieved by the order of ..... under sub section 7(a) of section 37 for the reasons attached hereto, prefer this second appeal under sub-section 7(b) of section 37 and request that the said ..... be ordered .....

A copy of the order of ..... in this behalf is enclosed.

Signature or thumb impression of the aggrieved person

Date : .....

Signature of an Attester  
 (in case the person is not able to sign and  
 affixes thumb impression)

**FORM - IV***[See Rule 25]*

**In the Employees Insurance Court at \_\_\_\_\_ .**

1. Name with full address of Applicant :

Against

2. Name with full address of Opposite party.

Other particulars of the application specified in Rule-25.

Date :

Signature of the Applicant

**(Verification by the Applicant)**

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

Date :

Signature.



**FORM – VII**

[See Rule 31]

**SUMMONS FOR DISPOSAL OF PROCEEDINGS**

**Title of the Case :-** .....

To,  
(Name, description and place of residence)

Whereas ..... has instituted proceedings against you for..... You are hereby summoned to appear in this court in person or by authorized agent duly instructed and able to answer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions at .....o'clock in the..... noon on the ..... day of ..... 20..... to answer the claim and as the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defense.

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

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

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

**FORM – VIII**

[See Rule 31]

**SUMMONS FOR SETTLEMENT OF ISSUES**

**Title of the Case :** .....

To,  
(Name, description and place of residence)

Whereas ..... has instituted proceedings against you for ..... you are hereby summoned to appear in this court in person or by authorized agent duly instructed, and able to answer all material questions relating to the case, or who shall be accompanied by some person able to answer all such questions at ..... o'clock in the.....noon on the ..... day of ..... 20..... to answer the claim and as the day fixed for your appearance is appointed for the settlement of the issues, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defense.

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

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

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



**FORM - IX**

[See Rule 38(5) & (6)]

**Subject :—Application for setting aside the ..... order dated .....**  
(the grounds of application should be stated)

Date :

Signature of the Applicant.

(Verification by the applicant)

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

Date :

Place :

Signature

**FORM - X**

[See Rule 38(5) & (6)]

**GENERAL FORM**

**Case Titled :** .....

To,

Whereas the above named has made application to this court that you are hereby warned to appear in this court in person or by a pleader duly instructed at.....o'clock in the noon, on the .....day of ..... 20..... to show cause against the application failing wherein, the said application will be heard and determined *ex parte*.

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

**FORM - XI**

[See Rule 39]

**SUMMONS TO WITNESS**

**Case Titled :** .....

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

A sum of Rs..... being your travelling and other expenses and subsistence allowance for one day, is deposited with this court and will be tendered to you on the day you appear before the court. If you fail to comply with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in the rule-12 of order XVI of the Code of Civil Procedure, 1908 (V of 1908).

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

**Notice :—**(1) *If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this court on the day and hour aforesaid.*

(2) *If you are detained beyond the day aforesaid, a sum of Rs..... will be tendered to you for each day's attendance beyond the day specified.*



**Applicant** :

**Opposite Party:**

**Dated** :

**No.** :

**Rs..... recorded on application, dated .....**

₹..... (principal) ..... (interest at the rate of ..... per cent per annum, from the date of order till payment)

As awarded in the decree subsequently incurred Total:

Against the opposite party :

*(When attachment and sale of movable property is sought)*

I pray that the total amount of ₹.....(together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realized by attachment and sale of the opposite party's movable property as per annexed list and paid to me.

*(When attachment and sale of immovable property is sought)*

I pray that the total amount of ₹.....(together with the interest on the principal sum up to date of payment) and the costs of taking out this execution be realized by the attachment and sale of the opposite party's immovable property specified at the fees of this application and paid to me.

I declare that what is stated herein is true to the best of my knowledge and belief.

Signed  
Decree holder  
Date.....

**FORM – XIV**

*[See Rule 59]*

**NOMINATION/ FRESH NOMINATION/ MODIFICATION OF NOMINATION**

*(Strike out the words not applicable)*

To.....

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

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

or

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

*\*(Strike out unnecessary portion)*

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

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

**Nominee(s)**

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

**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/divorced
5. Department/Branch/Section where employed
6. Post held with Ticket No. or Serial No., if any
7. Date of appointment
8. Permanent address :

Village.....Thana.....  
 Sub-division.....Post-Office.....Pin-code.....  
 District.....State.....  
 E-mail ID..... Mobile Number.....

Place :

Date :

Signature/Thumb-impression of the Employee

**Certificate by the Employer**

Certified that the particulars of the above nomination have been verified and recorded in this establishment.  
 Employer's Reference No., if any.

