

GOVERNMENT OF ASSAM
LABOUR WELFARE DEPARTMENT:: LABOUR(RC) BRANCH
DISPUR :: GUWAHATI-06

ORDERS BY THE GOVERNOR

NOTIFICATION

Dated Dispur, the 21st October, 2021

No.GLR(RC)69/2020/89 : The following draft Assam Social Security rules, 2021, which the Governor of Assam proposes to make in exercise of the powers conferred by section 154 and section 156 of the Code on Social Security, 2020 (Central Act No. 36 of 2020) is hereby published as required under sub-section(1) of section 156, of the said code for information of all persons likely to be affected thereby and notice is hereby given that the said draft rule shall be taken into consideration after the expiry of a period of forty-five (45) days from the date of publication of the notification in the Official Gazette.

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

Objections and suggestions, if any, may be addressed to: The Secretary to the Government of Assam, Labour Welfare Department, Janata Bhawan, Dispur, Guwahati-781006 and Email: labour.assam@gmail.com

CHAPTER I

PRELIMINARY

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| Short title, extent and commencement | 1. (1) These rules may be called the Assam Social Security Rules, 2021. (2) They shall extend to the whole of the state of Assam. (3) They shall come into force on the date of their publication in the Official Gazette. |
| Definitions | 2. (1) (a) “authority” means the competent authority specified by the Government as per sub-section (3) of section 72; (b) “Board” means Assam Unorganised Workers' Social Security Board constituted under sub-section (9) of section 6 and Assam Building and Other Construction Workers Welfare Board constituted under sub-section (1) of section 7 of the Code respectively; (c) “cess collector” means an officer appointed by the Government for collection of cess under the Code; (d) “chairperson” means the Chairperson of the Assam Unorganised Workers Board, The Standing Committee, the Medical Benefit Committee or the Executive Committee, as the case may be; (e) “code” means the Code on Social Security, 2020 (Central Act 36 of 2020); (f) “fund” means,- |

- (i) the Employees' State Insurance Fund under sub-section (1) of section 6;
 - (ii) the Employees' Provident Fund under section 16;
 - (iii) the Employees' Pension Fund under clause (a) sub-section (1) of section 15;
 - (iv) the Employees' deposit-Linked Insurance Fund of the Social Security Fund under clause (c) sub-section (1) of section 15, as the case may be.
- (g) "Government" means the State Government of Assam;
 - (h) "immovable property" includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
 - (i) "nodal officer" means a person designated by Building and Other Construction Workers' Welfare Board or the Government to facilitate the registration, renewal and updation electronically or otherwise or any such other function of Building Workers working in the Private Sector, Government, Central Government and Public Sector Undertakings of the Central and the Governments or local authority. The Nodal officer shall also supervise and monitor functions of the Beneficiary Registering Officers designated by Appropriate Government;
 - (j) "electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
 - (k) "schedule" means the schedule of the Code;
 - (l) "section" means a section of the Code;
 - (m) "specified" means specified by an order of the Central Government or any Government or State officer so authorised by such Government;
 - (n) "year" means 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.
 - (o) 'form' means a form appended to these rules.
- (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

PART-I

ASSAM UNORGANISED WORKERS SOCIAL SECURITY BOARD

Manner of nomination of the Members of Assam Unorganised Worker Board under sub-section (12) section 6

3. The manner of nomination of the Member of the Board under sub-section (12) of section 6 of the Code shall be as follows, namely :-
 - (1) Seven members representing unorganized workers, to be nominated from the panel of 14 given by approved federations of Trade Unions or any registered umbrella Trade Union of unorganized worker;
 - (2) Seven members representing employer of unorganized worker:-
 - (i) four to be nominated from Industry Associations,
 - (ii) two from State level Organizations, and
 - (iii) one from Registered Contractors;
 - (3) Two elected members to be nominated from Assam Legislative Assembly;
 - (4) Five members representing from Civil Societies:-
 - (i) one person from the field of Law,
 - (ii) one person from eminent Economist/Sociologist with a proven record of working in the field of unorganized workers,
 - (iii) one person from the Rural Development Sectors with a proven record of working in the field of unorganized workers,
 - (iv) one person from Registered Non-Government Organisations with a proven record of working in the field of Domestic unorganized workers,
 - (v) one person from the field of Finance with experience of atleast five years:
Provided that adequate representation shall be given to persons belonging to Scheduled Castes, Scheduled Tribes, Minorities and Women;
 - (5) Ten members representing Government departments concerned,-
 - (i) the senior-most Secretary Finance Department or his nominee,
 - (ii) the senior-most Secretary Industry and Commerce Department or his nominee,
 - (iii) the senior-most Secretary Transport Department or his nominee,
 - (iv) the senior-most Secretary P and R Department or his nominee,
 - (v) the senior-most Social Welfare Department or his nominee,
 - (vi) the senior-most Health and Family Welfare Department or his nominee,
 - (vii) the senior-most Skill Development Department or his nominee,
 - (viii) the senior-most Judicial Department or his nominee,
 - (ix) the senior-most Urban Development Department or his nominee and
 - (x) the senior-most Public Health Engineering Department or his nominee.

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| Term of Office of the members under section 6 | 4. | <p>(1) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination and shall hold office at the pleasure of the State Government. A member shall be eligible for re-nomination: Provided that a member shall not hold the office for more than total two terms.</p> <p>(2) The non-official member shall be removed by the Government from the Board, if they cease to represent the interest for which he was nominated or if such person attracts any provisions of section 8 of the Code.</p> <p>(3) If the new Board is not reconstituted after the completion of the term of the Board, the existing Board shall continue to discharge its functions till the new Board is reconstituted by the Government through notification.</p> <p>(4) 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 ceases to be a member of Legislative Assembly.</p> |
| Resignation of member of the Board under sub-section (12) of section 6 | 5. | <p>(1) A member of the Board, not being an ex-officio member, may resign his or her office by a letter in writing addressed to the Chairperson.</p> <p>(2) The seat of such a member shall fall vacant from the date on which his or her resignation is accepted or on the expiry of 30 (thirty) days from the date of receipt of intimation of resignation, whichever is earlier.</p> <p>(3) The power to accept the resignation of a member shall be vested upon the Chairperson who, on accepting the resignation, shall report to the Board at its next meeting.</p> |
| Address of Members of the Board under sub-section (12) of section 6 | 6. | <p>(1) Every Member shall furnish his or her address to the Member Secretary of the Board who shall thereupon enter his address in the Official record.</p> <p>(2) If a member changes his address, he or she shall furnish his or her new address to the Member Secretary of the Board who shall thereupon enter his or her new address in the official records: Provided that if a member fails to notify his or her new address, the address in official records shall be deemed to be the member's correct address for all purposes.</p> |
| Manner of filling up vacancies under sub-section (12) of section 6 | 7. | <p>When a vacancy occurs or is likely to occur on completion of the term of a member in the Board, the Chairperson shall submit a report to the Government and on receipt of such report, the Government may, by notification, nominate a person to fill the vacancy: Provided that if the vacancy occurs for removal or resignation of a Member, the Chairperson shall communicate this to the Government and Government shall nominate and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he or she is nominated.</p> |
| Allowances to Members under sub- | 8. | <p>(1) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him or her for journey</p> |

section (12) of
section 6

performed by him or her on official duty, shall be paid by the Authority paying his or her salary.

- (2) The non-official member of the Board shall be paid travelling allowances for attending the meetings of the Board at such rates as are admissible to Class-I officer of the Government and daily allowances shall be calculated at the maximum rate admissible to Class-I officers of the Government in their respective places.

Disposal of business
under sub-section
(14) of section 6

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

Provided that where there is no opinion of majority on a matter and the members of the Board are equally divided, the Chairperson shall exercise an additional casting vote.

Meetings of the
Board under
sub-section (14) of
section 6

10. (1) The Board shall meet at such places and at such times as may be decided by the Chairperson.
- (2) The Board shall meet at least once in four months and as and when required with a notice to all members within a period of seven days.
- (3) In case of any matter of urgency, meeting may be called by the Chairperson after informing the member in advance about the subject matter of discussion and reasons of urgency.
- (4) The Chairperson shall preside over every meeting of the Board in which he or she is present and in his or her absence, the Vice Chairperson shall preside over such a meeting at his or her place.
- (5) (i) Ordinarily, fifteen days' notice shall be given to the members of the Board of a proposed meeting:
Provided that the Chairperson, if he or she is satisfied that it is expedient to call an emergency meeting for considering any matter which in his or her opinion is urgent, he or she may issue a notice giving such reasonable time as he or she may consider necessary.
- (ii) No business except which is included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson.

Quorum under sub-
section (14) of
section 6

11. (1) No business shall be transacted at any meeting of the Board unless one third members are present in that meeting which shall include at least one non-official member:
Provided that if in a meeting, less than one third are present, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to other members that he or she proposes to dispose off the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him or her to dispose off the business at the adjourned meeting irrespective of numbers attending.
- (2) The Chairperson may debar any member, other than ex-officio members, from taking part in the Meetings of the Board if,-
 - (i) he or she absents himself or herself from three consecutive meetings of the Board without written information to and consent of the Chairperson; or

- (ii) in the view of the Government such member ceased to represent the interest which he or she purports to represent in the Board.

