

NOTIFICATION

Labour and Employment Department,

Sachivalaya, Gandhinagar.

Dated the 16th November, 2021.

**Code on
Social
Security,
2020.**

No: GHR/2021/145 /PGA/172021/24659/M3:-The following draft rules, which the State Government proposes to make in exercise of the powers conferred by sub-section (1) of section 154 and sub-section (1) of section 156 of the Code on Social Security, 2020 (36 of 2020) (hereinafter referred as the said "Code") read with section 24 of the General Clauses Act, 1897(10 of 1897) and in supersession of the Gujarat Maternity Benefit Rules, 1964; the Payment of Gratuity (Gujarat) Rules, 1973; the Gujarat State Unorganised Worker's Social Security Rules, 2011 and the Gujarat Workmen's Compensation Rules, 1967; except as respects things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of section 154 and sub-section (1) of section 156 of the said Code for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Gujarat after the expiry of a period of forty-five days from the date of its publication in the *Official Gazette*;

2. Any Objection and suggestion, which may be received by the Deputy Secretary, Labour and Employment Department, 5thBlock, 6thFloor, Sachivalaya, Gandhinagar or by email – ds-labour-led@gujarat.gov.in. from any person with respect to the said draft before expiry of the aforesaid period will be considered by the State Government.

Draft Notification

**Code on
Social
Security,
2020.**

No:GHR/2021/145/PGA/172021/24659/M3 :-In exercise of the powers conferred by sub-section (1) of section 154 and sub-section (1) of section 156 of the Code on Social Security, 2020 (36 of 2020) (hereinafter referred as the said "Code") read with section 24 of the General Clauses Act, 1897(10 of 1897) and in supersession of the Gujarat Maternity Benefit Rules, 1964; the Payment of Gratuity (Gujarat) Rules, 1973; the Gujarat State Unorganised Worker's Social Security Rules, 2011 and the Gujarat Workmen's Compensation Rules, 1967, the Government of Gujarat hereby makes following rules, namely:-



DRAFT RULES

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.** - (1) These rules may be called the Code on Social Security (Gujarat) Rules, 2021.

(2) They shall extend to whole of the State of Gujarat.

(3) They shall come into force on the date of their publication in the *Official Gazette*.

2. **Definitions.-**

(1) In these rules, unless the subject or context otherwise requires; -

- (a) "**Appellate authority**" means the State Government or the authority specified by the State Government under sub-section (8) of section 56 of the Code;
- (b) "**Assessing Officer**" means a Gazetted Officer of a State Government or an officer of a local authority holding an equivalent post to a Gazetted Officer of the State Government appointed by the State Government for assessment of Cess under the Code;
- (c) "**Board**" means the Gujarat State Unorganised Workers' Social Security Board for Unorganised Workers and Gujarat Building and Other Construction Workers' Welfare Board constituted under section 6 and 7, of the code respectively;
- (d) "**Chairperson**" means the Chairperson of the Board;
- (e) "**Code**" means the Code on Social Security, 2020 (36 of 2020);
- (f) "**Electronically**" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
- (g) "**Form**" means a form appended to these rules;
- (h) "**Fund**" means the Social Security Fund;
- (i) "**Member**" means a member of the Board;
- (j) "**Nomination**" means nomination made under section 55 of the Code;
- (k) "**Registered Medical Practitioner**" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;
- (l) "**Schedule**" means the schedule of the Code;



- (m) **“Section”** means a section of the Code.
- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

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CHAPTER II GRATUITY

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

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

4. Time, form and manner of nomination by an employee under sub-section (1), the time to make fresh nomination under sub-section (4), the form and manner of modification of a nomination under sub-section (5) and the form for fresh nomination under sub-section (6) of section 55.- (1) A nomination shall be in **Form-I** and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer,

(i) in the case of an employee who is already in employment for a year or more on the date of commencement of these rules but 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-I** shall be accepted by the employer after the specified period, if filed and no nomination so accepted shall be invalid merely because it was filed after the specified period.