Signature of the employer/Officer authorised  
 Designation

Date:

Name and address of the establishment or rubber stamp thereof.

**Acknowledgement by the Employee**

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

Date : .....

Signature of the Employee

**FORM – XV***[See Rule 60(1)]***APPLICATION FOR GRATUITY BY AN EMPLOYEE/ NOMINEE/ LEGAL HEIR***(Strike out the words not applicable)*

To,.....

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

Sir/Madam,

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

- (a) my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/ on termination of contract period under fixed term employment with effect from .....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 ..... 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/divorced)
  - (b) Address in full of employee

or
2. Name of nominee/legal heir, (if the gratuity is claimed by nominee/legal heir)
  - (a) Name of Employee
  - (b) Marital status of nominee/legal heir (unmarried/married/widow/widower/divorced)
  - (c) Relationship of nominee/legal heir with the employee
  - (d) Address in full of nominee/legal heir
  - (e) Date of death and proof of death of the employee
  - (f) Reference No. of recorded nomination if available
3. Department/Branch/Section where last employed
4. Post held by employee.
5. Date of appointment.
6. Date and cause of termination of service
7. Date of Death
8. Total period of service of the employee
9. Total wages last drawn by the employee.
10. Total gratuity payable to the employee/ share of gratuity claimed by a nominee/legal heir.
11. Payment may please be made by crossed bank cheque/credit in my bank account no.....

Yours faithfully

Place :

Date :

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

**FORM – XVI***[See Rule 60(2)]***NOTICE FOR PAYMENT/ REJECTING CLAIM OF GRATUITY***(Strike out the words not applicable)*

To,.....

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

1. You are hereby informed that

- (a) \*as required under sub-clause (ii) of clause (a) of sub-rule (2) of rule 60 of the Code on Social Security (State) Rules, 2021, that your claim for payments of gratuity as indicated on your application in Form-XV 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 60 of the Code on Social Security (State) Rules, 2021 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 :

Date :

Signature of the Employer/authorised officer.

Name or description of establishment or rubber stamp thereof.

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

**FORM – XVII***[See Rule 60(4)]***APPLICATION FOR DIRECTION*****Before the Competent Authority for Chapter V under the Code on Social Security, 2020***

Application No.

Date :

BETWEEN

(Name in full of the applicant with full address)

AND

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

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..... and employee of the above mentioned employer, and is entitled to payment of gratuity under section 53 of the Code on Social Security, 2020 on account of his own/aforesaid employee's superannuation on.....(date)/ his own retirement/aforesaid employees' resignation on.....(date) completion of.....years of continuous service/his own/aforesaid employees' total disablement with effect from .....(date)due to accident/disease/death of aforesaid employee on.....
2. The applicant submitted an application under Rule..... of the Code on Social Security (State) Rules, 2021 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.

ANNEXURES:

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

14. If a nominee, No. and date of recording of nomination with the employer
15. Evidence/witness in support of being a legal heir, if a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Place :

Date:

Signature/Thumb-impression of the applicant

### FORM – XVIII

[See Rule 60(4),(5) & 60(8)]

#### NOTICE/SUMMON FOR APPEARANCE BEFORE THE COMPETENT AUTHORITY

*(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 60 of the Code on Social Security(State) Rules, 2021 alleging that---

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

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at .....(place)either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the ..... day 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 on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defense.

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

Whereas your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of ..... in the case arising out of the claim for gratuity by..... Form..... and referred to this Authority by an application under section 56 of the Code on Social Security, 2020, you are hereby summoned to appear personally before this Authority on the ..... day of .....20..... at ..... 'o' clock in the forenoon/ afternoon and to bring with you for to send to this Authority the said documents.

#### List of documents-

- 1.
- 2.
- 3.

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

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

Note : 1 *Strike out the words and paragraphs not applicable.*

2. *The portion not applicable to be deleted.*

3. *The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.*

4. *In case the summons is issued only for producing a document and not to give evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent Authority on the day and hour fixed for the purpose.*



**FORM – XIX**

[See Rule 60(11) &amp; 60(12)]

**NOTICE FOR PAYMENT OF GRATUITY AS DETERMINED BY COMPETENT/APPELLATE AUTHORITY***(Strike out the words not applicable)*

To,

(Name and address of employer)

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

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

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

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

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

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

Competent Authority  
under the Code on Social Security Code, 2020

Copy to :

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

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

**FORM – XX**

[See Rule 60(13)]

**APPLICATION FOR RECOVERY OF GRATUITY*****Before the Competent Authority for Chapter V under the Social Security Code, 2020*****Application No.****Date :**

BETWEEN

(Name in full of the applicant with full address)

AND

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

1. The applicant is an employee of the above-mentioned employer/a nominee of late..... an employee of the above mentioned employer/a legal heir of 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 60 of Code on Social Security (Central) Rules, 2020 for payment of a sum of ₹..... as gratuity payable under the Code on Social Security, 2020.