Setting up of Facilitation Centres under clause (8) sub-section (15) section 6

12. The Board may set up facilitation centers in every district to perform the following functions, namely:-
- (i) to disseminate information on various social security schemes for unorganised workers which includes gig, platform, motor transport, domestic, small tea growers' workers;
 - (ii) to assist unorganised workers to obtain online registration;
 - (iii) to facilitate filing, processing of online application forms for registration of all categories of unorganised workers;
 - (iv) to facilitate the enrolment of the registered unorganized workers in the social security schemes.
 - (v) a grievance redressal cell may be developed in every district to facilitate the unorganised workers at district level.
 - (vi) A website/ portal for facilitation centre may be developed.

Welfare Schemes under clause (g) sub-section (15) section 6

13. The Board with approval of the Government , may frame and notify from time to time , social security schemes for all categories of unorganized workers on matters relating to :-
- (i) life and disability cover,
 - (ii) health and maternity benefits,
 - (iii) old age pension and provident fund,
 - (iv) education and skill upgradation of workers through vocational training for registered unorganized workers and their children,
 - (v) funeral assistance,
 - (vi) any other social security scheme as determined by the Board with approval of the Government.

Registration of unorganized workers under sub-section (15) section 6

14. (1) Eligibility:
Every unorganised workers which includes gig, platform, motor transport, domestic, small tea growers' workers shall be required to be registered subject to the fulfillment of the following conditions, namely:-
- (a) he or she shall have completed sixteen years of age,
 - (b) a self-declaration electronically confirming that he or she is an unorganized worker in such form and manner as may be prescribed by the Board subject to approval of the Labour Welfare Department.
- (2) Manner of registration :
- (i) Every eligible unorganized worker referred to in sub- rule (1) of rule 14, shall have to make an application for registration electronically along with Aadhar Card to the Board. The Board shall provide for electronic self-declaration in such manner as prescribed by the Labour Welfare Department.
 - (ii) Every registered unorganised workers' data shall be included in a comprehensive state database to be prepared for linkage with the proposed National Database for the Unorganized Workers (NDUW) to implement various social security schemes to the

unorganized workers.

Constitution of Advisory Committee under sub-section (16) of section 6

15. The Government shall constitute an Advisory Committee to advise to Government upon matters for the administration of the code in respect of building workers with the following members, namely:-
- (i) Senior most Secretary, Labour Welfare Department: Chairperson;
 - (ii) Member Secretary: Labour Commissioner, Assam;
 - (iii) Representatives not below the rank of Deputy Secretary from different Government Departments of Finance, Industry and Commerce, Transport, P and RD, Social Welfare, Health and Family Welfare, Skill Development, Education, Urban Development and Public Health Engineering to be nominated by the Labour Welfare Department;
 - (iv) Four employers representatives;
 - (v) Four employees representatives;
 - (vi) Two Nationalised Insurance representatives from Life and General Insurance;
 - (vii) One representative from Pension Fund Regulatory Development Authority (PFRDA) and Association of Mutual Funds in India (AMFI);
 - (viii) One nationalized bank's representative.

The representatives of the employers and employees mentioned in clause (iv) and (v) should have adequate knowledge and experience in the field of different areas under unorganised sector.

Functions of the Advisory Committee under sub-section(16) of section 6

16. To assist the Board upon such matters arising out of the administration of this Code relating to unorganized workers and such other related matters as the Board may assign to it from time to time.

Other terms and conditions under sub-section (16) of section 6

- 17.
- (1) The term of the Committee/Sub-Committee except the Committee/sub-committee constituted for the short-term purpose shall be **one year** from the date of its constitution, but the Committee/Sub-Committee shall continue to function until a new Committee/Sub-committee is formed, but in any case, no Committee/sub-committee shall function beyond the period of two years from the date of its original constitution.
 - (2) In the absence of the Chairman, the members present of the Committee/Sub-Committee shall elect one of their own to preside over the meeting.
 - (3) No business shall be performed at a meeting of the Committee/Sub-committee unless at least **one-third** of its members are present, of which there shall be one representative each from the Government, employers and employees of the members.
 - (4) The recommendation of the Committee/Sub-committee shall be placed before the Board for its decision.

Part-II

Assam Building and Other Construction Workers' Welfare Board

- The salaries and other allowances of the Chairman and other members under sub-section (4) section 7
18. (1) The terms and conditions of the Chairman and other members:-
- (i) of the Board as per sub-section (4) of section 7 of the Act shall be for a period of three years from the date of their appointment as notified.
 - (ii) the salary and other allowances to the Chairperson shall be as may be determined by the Government in consultation with the Board.
- (2) Every non-official member of the Board who attends the meeting of the Board shall be paid a sitting allowance at such rates as may be fixed by the Welfare Board.
- Resignation of Office of Chairperson or member under section 7
19. The Chairperson or any member of the Welfare Board may at any time resign his Office by writing under his hand addressed to the Government and on acceptance of his resignation, his office shall become vacant.
- Filling of vacancy under section 7
20. In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the Welfare Board shall communicate the occurrence of the vacancy to the Government and vacancy shall be filled up not later than ninety days from the date of occurrence of the vacancy and the person so appointed, shall hold the Office for the remaining period of the term of the member in whose place he/she was nominated.
- Condition of appointment of Members of Welfare Board under sub-section (4) section 7
21. No person shall be appointed to be a member of the Welfare Board who,-
- (i) is a salaried Officer of the Board,
 - (ii) is or at any time has been adjudged as an insolvent or,
 - (iii) is found to be lunatic or become of unsound mind.
- Term of Office of the members under sub-section (4) of section 7
22. (1) As per sub-section (4) of section 7 of the Code the term of office of the Chairperson and the members of the Board other than the official members shall be three (3) years from the date of their appointment: Provided that the members may continue in office till their successors are appointed.
- (2) The Government may remove any member, who is or has become subject to any of the disqualification mentioned in rule 21 above.
- (3) A member shall hold office during the pleasure of the Government.
- (4) If the opinion of the Government,-
- (i) a member representing the employer or the building worker shall cease to represent the employer or the building workers, or
 - (ii) having regard to the exigencies of circumstances or service in the Government, a member cannot continue to represent the Government, the Government can revoke such member from

- the Board.
- Terms and conditions of appointment of the Secretary under sub-section (5) of section 7
23. The terms and conditions, salary and allowances of the Secretary and other Officers and employees of the Building Workers Welfare Board as per clause (c) of sub-section (5) of section 7 of the Code shall be as follows, namely:-
- (1) The Board with the prior approval of the Government shall appoint an Officer of the Labour Welfare Department not below the rank of Labour Commissioner as a Secretary of the Board.
 - (2) The Board with the prior approval of the Government shall appoint other officers and staff for disposal of the functions of the Board: Provided no post of officer or employee shall be created without approval of the Government.
 - (3) The Secretary or other Officers or other employees shall be paid such salary and allowances as fixed by the Government.
- Other welfare functions of the Board under clause (j) sub-section (6) of section 7
24. The Welfare Board shall perform the following other functions and welfare schemes as per clause(j) sub-section (6) of section 7 of the Code for the Building workers, namely:-
- (1) **Cash Award**
The Board may, subject to the availability of cess fund in the Board institute cash award as incentive for pursuing higher education for the children of registered construction workers @Rs. 5000/-, Rs. 4000/- and Rs. 3500/- to those children who score 75% or above, 65% or less than 75% and 55% or less than 65% respectively in H.S.L.C., Assam High Madrassa (AHM) and H.S. (Arts, Science and Commerce) examination of that particular year. The beneficiary shall along with the application submit such documents as may be specified by the Board.
 - (2) **Financial Assistance for education**
Children of the members shall be eligible for such financial assistance as may be determined by the Board for such courses of study as may be specified by the Board from time to time. An application shall be submitted with such documents and within such time as may be specified by the Board. (Class I to V- Rs. 1500/-, VI to VII – Rs. 2750/-, Class VIII to X- Rs. 4000/- Class XI to XII (including ITI)- Rs. 7000/-, Degree Course including ITI- Rs. 10000/-, Post Graduate or equivalent Classes including engineering/ Medical/ competitive examinations etc. Rs. 20000/- and apart from the Post Graduate Degree, if any children of the registered beneficiaries wishes to get higher study in the Government Institution of IIT/ Engineering/ Medical or in any higher study in the Government Institution- all expenses entitled).
 - (3) **Medical Assistance to beneficiaries**
 - (i) The Board may, subject to the availability of Cess fund in the Board sanction financial assistance to the registered beneficiaries, who have been working as construction workers for minimum 90 days in the preceding twelve months including his or her spouse, parent and two dependent children who are hospitalized in a hospital due to accident or any diseases. The financial assistance shall be Rs. 1000/- per day for the first 5 days and Rs. 200/- per day for the remaining days subject to a minimum Rs. 20,000/-.

The Board may also consider payment of such assistance to the registered beneficiary who is not hospitalized but is orthopedically handicapped.