(2) Within thirty days of the receipt of nomination in **Form-I** under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the



employee, after obtaining a receipt thereof, the duplicate copy of the nomination in **Form-I** duly attested either by the employer or an officer authorised 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-I** to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

(4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in **Form-I** to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis*.

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression and shall be submitted by the employee electronically or by registered post acknowledgement due.

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

5. Time within which and the form in which a written application shall be made under sub-section (1) and the form of application to the competent authority under clause (b) of sub-section (5) of section 56.- (1) Application for Gratuity.-(a) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form-II** to the employer:

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

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

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

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

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

(d) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (a), (b) and (c) sub-rule (1) shall be deemed to be operative from the date of such commencement.

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

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

(2) Notice for payment of gratuity.-

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

(i) if the claim is found admissible on verification, issue a notice in **Form-III** to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof, or

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



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

- (b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in **Form-III** under sub-clause (I) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.
- (c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (a) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.
- (d) A notice in **Form-III** shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.
- (e) A notice under sub-section (2) of section 56 shall be in **Form-III**.

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

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

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

- (a) If an employer-
 - (i) refuses to accept a nomination under rule 4 or to entertain an application sought to be filed under sub rule (1) of rule 5, or
 - (ii) issues a notice under clause (a) of sub-rule (2) of rule 5 either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or
 - (iii) having received an application under sub-rule (1) of rule 5 fails to issue notice as required under sub-rule(2) of rule 5 within the time specified therein, the claimant

employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in **Form-IV** to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:

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

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

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

(a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in **Form-V**, by electronically or registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.

(b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The competent authority shall record thereon an order either according to his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.

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

(d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.



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

Provided that an order under clause (e) of sub-rule (5) may, on 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 authorise a clerk of his office to administer oaths for the purpose of making affidavits.

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

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

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

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

- (a) The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and date the particulars so recorded.
- (b) The competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet.
- (c) Any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

(11) Direction for payment of gratuity.- If a finding is recorded under clause (d) of sub-rule (5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in **Form-VI** electronically or registered post acknowledgment due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

(12) Appeal.-

- (a) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgment due or electronically.
- (b) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought.
- (c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.
- (d) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.

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

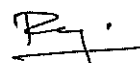
(f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent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

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

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

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

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



CHAPTER III
MATERNITY BENEFIT

7. Appeal under section 72.—

- (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the Competent Authority.
- (b) The aggrieved person shall prefer an appeal in writing to the prescribed Authority in **Form-VIII** and file other supporting documents.
- (c) When an appeal is received, the prescribed Authority shall call from the Inspector-cum-Facilitator before a fixed date, the record of the case. The prescribed Authority shall, if necessary, also record the statements of the aggrieved person, and of the Inspector-cum-Facilitator and seek clarification if any is required.
- (d) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the prescribed Authority shall give his decision..

8. Supply of forms.--The employer shall supply to every woman employed by him at her request free of cost copies of Forms IX, X, XI and XII appended to the Code on Social Security Central Rules, 2020 made by the Central Government.

9. Non-submission of notices, appeals or complaints in the prescribed forms. - Nothing shall affect the right of a woman entitled to receive maternity benefit or any other amount due under the Code if she fails to submit a notice, appeal or complaint under the said rules, as the case may be, in a prescribed form:

Provided that where a notice, appeal or complaint under the said rules has been submitted by a woman entitled to receive maternity benefit or any other amount due under the Code in a form other than the prescribed form, the authority concerned may, within fifteen days of the receipt of such notice, appeal or complaint require the woman to submit the notice, appeal or complaint, as the case may be, in the prescribed form.

10. Records.- Records kept under sub section (a) of section 123 of the code and rules framed there under shall be preserved for the period of 2 years from the date of its preparation



11. **Abstract.**-The abstract of the provision under Section 71 of the Chapter VI of the Code and the rules frame there under required to be exhibited under section 71 shall be in **Form-IX** and shall be exhibited in such manner as the Competent Authority may require.