2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs. .... due to me as gratuity in terms of your direction.

Place :

Signature/Thumb-impression of applicant.

Date :

**Note** : *Strike out the words not applicable.***FORM – XXI***[See Rule 61(3) (a)]***APPLICATION FOR REGISTRATION OF AN ESTABLISHMENT WITH THE COMPETENT AUTHORITY UNDER SECTION 57**

1. Name of the Establishment
2. Address of the Establishment
3. Name of the Employer(s)
4. Address of the Employer
5. Name and address of Manager/ Agent/ Person responsible for supervision and control
6. E-mail address/ Telephone or Mobile Number
7. No. of Employees Insured
8. Details of the Insurance Company—
  - (a) No. of Insurance Policy ;
  - (b) Date of Commencement of Insurance Policy ;
  - (c) Terms of Insurance Policy (copy of the Insurance Policy to be enclosed)
  - (d) Details of employees insured shall be furnished in Form – XXII.
9. If the employer had already established an Approved Gratuity Fund before notification of the rules, details of Board of Trustees of the gratuity fund may be furnished—
  - (a) Date of constitution of the Board of Trustees;
  - (b) Names and Addresses of the Board of Trustees.

Place :

Date :

Signature of the Employer  
Name & Designation and Address**FORM – XXII***[See Rule 61(3) (a) & (c)]***DETAILS OF EMPLOYEES OF THE ESTABLISHMENT COVERED UNDER THE COMPULSORY INSURANCE UNDER SECTION 57 OF THE CODE**

- (a) Name of the employee :
- (b) Name of Father/Husband :
- (c) Designation/Category :
- (d) Date of Joining/ Appointment :

- (e) Wages of the Employee :  
 (f) Date of Admission to Compulsory Insurance :  
 (g) Date of Retirement :

Place :

Date :

Signature of the Employer  
 Name & Designation and Address

**FORM – XXIII**  
 [See Rule 61(4)]

**OPTION TO CONTINUE UNDER THE EXISTING INSURANCE UNDER SECTION 57**

I, hereby opt to continue the existing insurance scheme in lieu of the compulsory insurance notified under Section 57 of the Code on Social Security, 2020. The details of existing Insurance Scheme are—

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

Place :

Date :

Signature of the Employer  
 Name & Designation and Address

**FORM – XXIV**  
 [See Rule 63(1)]

**COMPLAINT TO THE INSPECTOR-CUM-FACILITATOR**

To,

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

Sir,

I ..... (Name of woman) employed in .....  
 (name and full address of the establishment) or I ....., (name), a person nominated under Section 62 by or a legal representative of.....(name of woman) employed in.....(name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security, 2020 and the Rules thereunder, am entitled to Rs..... being maternity benefit and/ or ₹..... being the medical bonus and/ or ₹..... 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 my/ her absence from work in accordance with the provisions of this Chapter VI of the Code on Social Security , 2020.

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

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

Date.....

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

Full address of the women/ nominee/ legal representative.

**FORM – XXV**  
[See Rule 63(2)]

**APPEAL**

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

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

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

\*Shri....., Inspector-cum-Facilitator, having directed under sub-section (2) of Section 72 to pay the maternity benefit or other amount being..... (Nature of amount) to which..... (Name of woman) is said to be entitled/to set aside my discharge or dismissal during or on account of absence from work in accordance with the provisions of this Chapter VI of the Code on Social Security, 2020(*Strike out unnecessary portion*).

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

*\*Strike out unnecessary portion.*

Signature or thumb impression of the Women/Aggrieved person

Date.....

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

Full address of the nominee/legal representative

**FORM – XXVI**

[See Rule 66]

**NOTICE – BOOK**

Name of the Establishment :  
 Nature of Business :  
 Date of opening :  
 Registration No. (If any) :

Date and time of accident	Short detail of Accident/ Place and Cause of Injury/ accident	Name of the injured person and Employee Code/ No.	Whether accident result in death	Whether accident result in Total disablement	Whether accident result in Partial disablement	Whether accident result in Temporary disablement	Any other relevant information	Amount of Compensation paid to employee or his dependent	Amount of Compensation deposited to Competent Authority	Date of payment or deposit of Compensation	Signature of employee or a person acting bona-fide
1	2	3	4	5	6	7	8	9	10	11	12

**FORM – XXVII**

[See Rule 68]