- (ii) If disability results due to an accident in course of and out of employment, the beneficiary shall be eligible for financial assistance as partial disability benefit at the rate of Rs. 25,000/-, Rs. 50,000/-, Rs. 75,000/- & Rs. 1,50,000/- subject to availability of Cess fund in the Board on the percentage of disability upto 25%, upto 50%, upto 80% and more than 80% respectively. The percentage of disability, is to be determined by the competent authority of the respective district.
 - (iii) The Board may, subject to the availability of Cess fund in the Board sanction upto an amount of Rs. 1.50 lakh as financial assistance to the registered beneficiaries for his her treatment of critical disease like Cancer, Cardiac problem leading to requirement of pace maker or heart surgery, failure of kidney (kidney transplantation). Liver cirrhosis, Leprosy as well as for any other critical disease determined and specified by the Board from time to time. The beneficiary shall along with the application submit such documents as may be specified by the Board.
 - (iv) The Board may, subject to the availability of Cess fund in the Board sanction financial assistance to every registered beneficiaries having continuous membership of the fund upto maximum of an amount of Rs. 5,000/- once in a year for his or her annual health check up in any Hospital.
- (4) (i) (a) The Board may, subject to the availability of Cess fund in the Board sanction an amount of Rs. 2000/- per month and Rs. 100/- per month for every completed year of service from the year of registration as disability pension to a beneficiary who is permanently disabled due to Accident in course of an amount of employment as construction worker or due to paralysis, leprosy, T-B, renal failure, cancer, advance heart diseases and any other disability due to similar medical compulsion.
- (b) In addition to this pension, the Board may, subject to the availability of Cess fund in the Board also consider payment of Ex-gratia upto a maximum of Rs. 3.00 Lakh of Ex-gratia on case to case depending upon the extent of disability and the circumstances leading to such disability:
Provided that the beneficiary shall along with the application produce necessary documents as may be specified by the Board.
- (ii) The Sanctioning Authority shall issue Disability Pension Payment order which shall be recorded in a register as may be prescribed by the Board.
- (5) **One time grant:-**
An amount not exceeding Rs. 20,000/- subject to the availability of Cess fund in the Board shall be sanctioned as one time interest free recoverable loan to those registered construction workers who have

completed 3 years of membership as construction worker subject to condition laid down in Rule 269. The loan amount shall be recovered in not more than sixty installments. An application shall have to be made for this loan with such other documents as may be specified by the Board. Before sanctioning the loan, the Board shall examine the credit worthiness of the loanee including source of recovery in case of non-payment.

(6) **Payment of Funeral Assistance:-**

The Board may sanction an amount of Rs. 5000/- subject to the availability of Cess fund in the Board to the nominees/dependents of deceased member of the fund, towards funeral expenses. An application shall be submitted alongwith such documents as may be specified by the Board in this behalf.

(7) **Payment of Death Benefit:-**

The board may, subject to the availability of Cess fund in the Board sanction an amount of Rs. 50,000/- to the nominees/dependants of a deceased member from the fund towards death benefit, in case of natural death. If the death is due to an accident in course of an out of employment as construction worker, the nominees/dependants of the member shall be paid Rs. 3.00 Lakh towards death benefit subject to the availability of Cess fund in the Board. The beneficiary shall along with the application submit such documents as may be specified by the Board.

(8) **Education Institution:**

The Board may, subject to the availability of Cess fund in the Board establish Educational Institute with a view to provide job oriented technical and vocational education to the children of the beneficiaries and to impart Skill Development Training to the Construction Workers. In case of non availability of Board's own Technical Institution, the Board may decide to impart such training to the construction workers and their children either in the Government ITI's or through any training provider approved by the Government or any other Competent Authority.

(9) **Financial Assistant for Marriage:-**

(i) The registered construction worker having continuous membership for 5 years shall be eligible to get one time financial assistance of Rs. 25,000/- subject to the availability of Cess fund in the Board each up to two children for the marriage of their children.

(ii) An unmarried male or female registered beneficiary is also eligible for one time assistance for his or her own marriage. An application shall be submitted alongwith such documents as prescribed by the Board.

(10) **Family Pension:-**

In the event of date of a pensioner (normal pensioner or disable pensioner as the case may be) family pension shall be given to the surviving spouse. The amount of pension shall be subject to the availability of Cess fund in the Board 50% of the pension received by the deceased pensioner. An application shall be submitted by the spouse with such document as may be specified by the Board within 3 months from the date of death of the pensioner. Notwithstanding the occurrence of death of pensioner shall be informed before the concerned Registering Officer within 2 (two) months from the date of death. Soon after

receiving such information the Registering Officer shall report immediately to the Board for record and follow up action for family pension as applicable.

- (11) **Refund of the contribution of deceased member:-**
- (i) On the death of a member the amount of contribution standing in his credit shall be given to his nominee. In the absence of nominee the amount shall be credited within a stipulated time period (tentatively within a month from the death of the worker) and paid to his legal heirs in equal shares.
 - (ii) All financial benefits under these rules other than Death Benefit, Funeral Assistance, Medical Assistance, Disability Pension, Cash Award, Technical, Vocational & Skill Development Training and Educational Assistance shall become payable only after one year of person becoming a registered construction worker with upto date registration period unless otherwise specified.

CHAPTER-III

EMPLOYEE INSURANCE COURT

Composition of
Employees
Insurance Court
under
section 48

25. (1) **Composition of the Court and place of sitting.-**
- (i) a court shall ordinarily consist of one judge:
Provided that the government may by notification in the official gazette appoint two or more judges to a court for any particular proceedings or class of proceedings for such period as may be specified in the notification;
 - (ii) The court shall sit at such place or places and at such time as the government may specify.
- (2) **Distribution of business where there are more Courts than one.-**
Where more than one Court is constituted for the same local area the Government may, by a general or special order, distribute business among them.
- (3) **Abolition, etc. of a Court.-**
The Government may, by notification in the Official Gazette abolish any court or by like notification alter the jurisdiction of any court.
- (4) **Appointment, Salaries, allowances, etc.-**
- (i) The Government may appoint a person qualified under section 48 of the code to be judge of the court.
 - (ii) A judge shall receive such salary and allowances as the Government may from time to time determine.
 - (iii) A judge shall receive dearness allowances, compensatory, city allowance, house rent allowance and other allowances at such rate and conditions as are applicable to officer of the government of a corresponding rank station at the same place.
 - (iv) A Judge shall be entitled to leave and leave salary under the

leave rules which may from time to time be applicable to other Government servants of similar status and drawing similar emoluments.

- (v) A Judge shall be entitled to travelling allowances for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the government such judge belongs.
- (vi) A Judge shall be subject to such other conditions of service, as the Government may determine.
- (vii) Notwithstanding, anything contained in sub rule (2) to (4) the pay, allowances and other conditions of service of a Judge, if he is a person already in the service of the government and shall be such as the Government may by a general or special order, from time to time, determine.

(5) **Appointment of other officers and subordinate staff.-**

- (i) The Government may appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and, performance of the powers and duties conferred and imposed on a Court by or under the Code.
- (ii) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge, or, if there are more judges than one, the senior judge, may, subject to any order of the Government from time to time, direct.
- (iii) The ministerial officers and the subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the Government.

(6) **Administrative control of the High Court.-**

All Courts shall be subject to the administrative control and superintendence of the High Court, and shall -

- (i) keep such registers, books and accounts as the High court may, from time to time, prescribe; and
- (ii) 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.

(7) **Court Seal.-**

A Court shall keep a seal of such size, dimensions and design as the Government may direct.

Procedure for filing application in Employees Insurance Court under sub-section (2) of section 50

26.

(1) **Procedure and Execution of orders shall be in the following manner, namely:-**

- (i) Every proceeding under section 49 shall be instituted by presenting an application to the Court.
- (ii) 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.
- (iii) An application shall be presented in **Form I**. It shall be duly stamped in accordance with these rules, and shall contain the following particulars:-
 - (a) the name of the Court in which the application is brought;
 - (b) the full name including the father's name,

- description including age, occupation and place of residence of the applicant;
- (c) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;
 - (d) 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;
 - (e) the facts constituting the cause of action and the date when it arose;
 - (f) the facts showing that the court has jurisdiction;
 - (g) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and
 - (h) the relief which the applicant claims.

(iv) The application may be rejected if it is not in accordance with clause (iii) above.

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

When any application is based upon a documents, the document shall be appended to the application.

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

Any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.

All such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in **Form II**.

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

(3) **Register of proceedings.-**

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

(4) **Place of suing. -**

A proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction,-

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

- (ii) A copy of the application shall also be sent along with the summons under clause (i) above

Manner of Proceeding of Employees Insurance Court under sub-section (1) of section 51

27. **Manner of commencement of proceedings before the Employees' Insurance Court shall be,-**

- (i) The proceeding before an Employees' Insurance Court shall be commenced by application by the Corporation, Aggrieved person or the Employer of an establishment as the case may be.
- (ii) Subject to the provisions of Chapter IV of the Code and rules made by the Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.
- (iii) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same State, it may, subject to any rules made by the Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the record connected with that matter.
- (iv) The Government may transfer any matter pending before any Employees' Insurance Court in the State to any such Court in another State with the consent of the Government of that State.
- (v) The Court to which any matter is transferred under clause (iii) or (iv) shall continue the proceedings as if they had been originally instituted in it.
- (vi) The Court shall follow the rules of Code of Civil Procedure, 1908 in respect of summoning of the parties, service of summoning procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.