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CHAPTER IV
EMPLOYEES COMPENSATION

PART I

REVIEW OF HALF MONTHLY PAYMENTS AND COMMUTATION THEREOF

(Rules made under section 79(1) of the Code)

- 12. When application may be made without medical certificate.** -Application for review of a half-monthly payment under section-79 may be made without being accompanied by a medical certificate-
- (a) by the employer on the ground that since the right to compensation was determined the Employee's wages have increased;
 - (b) by the Employee, on the ground—
 - (i) that since the right to compensation was determined his wages have diminished,
or
 - (ii) that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no such change in the Employee's conditions as to warrant such cessation;
 - (c) either by the employer or by the Employee, on the ground
 - (i) that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means, or
 - (ii) that in the determination of compensation there has been a mistake or an error apparent on the face of the record.
- 13. Procedure on application for review.** - If, on 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 a reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order with holding the half-monthly payments in whole or in part pending his decision on the application.

PART II
MEDICAL EXAMINATION
(Rules made under section 84(1) of the Code)

14. Employee not be required to submit to medical examination save in accordance with rule.-A Employee who is required by section 84 to submit himself for medical examination shall be bounded to do so only in accordance with the rules 15 to 19 and not otherwise.

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

16. Examination in other cases. -In cases to which rule 15 does not apply the employer may

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

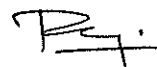
(b) send to the Employee and offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the Employee shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time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

Provided that--

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

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

17. Restriction on number of examination.-A Employee who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere



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

18. Examination after suspension of right to compensation.-If a Employee whose right to compensation has been suspended under sub-section (2) or sub –section(3) of section 84 subsequently offers himself for medical examination his examination shall take place on the employer's premises or at such other place in the vicinity thereof as may be fixed by the employer an at a time to be fixed by the employer not being, save with the express consent of the Employee, more than 72 hours after the Employee has so offered himself.

19. Examination of women.- (1) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

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

PART III

NOTICE, STATEMENT AND REPORT OF ACCIDENTS

(Rules made under section 88(1) of the Code)

20. Notice and Statement under section 82.-(1) The Notice sent by a Competent Authority to an employer under section 82 shall be in **Form XIV** and shall be accompanied by a blank copy of **Form XV**.

(2) The statement submitted by an employer under the said section 82 shall be in **Form XV**.

21. Report of fatal accidents.-The report required by section 73 shall be in **Form XVI**.

22. Right of employer to present memorandum when information received

(1) Any employer who has received information of an accident may at any time, notwithstanding the facts that no claim for compensation has been instituted in respect of such accident, present to the Competent Authority a memorandum, supported by an affidavit made by himself or by any person subordinate to him having knowledge of the facts stated in

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the memorandum, embodying the result of any investigation or inquiry which has been made into the circumstances or cause of the accident.

(2) A memorandum presented under sub-rule (1) shall, on payment of the requisite fee recorded by the Competent Authority.

PART IV
RECORD OF MEMORANDUM OF AGREEMENT
(Rules made under section 89(1) of the Code)

23. Form of memorandum.-Memoranda of agreement sent to the Competent Authority under section 97 shall, unless the Competent Authority otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with **Form XVII** or **Form XVIII** or **Form XIX** as the case may be.

24. Procedure where Competent Authority not inclined to refuse to record.-


(1) On receiving a memorandum of agreement, the Competent Authority shall unless he considers that there are grounds for refusing to reword the memorandum, fix date for recording the same, and shall issue a notice in writing in **Form XX** to the parties concerned.

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

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

Provided that, the issue of a notice under sub-rule (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.

(3) If no such date the Competent Authority decides that the memorandum ought not to be recorded he shall inform the parties present of his decision and of the reason thereof and if any party desiring the memorandum to be recorded is not recorded is not present, he shall send, the information to that party in **Form XXI**.