**STATEMENT/ REPORT OF FATAL ACCIDENTS**

To,  
 Competent Authority,

.....  
 Sir,

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

*(Signature and designation  
 of person making the statement)*

**FORM – XXVIII (A)**  
**[See Rule 69(1)]**

**MEMORANDUM OF AGREEMENT**

It is hereby submitted that on the \_\_\_\_\_ day of 20\_\_\_\_ the said employee has been in receipt of half-monthly payments which have continued from the \_\_\_\_\_ day of 20\_\_\_\_ until the day \_\_\_\_\_ of 20\_\_\_\_ amounting to ₹\_\_\_\_\_ in all. The said employee's monthly wages are estimated at ₹ \_\_\_\_\_. The employee is over the age of 15 years/will reach the age of 15 years on \_\_\_\_\_

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

Dated \_\_\_\_\_ 20\_\_\_\_

Signature of the employee \_\_\_\_\_

Witness \_\_\_\_\_

Signature of the employer \_\_\_\_\_

Witness \_\_\_\_\_

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

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

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

of ₹ \_\_\_\_\_

Signature of the employee

Dated \_\_\_\_\_ 20\_\_\_\_

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

Signature of Witness

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

**FORM – XXVIII (B)**  
**[See Rule 69(1)]**

**MEMORANDUM OF AGREEMENT**

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

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

₹ \_\_\_\_\_ on \_\_\_\_\_

₹ \_\_\_\_\_ on \_\_\_\_\_

₹ \_\_\_\_\_ on \_\_\_\_\_

₹ \_\_\_\_\_ on \_\_\_\_\_

₹ \_\_\_\_\_ on \_\_\_\_\_

₹ \_\_\_\_\_ on \_\_\_\_\_

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

Dated ..... 20 .....

Signature of the employee

Witness .....

Signature of the employer

Witness . . . . .

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

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

In accordance with the above agreement, I have this day received the sum  of ₹ \_\_\_\_\_

Signature of the employee

Dated \_\_\_\_\_ 20 \_\_\_\_

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

Signature of Witness

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

**FORM – XXVIII (C)**

[See Rule 69(1)]

**MEMORANDUM OF AGREEMENT**

It is hereby submitted that on the \_\_\_\_\_ day of 20\_\_\_\_, personal injury was caused to \_\_\_\_\_ residing at \_\_\_\_\_ by accident arising out of and in the course of his employment in \_\_\_\_\_. The said injury has resulted in temporary disablement to the said employee who is at present in receipt of wages amounting to ₹ \_\_\_\_\_ as wages per month.

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

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

Dated \_\_\_\_\_ 20 \_\_\_\_

Signature of the employer

Witnesses \_\_\_\_\_

Signature of the employee

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

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

In accordance with the above agreement, I have this day received the sum of ₹ \_\_\_\_\_

Signature of the employee

Dated \_\_\_\_\_ 20 \_\_\_\_

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

Signature of Witness

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

**FORM – XXIX**  
[See Rule 69(2)(a)]

Whereas an agreement to pay compensation is said to have been reached between .....  
and .....

And whereas .....has /have applied for registration of the agreement under section 89 of the Code on Social Security, 2020. Notice is hereby given that the said agreement will be taken into consideration on ..... 20 ..... and that any objection to the registration of the said agreement should be made on that date. In the absence of valid objections, it is my intension to proceed to the registration of the agreement.

Dated ..... 20 .....

Competent Authority

**FORM – XXX**  
[See Rule 69(2)(c) & (3)(d)]

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

- 1.
- 2.

Dated ..... 20 .....

Competent Authority

**FORM – XXXI (A)**  
[See Rule 69(3)(b)]

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

- 1.
- 2.

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

Competent Authority

**FORM – XXXI (B)**  
[See Rule 69(3)(b)]

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

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

Dated ..... 20 .....

Competent Authority



**FORM – XXXII***[See Rule 73]***REGISTER OF AGREEMENTS FOR THE YEAR ..... 20 .....**

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

**FORM – XXXIII***[See Rule 79(1)]***REGISTER OF WOMEN EMPLOYEES****Name of establishment :**

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

Month	No. of days employed	No. of days laid off	No. of days not employed	Remark
A	b	c	D	e

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 – XXXIV**  
[See Rule 79(3) (a) & (b)]  
**UNIFIED ANNUAL RETURN**

**A. General Part :**

- (a) Name of the establishment.....  
Address of the establishment :  
House No. /Plot No. .... Street Name .....  
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.....
- (d) 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 :**