Fees and costs as per sub-section (3) of section 50

28. (1)

Fees and costs

- (i) The fee payable on an application in respect of any matter referred to the section 49 shall be ten rupees.
- (ii) The fee payable in respect of any other application except a written statement called for by the court under these rules shall be five rupees:
Provided that the fee for an application for obtaining a copy or translation of any document on record or statement order to decree presented to or made before or by the court, as the case may be, shall be two rupees.
- (iii) The fee for copies of any document on record, or testament or order or decree shall be such as may, from time to time determined by the government.
- (iv) The fee for any authorization for the appearance of any person under section 79 on behalf of any of the parties in a case shall be Ten rupees.
- (v) All fees referred to in this rule shall be collected by means of court fee stamps used in ordinary courts and no documents which ought to bear stamps 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 may direct and on such document being stamped accordingly the same and every proceeding relating thereto shall be as valid as it had been properly stamped in the first instance .

(2) **Payment of costs of services of summons, etc**

- (i) The cost of service 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 the preceding rule 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 shall be paid such manner and within such time as if may specify therefore.
- (ii) Any amount which is left over after intended shall be returned by the court to the party by whom or on whose behalf the amount was originally paid into the court.
- (iii) The court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

(3) **Fees and costs of poor persons**

The court may, whenever it thinks fit, receive and registered proceedings instituted under the code and application made under the rules, by persons who are pampers, and may issue summons or notice on behalf of such persons without payment or on a part payment of the fees and costs mentioned in rules (1) and (2).

In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the code of civil procedure, 1908 (V of 1908), including the rule made there under and the Indian Evidence Act, 1872 (1 of 1872), Shall so far as may be apply to proceedings under the Act.

CHAPTER IV

GRATUITY

Gratuity under sub-section (1) of section 53

29. 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 shall be in the following manner, namely:-

In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him or her for the benefit of such minor in term deposit with the State Bank of India or other Nationalised Bank.

Explanation.-"Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).

Time, form and manner of nomination under

30. (1) Time, form and manner of nomination by an employee under sub-section (1) of section 55 shall be as follows, namely :-

sub-section (1) of section 55

A nomination shall be in **Form IV** and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgment due or electronically to the employer,

- (i) in the case of an employee who is already in employment for a year or more on the date of commencement of these rules but not submitted the nomination, ordinarily, within ninety days from such date; and
 - (ii) in the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily within thirty days of the completion of one year of service:
Provided that nomination in Form-IV 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-IV** 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-IV 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-IV** 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-IV** 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 acknowledgment due.
 - (6) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

Written application for payment of Gratuity under sub-section (1) of section 56

31. Time within which and the form in which a written application shall be made under sub-section (1) of section 56 shall be,-

- (1) **Application for Gratuity:**
 - (i) An employee who is eligible for payment of gratuity under the Code, or his legal heir, or any person

authorized, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form V** 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.

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

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

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

- (iv) 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.

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

(2) **Notice for payment of gratuity:**

- (i) within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall-

- (a) if the claim is found admissible on verification, issue a notice in **Form-VI** 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

- (b) if the claim for gratuity is not found admissible, issue a notice in **Form-VI** to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible.

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

- (ii) 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-VI** under sub-clause (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

- (iii) 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.
 - (iv) A notice in **Form-VI** shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.
 - (v) A notice under sub-section (2) of section 56 shall be in **Form-VI**.
- (3) Application to competent authority for direction under clause (b) of sub-section (5) of section 56,-
- (i) If an employer,-
 - (a) refuses to accept a nomination under rule 34 or to entertain an application sought to be filed under sub-rule (1),or
 - (b) 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
 - (c) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in Form-IV to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:
Provided that the competent authority may accept any application under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period.
 - (ii) Application under clause (a) sub-rule (4) and other documents relevant to such an application shall be presented in person to the competent authority or shall be sent by registered post acknowledgment due or electronically.
- (4) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (a), (b) and (c) sub-rule (1) shall be deemed to be operative from the date of such commencement.
- (5) **Procedure for dealing with application for direction:**
- (i) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in **Form-VII**, by electronically or registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorized

representative together with all relevant documents and witnesses, if any.

- (ii) 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 maybe, 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.
- (iii) A party appearing by an authorized representative shall be bound by the acts of the representative.
- (iv) 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.
- (v) 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 (v) of sub-rule (5) may, on good 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 authorize a clerk of his office to administer oaths for the purpose of making affidavits.

(8) **Summoning and attendance of witnesses –**

The competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the competent authority just, issue summons to any person 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.-**

- (i) Subject to the provisions of clause (b) any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908).
- (ii) 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 persons.

- (10) **Maintenance of records of cases by the competent authority.-**
- (i) 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.
 - (ii) 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.
 - (iii) 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 (iv) 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-VIII** 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.-**
- (i) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgment due or electronically.
 - (ii) 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.
 - (iii) 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.
 - (iv) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.
 - (v) 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.
 - (vi) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent authority

returning his records of the case.

- (vii) 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.
 - (viii) 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-IX** specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer. A copy of the notice be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.
 - (ix) The time limit for disposal of appeal shall not exceed 90 days from date of filling of appeal. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal.
- (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 X** for recovery thereof under section 129 of the Code.

Manner of obtaining insurance under section 57

32. Manner of obtaining an insurance from an establishment by the employer under sub-section (3) and sub-section (4) of section 57:
- (1) The Government shall notify the manner of registration of an establishment by the employer under sub-section (3) of Section 57 as according to the provision referred in sub-section (1) and (2).
 - (2) The composition of the Board of Trustees of the approved gratuity fund shall be notified by the Government.
 - (3) All registration electronically in **Form-XI**,
 - (4) Any amount directed to be paid under sub-section (4) of section 57 shall be recoverable as an arrear of land revenue.

Qualification and experience of officer to be appointed under section 58

33. **Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58:**
- (1) The Government may, by notification, shall appoint an officer having the qualification and experience to be the Competent Authority for administration of this Act and the scheme framed there under.
 - (2) The Competent Authority shall work subject to the control of the Board.

CHAPTER V

MATERNITY BENEFIT

Complaint for

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

maternity benefit
under section 72

section 72 shall be notified by the Government:-

Complaint under section 72:-

- (1) A complaint under sub-section (1) of section 72 shall be made in writing in **Form- XII** as the case maybe.
- (2) 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:

Provided that the time limit for disposal of complaint shall not exceed 90 days from the date of filing of complaint. In case of non-appearance by either of parties, a maximum of three opportunities may be given before disposal of the complaint.

Appeal under
section 72

35. **Appeal under Section 72:**

- (1) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72 shall lie to the Competent Authority.
- (2) The aggrieved person shall prefer an appeal in writing to the competent Authority in **Form-XIII** and file other supporting documents.
- (3) 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.
- (4) 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 within a period of 90 days from filing of application before him. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.

CHAPTER VI

EMPLOYEES COMPENSATION

Expenditure of the
funeral under sub-
section (7) of
section 76

36. If the injury of the employee results in his death, the employer shall, in addition to the compensation under sub-section (7) of section 76, deposit with the competent authority a sum of not less than fifteen thousand *rupees* or such amount as may be notified by the Government, for 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 does not have a dependent or is not living with his dependent at the time of his death, to the person who actually incurred such expenditure:

Provided that the Government may, by notification from time to time, enhance the amount specified in this rule.

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

- (1) **When application may be made without medical certificate -**

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

- (i) by the employer, on the ground that since the right to compensation was determined, the workmen wages have increased;
- (ii) by the workman, on the ground that since the right to compensation was determined, his wages have diminished;
- (iii) by the workman, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the workmen condition such as to warrant such cessation;
- (iv) either by the employer or by the workmen, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;
- (v) either by the employer or by the workmen on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

(2) **Procedure on application for review: -**

If, on examining an application for review by an employer in which the reduction or discontinuance of half monthly payments is sought, it appears to the Competent Authority that there is reasonable 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.

(3) **Procedure on application for commutation –**

- (i) Where application is made to the Competent Authority under this Chapter for the redemption of a right to receive half-monthly payments by the payment of a lump sum, the Competent Authority shall form an estimate of the probable duration of the disablement and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement shall continue, less one half per cent of that total for each month comprised in that period:
Provided that fractions of a rupee included in the sum so computed shall be disregarded.
- (ii) When, in any case to which sub-rule (1) applies, the Competent Authority is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

Maintenance of notice book under sub-section (4) of section 82

37. Every employer shall maintain a Notice Book in accordance with sub-section (4) of section 82 in **Form- XIV** at their premises in which employees are employed.

Interval of medical examination under sub-section (1) of section 84

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

Statement for furnishing the circumstances of the death of the employee under sub-section (1) of section 88

39. **Form of statement to be submitted by the employer under sub-section (1) of section 88;**

The statement for furnishing the circumstances attending the death of the employer as required under sub section (1) of section 88 shall, be submitted in **Form XV**.

Where a competent authority receives information from any source that an employee has died as a result of an accident arising out of and in the course of his employment, he may send by registered post or where possible, electronically a notice to the employee's employer requiring him to submit, within thirty days of the service of the notice, a statement, in Form XV, giving the circumstances attending the death of the employee, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death and a copy of such notice shall also be sent by the competent authority in the same manner to the dependents of such employee ascertained by the competent authority.

Manner of recording Memorandum as per sub-section (1) of section 89

40. The manner of recording the memorandum in a register by the competent authority under sub-section (1) of section 89 shall be in the manner as follows, namely:-

(1) **Form of memorandum:**

Memorandum of agreement sent to the Commissioner under sub section (1) of section 89 shall, unless the Commissioner otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with (**Form XVI** or **Form XVI-A** or **Form XVI-B** as the case may be) (Forms as stated in Employees Compensation Rules, 1924).