25. Procedure where Competent Authority inclined to refuse to record memorandum.-

- (1) If, no receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party desiring the memorandum to be recorded, and shall inform such party 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.
- (2) If, the parties to be informed are not present, a written notice shall be sent to them in **Form XXII or Form XXIII**, as the case may be, and the date fixed in such notice shall not be earlier than the expiry of seven days after the date of the issue thereof.
- (3) If, on the date fixed under sub-section (1) the party desiring the memorandum, to be recorded shows adequate cause for recording if the Competent Authority may, if information has already been given to all the parties concerned, record the agreement. If information has been given to all such parties he shall proceed in accordance with rule 24.
- (4) If, on the date so fixed the Competent Authority refuses to record the memorandum, he shall send a notice in **Form XXI** to any party who did not receive information under sub-rule (1).

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

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



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

"This memorandum of agreement bearing serial No..... of 19..... in the register has been recorded this..... day of.....

(Signature)

Competent Authority

**PART V
PROCEDURE**

(Rules made under section 92(1) of the Code)

28. **Introductory.** -Save as otherwise provided in these rules, the procedure to be followed by a Competent Authority in the disposal of cases under the Act or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in rule 29 to rule 52.

29. **Application.** - (1) Any application of the nature referred to in section 92 may be sent to the Competent Authority by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and, if so sent or presented, shall unless the Competent Authority otherwise directs, be made in duplicate in **Form XXV or XXVI** as the case may be or in other appropriate form, if any and, shall be signed by the applicant.

(2) There shall be appended to every such application a certificate signed by the applicant, to the effect that the statement of facts contained in the application is, to the best of his knowledge and belief, accurate.

30. **Production of documents.** - (1) When the application for relief is based upon a document, the document shall be appended to the application.

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



- (3) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not, without the permission of the Competent Authority, be admissible in evidence on behalf of the party who should have produce it.
- (4) Nothing in this rule applies to any documents which is produced for the purpose of cross-examining a witness or is shown to a witness for refreshing his memory.

31. Application presented to wrong Competent Authority. -(1) If it appears to the Competent Authority on receiving an application that should have been presented to another Competent Authority, he shall return it to the applicant after endorsing thereon the dates of presentation and return thereof, the reason for returning it and the designation of the Competent Authority to whom it should be presented.

(2) If it appears to the Competent Authority at any subsequent stage an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it shall in form the applicant (and the opposite party, if any to whom a copy of the application has been sent under rule 35), accordingly.

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

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

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

33. Summary dismissal of application. -(1) The Competent Authority may, after considering the application and the record of the examination, if any, of the applicant under

rule 32, summarily dismiss the application, if, for reasons to be recorded, he is of the opinion that there are no sufficient grounds for proceeding thereon.

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

34. Preliminary inquiry into application.-If the application is not dismissed under rule 33 the Competent Authority may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, to defend it and if upon considering such evidence, the Competent Authority is of the opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

35. Notice to opposite party. - If the Competent Authority does not dismiss the application under rule 34 or rule 35, he shall send to the party from whom the applicant claims relief (hereinafter referred to as 'the opposite party') a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce on that date any evidence which they may wish to tender.

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

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

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

(2) In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion relate to questions of fact and those which relate to question of law.

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

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

40. Reasons for postponement to be recorded. - If the Competent Authority is unable to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

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

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

42. Summoning of Witness. - If an application is presented by any party to the proceedings for the citation of witnesses, the Competent Authority shall, on payment of the requisite expenses and fees, issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

43. Exemption for a payment of costs.- If the Competent Authority is satisfied that the applicant is unable by reason of poverty, to pay the prescribed fees, he may remit any or all



of such fees. If the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in such manner as the Competent Authority in his order regarding costs directs.