Sl.No.	Name	Registration (Yes/No)	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Code on Occupational Safety, Health and Working Condition Code 2020		
02.	The Code on Social Security 2020		
03.	Any other Law for the time being in force		

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

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

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

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

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

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

**F. Wage rates (Category Wise) :**

Category	Rates of Wages	No. of workers							
		Regular				Contract			
		Male	Female	Adolescent	Children	Male	Female	Adolescent	Children
Highly Skilled									
Skilled									
Semi-skilled									
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.	Nature of various welfare amenities provided	Statutory (specify the statute)

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

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

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

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

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

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

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

Place

Date

Signature

**FORM – XXXV***[See Rule 80]***Notice to the Employer who committed an offence for the first time for compounding of offence under sub-section (1) of section 138 of the Code on Social Security, 2020****Notice No:****Date:**

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

**PART – I**

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

**PART – II**

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

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

Date :

(Signature of the Compounding Officer)

Place :

**PART – III***[See Rule 80 (2)]***Application under sub-section (4) of section 138 for compounding of offence****Ref : Notice No :****Date:**

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

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

Dated :

Signature of the applicant  
(Name and Designation)

**PART – IV**  
[See Rule 80 (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 Sh..... (Applicant), the employer of ..... (name and Registration Number of establishment) has been compounded on account of remission of full amount of Rs .....(Rupees.....) towards the composition of offences to the satisfaction of the said Notice.

Date :

(Signature)

Place :

Name and Designation of the Officer

**FORM – XXXVI**  
[See Rule 81(3)(b)]

**FORM FOR REPORTING VACANCIES TO CAREER CENTRES**

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

1.	Particulars of the employer : Name : Address with Pin Code : Telephone No. : Mobile No. : Email address : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment under Code : Economic activity details :	
2.	Particulars of the Indenting Officer: Name : Designation : Telephone No. : Mobile No. : Email address :	
3.	Particulars of vacancy(ies): (a) Designation/nomenclature and the number of the vacancy(ies) to be filled (b) Description of duties of the post (job role/functional role)	
	(c) Qualifications/Skills required (educational, technical, experience)	
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience	
	(d) Age Limits, if any (Age as on last date of application)	
	(e) Preferences (such as Ex-servicemen, Persons With Disabilities, women, etc) if any	
	(f) duration of employment (i) 3-6 months (ii) 6-12 months (iii) 12 months and more	Number of posts

4.	Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Caste(SC), Scheduled Tribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC), Ex-serviceman and Persons With Disabilities (PWD) , etc, in filling up the Vacancies : Yes/No	
5.	( if yes, give the number of vacancies to be filled by such categories of persons as detailed below)	
	Category	Number of vacancies to be filled
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons With Disabilities (PWD) (g) Women (h) Others(specify)	*By Priority candidates *(Applicable for Central Government vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.	
7.	Place of work ( Name of the town/village and district, Pin Code ,etc. in which it is situated)	
8.	Mode of Application (email, online, in writing, etc) and Last date for receipt of applications.	
9.	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address, Telephone No., website address in case of online)	
10.	Mode of Recruitment {Through Career Centre, Placement Agency, self-management, any other mode(specify) }	
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No
12.	Any other relevant information	

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

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

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

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

**NOTE :**

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

**FORM – XXXVII**  
[See Rule 81(6)]

**FORM for EIR (EMPLOYMENT INFORMATION RETURN)**  
**Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....**

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

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

(EIR-continued)

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

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

3. MANPOWER SHORTAGES: Vacancies/posts remained unfilled because of shortage of suitable applicants.

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

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

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

Occupation	Number of employees Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/expansion or re-organization.				
Description	Men	Women	Others (transgender)	Total	PWD (Persons With Disabilities) out of total
1	2	3	4	5	6
*					
<b>Total :</b>					

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

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

To  
The Career Centre,  
.....

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

**SCHEDULE -1**  
(See clause (c) of sub-rule 2 of rule 20)

Sl. No.	Categories of Students or Course of Study	Amount (in Rupees) Per year
1.	Classes 1 to 5	₹ 1800.00
2.	Classes 6 to 10	₹ 2400.00
3.	Classes 11 and 12	₹ 3000.00
4.	ITI and other Vocational or Diploma courses (both technical or non-technical)	At the rate equivalent to the annual fee of the Institute/ College
5.	General Degree or Under-Graduate courses (non-technical)	At the rate equivalent to the annual fee of the Institute/ College
6.	Professional or Technical Degree or Under-Graduate courses (technical)	At the rate equivalent to the annual fee of the Institute/ College

Ajay Kumar Bisht, IAS  
Secretary (Labour & Employment),  
Government of Arunachal Pradesh,  
Itanagar.