(2) On receiving a memorandum of agreement, the Competent authority shall, for taking decision to record memorandum or refusing to record, shall issue notice to parties to agreement in **Form XVII** fixing date and place of hearing that in default of objections he proposes to record the memorandum on the date so fixed: The notice under this sub-rule may be sent personally or through registered post/speed post or electronically: Provided that the notice may be communicated orally to any parties who are present at the time when notice in writing would otherwise issue.

(3) On the date so fixed, the competent authority, after hearing the parties to agreement shall take decision to record or refuse to record the memorandum: Provided that the issue of a notice under rule (1) shall not be deemed to prevent the competent authority from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

(4) If on such date the Competent authority decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send information to that party in **Form XVI-A**.

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

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

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

(c) If, on the date fixed under sub-rule (1) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the Commissioner may, if information has already been given to all the parties, concerned record the agreement. If information has not been given to all such parties he shall proceed in accordance with Rule 89.

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

(a) If in any case Commissioner refused to record a memorandum of agreement he shall briefly record his reasons for such refusal.

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

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

(6) **Registration of memorandum accepted for record.** - In recording a memorandum of agreement, the Competent authority shall cause the same to be entered in a register in **Form XIX** and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following terms, namely-

“The memorandum of agreement bearing Serial No. of 20..... in the prescribed register **Form XIX** has been recorded on this..... day..... of

(Signature) Competent authority”

Qualification and experience of Competent Authority under sub-section (1) of section 91

41. **The other experience and qualifications for appointment as a competent authority under sub-section (1) of section 91 shall be in the following manner,-**

the Government may, by notification, appoint any person who is or has been a Gazetted Officer in the rank of the Assistant Labour Commissioner or Labour Officer having industrial relations and legal affairs or as a competent authority for the purposes of this Chapter and for such area as may be specified in the notification.

Manner of dealing with by or before the Competent Authority under sub-section (1) of

42. **The manner in which matters may be dealt with by or before a competent authority under sub-section (1) of section 92 shall be in the following manner,-**

- (1) On receipt of the application, the Competent Authority shall verify the jurisdiction as per the parameters specified in clauses (a), (b) and (c) of sub-section (1) of section 92 of the Code.
- (2) If it appears to the Competent authority on receiving application that it should be presented to another Competent authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and designation of the Competent authority to whom it should be presented.
- (3) If at any stage of case it appears to competent authority the application should be entertained by another competent authority, he shall send file of the case to that authority and who has the jurisdiction, and inform to applicant and other parties as per the procedure defined in sub-section (4) of section 93 of the Code. The competent authority to whom the case has been transferred, shall continue to proceed as if the previous proceedings were done before him, provided he is satisfied that it will not cause prejudice to the concerned parties.

Time limit for disposal of application and cost under sub-section (4) of section 93

43. **Time-limit for disposal of application and costs incidental to the proceedings under sub-section (4) of section 93 shall be,-**

- (1) The Competent Authority shall dispose off the matter relating to compensation under this Code within a period of **three months** from the date of reference and intimate the decision in respect thereof within the said period to the employee. The authority may extend the time-limit to another **three months** if it so required.
- (2) Incidental Costs,-
 - (i) Any party to the dispute who desires to get certified copies of decision, decree, or other document may get decision, decree, or other document on payment of cost at the following rate :-
 - (a) The cost for the copies of any document of record or statement or order or decree may be notified by the Government from time to time.
 - (b) The cost of service or summons or notices or expenses of witness or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as may be notified by Government.
 - (c) The court may, whenever it finds either on applications of applicant or otherwise that the applicant is unable to pay the cost it may exempt the applicant from the payment of cost.
 - (ii) Any person who is not a party to 6dispute, may get the certify copy of decision, decree or other documents except the confidential documents, on payment of the fees prescribed in above mentioned clauses. However the competent authority may extend the time period on appeal as per section 5 of the Limitations Act, 1963 but not more than another three months.

Manner of authentication of Memorandum by Competent Authority under section 97

44. **Manner of authentication of memorandum under section 97 shall be in the following manner, namely:-**

(1) **Evidence.-**

(i) After framing of issues, parties may submit their evidence on affidavit, on which opposite party shall have right to cross examination.

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

(iii) The evidence of all witnesses shall be recorded in the presence of competent authority and shall be authenticated by his signature and seal.

(2) **Provisions of Code of Civil Procedure, 1908 to apply.-**

Save as otherwise expressly provided in the Act or these rules the Code of Civil Procedure, 1908 shall apply to proceedings before Competent authorities, in so far as they may be applicable thereto: Provided that:

(i) for the purpose of facilitating the application of the said provisions the Competent authority may construct them with such alternations not affecting the substance as may be necessary or proper to adapt them to the matter before him;

(ii) the competent authority may, for sufficient reasons, proceed otherwise than in accordance with the said provision, if he is satisfied that the interests of the parties will not thereby be prejudiced.

(3) **Manner and Time limit for filing a claim.-**

No claim for compensation shall be entertained by a competent authority unless notice of the accident has been given in the manner provided in the Code within two years of the occurrence of the accident or, in case of death, within two years from the date of death.

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

Time limit for payment of cess under section 101

45. Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under section 101 of the Code shall be,-

The cess levied under sub-section (1) of section 100 shall be paid by an employer within *thirty days* from the date of issue of the assessment order, or within *thirty days* of the completion of the construction project, whichever is earlier and 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 from the date on which such payment fall due till such amount is actually paid.

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

46. (1) An employer aggrieved by an order of the assessment made under sub-rule (4) of rule 43 of Code on Social Security (Central) Rules, 2020 or by an order imposing penalty made under rule 45 of the Code on Social Security (Central) Rules, 2020, may file an appeal in **Form-XX** against such order, within ninety days of the receipt of such order, to the Appellate Authority as notified by the Government in this regard.

- (2) The such appeal, inter alia, shall be accompanied with -
 - (a) the order appealed against;
 - (b) a certificate from the Cess Collector to the effect that the amount of cess or penalty or both, as the case may be, relating to such appeal has been deposited;
 - (c) a non-refundable fee equivalent to half percent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal;
 - (d) a statement of points in dispute; and
 - (e) documentary evidence relied upon.
- (3) On receipt of the appeal, the Appellate Authority may, call details from the Assessing Officer or his statement on the basis of his assessment order appealed against, as such Appellate Authority may consider necessary for the disposal of such appeal.
- (4) The Appellate Authority shall give the appellant an opportunity of being heard in the matter and dispose of the appeal as expeditiously as possible but not exceeding sixty days from the date of receipt of such appeal.
- (5) On being satisfied on the quantum of cess the Appellate Authority shall confirm the order of the Assessing Officer or if in his opinion the assessment was wrong; or on the higher side shall modify the order of assessment or if in his opinion the assessment is on the lower side or if the basis of assessment is wrong, it shall remand back the assessment order to the Assessing Officer along with his observations to rectify the wrong.
- (6) An order remanded back under sub-rule (5) shall be disposed of by the Assessing Officer within 30 days in view of the observation made by the Appellate Authority:
- (7) Provided that, if the amount of cess is proposed to be enhanced the assessee shall be given an opportunity of being heard.
- (8) If the Appellate Authority is of the opinion that the quantum of penalty imposed is on the higher side or not correctly made it shall suitably modify or set aside the order of the Assessing Officer, as the case may be.
- (9) The appeal under this rule shall be disposed of by making a speaking order and a copy of such order shall be sent to each of the appellant, the Assessing Officer and to the Secretary, Building and Other Construction Workers Welfare Board within five days of the date on which such order is made.
- (10) An order in appeal reducing the amount of cess shall also ask Secretary of the concerned Building and Other Construction Workers' Welfare Board to refund the excess cess stating clearly a specified time to the appellants.
- (11) An order in appeal enhancing or reducing the amount of cess or penalty or both, as the case may be, shall also specify the date by which the amount of cess or penalty or both should be paid or refunded

CHAPTER VIII

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

Other Power of Inspector cum Facilitator under clause (e), sub-section (6) of

47. In addition to the powers exercised by the Inspector cum Facilitator under sub-section (4) of section 101 shall exercise such other powers as may be notified by the Government as and when required.

section 122

Form and manner of maintenance of record and registrar under clause (a)(b) and (d) of section 123

48. (1) **Register of Women Employees -**
- (i) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in **Form XXI** electronically or in hard copy and shall enter therein particulars of all women workers in the establishment. Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum-Facilitator.
 - (ii) The employer may enter in the register of women employees such other particulars as may be required for any other purpose of the Code.
- (2) **Records-**
Records kept under the provisions Chapter V of the Code and the rules framed there under shall be preserved for a period of two years from the date of their preparation.
- (3) **Annual returns -**
- (i) The employer to which the provisions of Chapter V of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in **Form-XXII** online on the web portal of the Central Government in the Ministry of Labour and Employment, giving information as to the particulars specified, in respect of the preceding year: Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.
Explanation.- For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000).
 - (ii) 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 Central Government in the Ministry of Labour and Employment, a further unified return in **Form Form-XXII** referred to in clause (1) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

CHAPTER IX

OFFENCES AND PENALTIES

Form of application for compounding offences under section 138

49. **Form and manner of application for compounding of an offence under sub-section (4) of section 138 of the Code shall be,-**

- (1) The officer authorized by the Government by notification for the purposes of compounding of offences under sub-section (1) of section 138 shall issue electronically a compounding notice in

Form-XXIII for the offences for which are compoundable under section 138.

- (2) The person so noticed may apply in Part III of the **Form-XXIV** to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice under sub-rule (1).
- (3) The Compounding Officer shall issue a composition certificate in Part IV of **Form-XXV** within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- (4) If a person so noticed fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the competent Court or the offence in respect of which the compounding notice was issued, against such person.
- (5) **Composition after institution of prosecution –**
 - (i) The Court may compound any compoundable offence at any time after filing of a complaint under section 138 of the Code.
 - (ii) The provisions of section 320 of the Code of Criminal Procedure, 1973 shall apply to such compositions.

CHAPTER X

SOCIAL SECURITY FUND

Establishment of
Social Security
Fund

50. **The establishment and the manner of administering and expending of the social security fund established under sub-section (5) of section 141 of the code shall be as follows,-**
- (1) **Sources of Fund:-** There shall be established by the Government a social security fund for the welfare of the unorganized workers in which there shall be credited the amount received from:-
 - (i) wholly funded by the Central Government, or
 - (ii) partly funded by the Central Government and the Government;
 - (iii) amount received for implementation of the scheme notified by the Central Government;
 - (iv) amount received for implementation of the scheme notified by the State Government;
 - (v) contribution / donation or any other financial support from employer , their association or from Corporate Social Responsibility Fund as to determined by the Government by general or special order, for;
 - (vi) amount received for registration / renewal of beneficiaries and their contribution;
 - (vii) the amount received from compounding of the offence as specified in sub-section (4) of section 114 of the code and the amount of penalty as specified under sub-section (6) of section 111 of the Assam Occupational Safety Health and Working Conditions draft Rules, 2021.
 - (viii) the *interest accrued on* Security money collected from the establishments under Assam Occupational Safety Health and Working Conditions draft Rules, 2021 and any other labour law enacted by the state legislature.
 - (ix) the interest accrued on unclaimed amount presently lying in the official accounts of all Assistant Labour Commissioners

under Payment of Wages Act, 1936, Payment of Gratuity Act, 1972, Minimum Wages Act, 1948, Employees Compensation Act, 1923 etc.

- (x) the interest accrued on unclaimed Security amount under Contract Labour (Regulation and Abolition) Act, 1970/Inter-state Migrant Workmen (RECS) Act, 1979.
- (xi) to create corpus fund.
- (xii) the Government shall identify any other source(s) for initial funding/ replenishing the Social Security Fund from time to time through notification;

(2) **Expenses of Fund:-**

- (i) The fund shall be administered by the Government through Assam State Unorganized Social Security Board.
- (ii) Directions of the Government, if any shall be complied by the said Board designated for the administration of the Social Security Fund.
- (iii) The records of accounts of Social Security Fund shall be maintained by the Board, in such register or Form as prescribed by the Government and shall be updated on monthly basis. The State Board may also operate one nationalized Bank Account for Unorganised Social Security Fund as and when required.
- (iv) The accounts of the Social Security Fund shall be audited by Accountant General (A&E), Assam.

CHAPTER XI

EMPLOYMENT INFORMATION AND MONITORING

Manner and form of reporting vacancies to career centre

51. (1) Manner and form of reporting vacancies and form for filing the return by the employer, to the concerned Career Centre under sub-section (2) of section 139 of the code shall be,-
- (a) After the commencement of this Code in the State or area thereof, the employer in every establishment in public sector in that State or area shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the Government .
 - (b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre (Regional) from such date as may be specified in the notification by the Government.
 - (c) The Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

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

- (i) The following vacancies, namely-

- (a) 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
 - (b) 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.
 - (ii) Vacancies other than those specified in clause (a) above, shall be reported to the Career Centre (Regional) concerned.
 - (iii) Vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Central Government by notification.
- (3) **Form and manner of reporting of vacancies:**
- (i) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the Government.
 - (ii) The vacancies shall be reported in the format given at **Form- XXVI**, furnishing as many details as practicable, separately in respect of each type of vacancy.
 - (iii) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule(3), shall be reported in writing or through official email or digitally as the case may be, to the specified Career Centre.
- (4) **Time limit in the reporting of vacancies:**
Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least fifteen days (15 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:**
- (i) After commencement of this Code, in the state or area thereof, the employers in every establishment in the public sector in the state or area shall maintain records manually or electronically or digitally about,-
 - (a) total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
 - (b) persons recruited during the year ending on 31st March
 - (c) occupational details of its employees on 31st March of every year;
 - (d) vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - (e) approximate number of vacancies likely to occur during the next financial year.
 - (ii) State Government may by notification, require that from such date as may be specified in the notification, the

employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about

- (i) total number of employees (regular, contractual or 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 are 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:** As per clause (iii) sub-section (2) of section 139 of the code employer shall furnish to the concerned Career Centre (Regional) yearly returns in form **EIR (Employment Information Return)** as given at **Form - XXVII**. 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 (30 days) of the due date namely 31st March of the year.
- (7) **Declaration of Executive Officer:**
- (a) The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of the Government, will declare in writing an officer looking after the work of Career Centres (Regional) as “Executive Officer” for each district/zone for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.
 - (b) The Director of Employment or an officer of equivalent or above rank, controlling the work of Directorate General of Employment, Ministry of Labour and Employment, New Delhi, shall declare in writing an officer looking after the work of Career Centres (Central) as “Executive Officer” for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in Section 139 of the Code.
- (8) **Levy of penalty under the Chapter XIII of the Code:** The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of this 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 Government as per local needs.

Misuse of benefits under section 148

52. In case any establishment or any other person is found to have misused any benefit provided to him under the Code or Rules, Regulations or schemes

made or framed there under, the State Government may by notification specify the duration of time during which such establishment or other person, as the case may be, shall be deprived from receiving such benefit.

- Repeal and saving
53. The Payment of Gratuity (Assam) Rule,1972, the Assam Maternity Benefit Rules,1965, Building and other Construction Workers (Regulation of Employment and conditions of service) Assam Rules,2007 and Unorganised Workers Social Security Assam Rules,2008 are hereby repealed:
- Provided that, the said repeal shall not affect,-
- (a) the previous operation of the said rules or anything duly done or suffered there under or
 - (b) affect any right, liability or obligation acquired, accrued or incurred under the said rules.

Sd/- Dr. J.B.Ekka,IAS
Principal Secretary to the Govt. of Assam
Labour Welfare department

FORM – I
[See clause (iii), sub-rule (1) of rule 26]

In the Employees Insurance Court Act

A B (add description and residence)
Applicant

Against

C D (add description and residence)
Opposite party. Other particulars of the application specified in rule 13

Date

.....
Signature of the applicant

(Verification by the Applicant)

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

Date

.....
Signature of the applicant

FORM – II
[See sub-rule (2) of rule 26]

List of document produced by applicant/Opposite party (title), e.g. Description, Subject, Name of the court, no. etc.

| No. | Description of document | The date which the document bears | Signature of the party or pleader or any authorized representative |
|------------|--------------------------------|------------------------------------------|---------------------------------------------------------------------------|
| (1) | (2) | (3) | (4) |
| | | | |

FORM – III
[See sub-rule (3) of rule 26]
Register of Proceedings

Employees' Insurance Court at Register of Proceedings in the year 20

| Date of Presentation of application | No. of Proceedings | Name | Application description | Place of residence | Name | Opposite party Description | Place of residence | Particulars | Claim Amount of Value, if any | When the cause of action arises | Day for the parties to appear | Appearance applicant | Opposite party | Date | Final Order for whom | For What of amount | Appeal | | | | Execution | | | Other |
|-------------------------------------|--------------------|------|-------------------------|--------------------|------|----------------------------|--------------------|-------------|-------------------------------|---------------------------------|-------------------------------|----------------------|----------------|------|----------------------|--------------------|---------------------------------------|--------------------|---------------------|--------------|----------------------------|----------------|---------------------------------------------------------------|---------------|
| | | | | | | | | | | | | | | | | | Date of description of appeal, if any | Judgment of appeal | Date of application | Against whom | For what & amount of money | Amount of cost | Date of order transferring to another Civil Court of at | Remark is any |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) | (11) | (12) | (13) | (14) | (15) | (16) | (17) | (18) | (19) | (20) | (21) | (22) | (23) | (24) | (25) |

FORM-IV

[See sub-rules (1)(2)(3)(4) of rule 30]

Nomination/Fresh Nomination/Modification of Nomination

(Strike out the words not applicable)

To.....08.....
...

(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-

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. | | | | |
| So on | | | | |

Manner of acquiring a "Family"

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

Statement

- 1.1. Name of employee in full
- 2.2. Sex
- 3.3. Religion
- 4.4. Whether unmarried/married/widow/widower
- 5.5. Department/Branch/Section where employed
- 6.6. Post held with Ticket No. or Serial No., if any
- 7.7. Date of appointment
8. Permanent address:

Village..... Thana..... Sub-division..... Post Office

Pin-Code..... District..... State..... Email-ID.....

Mobile Number.....

Place:

Date:

Signature/Thumb impression of the Employee

DECLARATION BY WITNESSES.

Nomination signed / thumb impression before me.

Name in full and address of witnesses.

Signature.

1.

1.

2.

2.

Date:

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-V

[See clauses (i),(ii),(iii) sub-rule (1) of rule 31]

Application for Gratuity by an Employee/Nominee/Legal Heir

(Strike out the words not applicable)

To,

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

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

- 1. Name of employee in full, (if, the gratuity is claimed by an employee)
 - a) Marital status of employee(unmarried/married/widow/widower)
 - b) Address in full of employee

Or

- 2. Name of nominee/legal heir, (if the gratuity is claimed by nominee/legal heir)
 - a) Name of Employee
 - b) Marital status of nominee/legal heir(unmarried/married/widow/widower)
 - c) Relationship of nominee/legal heir with the employee

- d) Address in full of nominee/legal heir
- e) Date of death and proof of death of the employee
- f) Reference No. of recorded nomination if available

3. Department/Branch/Section where last employed

4. Post held by employee.

5. Date of appointment.

6. Date and cause of termination of service

7. Date of Death

8. Total period of service of the employee

9. Total wages last drawn by the employee.

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

Payment may please be made by crossed bank cheque/credit in my bank account No.....
(Bank details to be provided)

- 1. Name of the account holder.
- 2. Bank branch.
- 3. Account No and IFSC No.
- 4. Other details

Yours faithfully,

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

Place:

Date:

DECLARATION BY WITNESSES.

Nomination signed / thumb impression before me.

Name in full and address of witnesses.

Signature.

1.

1.

2.

2.

FORM-VI

[See sub-clauses (a)(b) of clauses (i),(ii),(iv) and (v) of sub-rule (2) of rule 31]

Notice for Payment/Rejecting claim of Gratuity

(Strike out the words not applicable)

To,

.....
.....

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

You are hereby informed that

*_

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

Reasons (Here specify the reasons); or

- b) *as required under sub-clause (i) of clause (a) of sub-rule (2) of rule 35 the Code on Social Security (Central) Rules, 2020 that a sum of Rs.(Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made byonand.....recorded in this.....as a legal heir of an employee of this establishment

2. *Please call at.....on.....(Herespecify 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:

Place:

Date:

Signature of the Employer/authorized officer.
Name or description of establishment or
Rubber stamp thereof

FORM-VII

[See clause (i) of sub-rule (5) of rule 31]

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 (Central) Rules, 2020 on thebut the above-mentioned employer refused to entertain it/issued a notice dated the..... under clauseof sub-rule of ruleoffering an amount of gratuity which is less than my due/issued a notice datedthe under clause..... of sub-rule.....of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.
3. The applicant submits that there is a dispute on the matter (specify the dispute).
4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.
5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

- 1.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)
- 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 – VIII

[See sub-rule (11) of rule 31]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words and paragraph not applicable)

To,

(Name and address of the employer/applicant)

Whereas Shrian employee under you/a nominee(s)/legal heir(s)
Of Shri.....an employee under the above mentioned employer,
has/have filed an application under sub-rule (4) of rule 35 of the Code on Social Security(Central)
Rules, 2020 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 of20..... 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/defence.

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 of20..... 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. so on

Given under my hand and seal, thisday of20.....

Competent Authority

under the Code on Social Security Code, 2020

Note:

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

FORM – IX

[See clause (iii) of sub-rule 12 of rule 31]

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

(Strike out the words and paragraph/s not applicable)

To,

(Name and address of employer)

1. Whereas Shri/Smt./Kumari..... of an employee..... (address) under you/a nominee(s)/legal heir(s) of latean 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 onrequiring you to make payment of Rs..... 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

3. 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, thisday 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 collecting payment.
2. The Appellate Authority if applicable.

FORM – X

[See sub-rule (13) of rule 31]

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 latean employee of the above-mentioned

employer, and you were pleased to direct the said employer in your notice dated theunder

sub-rule (11) or sub-rule (12) of rule 35 of Code on Social Security (Central) Rules, 2020 for payment of a sum of Rs..... as gratuity payable under the Code on Social Security, 2020.

9. 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.

10. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs.due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place:

Date:

Note.—Strike out the words not applicable.

FORM – XI
[See sub-rule (3) of rule 32]

Application for Registration of an Establishment under sub-section (3) of Section 57.

A. Establishment Details.

1. Retrieve details of Establishment through LIN/Registration Number:
2. Name of Establishment :
3. Location and Address of the Establishment:
4. Other details of Establishment:
 - a. Total number of employees engaged directly in the establishment:
 - b. Total number of the contract employees engaged:
 - c. Total number of inter-state migrant workers employed:
5. Ownership type/ Sector:
6. Activity as per National Industrial Classification (NIC):
7. Details of selected NIC Code:
8. Identification of the establishment e-sign/digital sign of employer/representative:

B. Details of Employer :-

1. Name & Address of Employer/ Occupier/ Owner/ Agent/ Chief Executive:-
2. Designation:
3. Father's/ Husband's Name of the Employee:
4. Email Address, Telephone & Mobile No:

C. Manager/Agent Details

1. Full Name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment:
2. Address of Manager/ Agent :
3. Email Address, Telephone & Mobile No :

D. Details of Approved Gratuity Fund/ Insurance obtained for liability of payment towards the Gratuity:

E. Other Details :-

Signature/E-sign/digital sign of Employer

Dated:
Place:-

FORM – XII

[See clause (i) of sub-rule (1) of rule 34]

Complaint to the Inspector-cum-Facilitator

To,

The Inspector-cum-Facilitator

(Under the Code on Social Security, 2020),

Sir/Madam

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 Rs.....being the medical bonus and/or Rs.....being wages for leave due under Section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Chapter VI of Code on Social Security, 2020.

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

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

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 – XIII

[See sub-rule (2) of rule 35]
Appeal under Section 72

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

Sir/Madam,

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

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

* Shri....., Inspector-cum-Facilitator, having directed under the 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 accin accordance with the provision of this Chapter V of the Code on Social Security ,2020 (*Strike out the unnecessary portion*).

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

(Strike out the unnecessary portion).

Date _____ Signature or Thumb impression of the women/ aggrieved person.

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 – XV

[See rule 39]

STATEMENT OF FATAL ACCIDENTS

To,
The Competent Authority,
.....

Sir/Madam

1. I have the honour to submit the following report of an accident which occurred in (date), at (here enter details of premises) and which resulted in the death of the workman/workmen of whom particulars are given in the statement annexed.

2. The circumstances relating to the death of the workman/workmen 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.

I have etc.

(Signature and designation of person making the report)

Statement

| Name | Sex | Age | Salary/Wage of the employee | Nature of employment | Full postal address | Remarks |
|-------------|------------|------------|------------------------------------|-----------------------------|----------------------------|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

FORM – XVI

[See sub-rule (1) of rule 40]

MEMORANDUM OF AGREEMENT

It is hereby submitted on the day of _____ 20 _____ personal injury was caused to _____ resident at _____ by accident arising out of and in the course of employment in _____. The said injury has resulted in temporary disablement to the said employee whereby it is estimated that he will be prevented from earning more than of previous/any wages for a period of _____ months. The said employee has been in receipt of half-monthly payments, which have continued from the _____ day _____ of 20____ until the continued from the day _____ of 20_____ until the _____ day of _____ 20____ amounting to Rs. _____ in all. The said employee's monthly wages are estimated at Rs. _____. The employee is over the age of 15 years /will reach the age of 15 years on _____.

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

Dated.....20

Signature of Employer.....

Witness.....

Signature of Employees.....

Witness.....

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

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

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

Dated.....20 .

Employee.....

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

Witness.....

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

FORM – XVI-A

[See sub-rule (1) and (4) of rule 40]

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

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

Rs. _____ on _____ Rs. _____ on _____
Rs. _____ on _____ Rs. _____ on _____
Rs. _____ on _____ Rs. _____ on _____

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

Dated 20.

Signature of employer
Witness.....
Signature of Employee
Witness.....

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

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

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

Dated.....20.

Employee

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

Witness

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

FORM – XVI-B

[See rule 40 (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 said in the course of employment in _____. The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs. _____ per month/no wages.

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

It is further submitted that the employer of the employee has agreed to pay and on behalf of the said employee has agreed to accept half-monthly payments at the rate of Rs. _____ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with provisions of the said Code on account of an alteration in the earnings of the said employee during disablement. It is further stipulated that all rights of commutation under sub section 1 of Section 89 of the said Code are unaffected by this agreement it is therefore requested that this memorandum be duly recorded.

Dated20

Signature of employer.....

Witness

Signature of employee.....

Witness

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

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

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

Employee

Dated 20

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

Witness.....

Note. -- This form may be varied to suit special cases, e.g., injury by occupational disease, etc.

FORM XVII
[See sub-rule (2),(4)(b) of rule 40]

RECORD OR REFUSE TO RECORD MEMORANDUM

Whereas an agreement to pay compensation is said to have been reached between and and whereas has/have applied for registration of the agreement under Section 28 of the Workmen's Compensation Act, 1923, notice is hereby given that said agreement will be taken into consideration on 20 and that any objections to the registration of the said agreement should be made on that date. In the absence of valid objections it is my intention to proceed to the registration of the agreement.

Dated 20

Competent Authority

FORM XVII-A
[See rules 39 (4)]

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

.....
.....

Dated 20

Competent Authority

FORM XVIII
[See rule 40(4)(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 28 of the Workman's Compensation Act, 1923 and whereas it appears to me that the said agreement ought not to be registered for the following reasons namely: An opportunity will be afforded to you of showing cause on _____ 19 _____ why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Dated 20

Competent Authority

FORM XVIII-A
[See rule 40(4)(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 28 of the Workman's Compensation Act, 1923, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely an opportunity will be afforded to the said _____ of showing cause on _____ 19 _____ why the said agreement should be registered. Any representation, which you have to make with regard to the said agreement, should be made on that date. If adequate cause in them shown, the agreement may be registered.

Dated 20

Competent Authority

FORM XIX
[See rule 40(6)]

Registration of Agreement for year 20

| Sl. No. | Date of Agreement | Date of registration | Employer | Workman | Initials of Competent Authority | Reference to orders rectifying the register |
|---------|-------------------|----------------------|----------|---------|---------------------------------|---------------------------------------------|
| 1 | | | | | | |

FORM – XX
[See rule 46(1)]

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

| | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-----------------------------|
| 1 | Name and address (permanent) of the establishment. | | |
| 2 | Name of the employer and address details | | |
| 3 | Name and address/ location of place where the building and other construction is proposed to be carried on. | | |
| 4 | Name, designation and address of the authorised Person along with contact details | | |
| 5 | Correspondence address for the proposed building or other construction work may be sent | | |
| 6 | Nature of proposed construction work | | |
| 7 | Date of commencement of work(in case construction has started) | | |
| 8 | Date of completion of work | | |
| 9 | Duration of work | | |
| 10 | Total completed area of construction work | | |
| 11 | Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 43. | | |
| 12 | Total incurred cost of the construction work | | |
| 13 | Total amount of cess payable | % age of total incurred cost of the construction as notified by the Central Government | Total cess payable (in Rs.) |
| 14 | Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any | | |
| 15 | Details of cess paid (when duration of the proposed construction work is more than one year) | | |
| 16 | Sl. No | Year | |
| 17 | 14.1 | 1 st Year | |

| | | |
|----|--------------------------------------------------------------------------------------------------------|-----------|
| 18 | 14.2 | 2 nd Year |
| 19 | 14.3 | 3 rd Year |
| 20 | Total of the cess paid (Sl.No. 14 + 15) | |
| 21 | Amount of outstanding cess (Sl. No. 13 – Sl. No.16) | |
| 22 | Proof of payment of outstanding Cess, if any | |
| 23 | Amount of overpaid cess, if applicable | |
| 24 | Amount of cess assessed by the Assessing Officer | |
| 25 | Amount of outstanding cess to be paid by the employer | |
| 26 | Amount of penalty for non-payment of cess imposed / outstanding cess claimed by the Assessing Officer. | |
| 27 | Ground for Appeal with supporting documents | |
| 28 | Remark, if any | |

Declaration

1. I/We hear by declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been misrepresented in the above calculation made by me/us.

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

Signature and seal of employer

Name:

Date:

Place:

Mobile Number:

E-mail (if any):

FORM – XXI
[See rule 48(1)(i)]
REGISTER OF WOMEN EMPLOYEES

Name of establishment

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

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

6. Date on which the woman gives notice under section 62.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under section 62.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/tubectomy operation /death / adoption of child.
11. Date of production of proof of illness referred to in section 65.
12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid, under section 64.
15. Date with the amount of wages paid on account of leave under section 65(1) & 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 XXII

[See rule 50(3)(i)(ii)]

Unified Annual Return

A. General Part:

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

Address of the establishment:

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

Town DistrictState pin code

(b) Name of the employer

Address of the employer:

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

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

E-mail ID.....Telephone Number.....

Mobile number.....

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

.....

Address:

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

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

E-mail ID.....Telephone Number.....

Mobile number.....

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

| Sl. No. | Name | Registration | | If yes (Registration No.) |
|---------|-------------------------------------------------------------------------|--------------|--|---------------------------|
| 1 | 2 | 3 | | 4 |
| 01 | The Code on Occupational Safety Health and working condition code 2020. | | | |
| 02 | The 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. | Street/Plot No. Town |
| | District | State Pin Code |
| | E-mail ID | Telephone Number Moblie Number |
| | | |

D. Working hours and weekly rest day:

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

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

| | | | | | |
|----|-------|---------|--------------------------------------------------|----------------------------------|-------|
| | Males | Females | Adolescents (between the age of 14 to 18 years.) | Children (below 14 years of age) | Total |
| 01 | | | | | |
| 02 | | | | | |

F. Wage rates (Category Wise):

| Category | Rates of Wages | No. of Workers | | | | | | | |
|----------------|----------------|----------------|--------|----------|------------|----------|--------|----------|------------|
| | | Regular | | | | Contract | | | |
| | | Male | Female | Children | Adolescent | Male | Female | Children | Adolescent |
| Highly Skilled | | | | | | | | | |
| Skilled | | | | | | | | | |
| Semi-skilled | | | | | | | | | |
| Unskilled | | | | | | | | | |

G. (a) Details of Payments:

| | | | | | | |
|------------------|---------|------------|------------|--------|----------------|---------|
| Gross wages paid | | Deductions | | | Net wages paid | |
| In cash | In kind | Fines | Deductions | Others | In cash | In kind |

| | | | | | | |
|--|--|--|-----------------------|--|--|--|
| | | | for damage or loss | | | |
| | | | | | | |

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

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

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

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

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

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

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

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

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

Declaration

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

Place

Date

Sign. Here

FORM-XXIII
[See rule 49(1)]

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

Notice No

Date:

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

PART – I

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

PART –II

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

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

(Signature of the Compounding Officer)

Date:

Place:

FORM – XXIV
[See rule 49(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:

Signature of the applicant
(Name and Designation)

Dated:

Place:

FORM- XXV
Composition Certificate
[See rule 48(1)(i)]

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

(Signature)
Name and Designation of the Officer

Date:

Place:

FORM-XXVI**[See rule 51(3)(iii)]****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 of the vacancy(ies) to be filled (b) Description of duties of the post (job role/functional role) | | |
| | (c) Qualifications/Skills required (educational, technical, experience) | Essential | Desirable/Preferable |
| | (i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience | | |
| | (d) Age Limits, if any (Age as on last date of application) | | |
| | (e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc) if any | | |
| | (f) duration of employment (i) 3-6 months | Number of Posts | |

| | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| | (ii) 6-12 months (iii) 12 months and more | |
| 4 | Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Caste(SC), Scheduled Tribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC), Ex-serviceman and persons with disabilities (pwd) , etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below) | |
| 5 | Category | Number of vacancies to be filled |
| | (a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify) | Total *By Priority candidates *(Applicable for Central Government vacancies) |
| 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 | |
| 12 | Any other relevant information | |
| 13 | Name, address, email id of the Career Centre | |
| 14 | Date of receipt of Vacancies | |
| 15 | NIC Code of the establishment/ | |
| 16 | NCO Code of the post | |
| 17 | Unique Vacancy ID(number) | |

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

NOTE:

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

| FORM-XXVII [See rule 51(6)] Form EIR (Employment Information Return) Yearly Return to be submitted to the Career Centre (Regional) for the Year ended..... | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------------------|
| 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 manpower of establishment including working proprietors/partners//contingent paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid). | | |
| Category | On the last working day of the previous Year | On the last working day of the Year under report |
| MEN | | |
| WOMEN | | |
| Other (Transgender) | | |
| TOTAL : | | |
| PWD (persons with disabilities) out of above total | | |

| 2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------|--------------------------------------------------------------------------------------------------------|
| Occured | Reported | | Filled | Source (Career Centre/ NCS Portal/ Govt. Recruiting Agencies/ Private Placement Organisations/ others) |
| | Career Centre (Regional) | Central 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-organisation. | | | | |
| Description | Men | Women | Others (transgender) | Total | PWD (persons with disabilities out of total) |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |
| | | | | | |
| | | | | | |
| Total | | | | | |

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

Authorised Signatory

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

To
The Career Centre,
.....

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

Memo No. GLR(RC) 69/2020/89-A

Dated Dispur, the 21st October,2021

Copy to:-

1. P.S. to Hon'ble Chief Minister, Assam for kind appraisal of the Hon'ble Chief Minister.
2. P.S. to the Hon'ble Minister, Labour Welfare, Assam for kind appraisal of the Hon'ble Minister.
3. S.O to Chief Secretary, Assam for kind appraisal of the Chief Secretary.
4. The Labour Commissioner, Assam for information and necessary action. He is requested to upload the Gazette Notification in the official website as soon as published in the Gazette.
5. The Secretary, Skill, Employment & Entrepreneurship Department for information and necessary action.
6. The Administrative Medical Officer, ESI Scheme, Assam for kind information and necessary action.
7. The Secretary-cum-PF Commissioner, Assam Tea Employees Provident Fund Organisation, Nidhi Bhawan, Lalmati,Guwahati-781029 for kind information and necessary action.
8. The Director, Assam Govt. Press, Bamunimaidam, Guwahati-21 for publication of the Notification in the Assam Gazette with a request to send 100 copies of the Notification to this Department.

By order etc,

Joint Secretary to the Govt. of Assam
Labour Welfare Department