44. Right of entry for local inspection. - A Competent Authority before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the Employee was injured, or where the Employee ordinarily performed his work, for the purpose of making a local inspection or of examining any person likely to be able to give information relevant to the proceedings.

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

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

(2) Such notice may be given orally or in writing, and in the case of an employer, may be given to any person upon whom notice of a claim can be served under section 82(3), or the representative of any such person.

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

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

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

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

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

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

(4) If a witness who has been examined under sub-rule (1) makes in his evidence any statement contradicting in material particulars any statement made by him in such examination and reduced to writing, the Competent Authority may call his attention to such statement and shall in that case direct that the parties be furnished with the relevant part of such statement of the purpose of using it in examining or cross-examining the witness.

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

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

47. Agreement to abide by Competent Authority's decision.-(1) If a party expresses in writing his willingness to abide by the decision of the Competent Authority, the Competent Authority shall ascertain whether the other party also is willing so to abide.

(2) If the other party is so willing, the fact of his willingness shall be recorded in writing and the record thereof shall be signed by him.

(3) If the other party is not willing to abide by the Competent Authority's decision, the party which had initially expressed his willingness to abide by the decision of the Competent Authority shall not be bound so to abide.

48. Procedure where indemnity claimed under section 85(2).- (1) Where the opposite party claims that if compensation is recovered from him he would be entitled under section 85(2), to be indemnified by a person not being a party to the case, he shall, when first called upon to defend the application, present a notice of such claim to the Competent Authority accompanied by the requisite fees, and the Competent Authority shall thereupon issue a notice to such person in **Form XXVII**.

(2) If any person served with a notice under sub-rule (1) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Competent Authority on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, he shall have all the rights of a party to the proceedings. If he does not so appear he shall be deemed to have admitted the validity of any award which may be made against the opposite party and to have admitted his own liability to indemnify the opposite party for any compensation which may be recovered from him:

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

(3) If any person served with a notice under sub-rule (1) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the Employee could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1) present a notice of such claim to the Competent Authority accompanied by the requisite fee and the Competent Authority shall thereupon issue notice to such person in **Form XXVIII**.

(4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation or the claim under sub rule (3) to be indemnified, he shall appear before the Competent Authority on the date fixed in the notice in **Form XXVI** or on any date to which the case may be adjourned and, if he so appears shall have all the rights of a party to the proceedings. If he does not so appear he shall be deemed to have admitted the

validity of any award which may be made against the original opposite party or the person served with a notice under sub-rule (1) and have admitted his own liability to indemnify the party against whom such award is made for any compensation which may be recovered from him:

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

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

49. Procedure in connected cases.- (1) Where two or more cases pending before a Competent Authority arise out of the same accident, and any issue involve is common to two or more such cases, such cases may, so far as the evidence hearing on such issue is concerned, be heard simultaneously.

(2) Where the procedure specified in sub-rule (1) is followed, the evidence bearing on a common issue shall be recorded in the proceedings of one case, and the Competent Authority shall certify under his hand in the proceedings of any other such case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present, of cross examining the witnesses.

50. Certain provisions of Code of Civil Procedure, 1908 apply.- Save as otherwise expressly provided in the Act of these rules, the following provisions of the First Schedule to code of Civil Procedure, 1908 in its application to the State of Gujarat namely those contained in order V, rules 9 to 13 and 15 to 30; Order IX ; Order XII, rules 3 to 10; Order XVI rules 2 to 21 Order XVII; Order XXIII, rules 1 and 2 and Order XXVI rules 1 to 8 shall

apply to proceedings before a Competent Authority in so far as they may be applicable thereto:

Provided that-

- (a) for the purpose of facilitating the application of the said provisions the Competent Authority may construe them in such manner without affecting the substance thereof, as may be necessary or proper in regard to the matter before him, and
- (b) the Competent Authority may, for sufficient reasons which shall be recorded, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interest of the parties will not thereby be prejudiced.

51. Provision regarding signature on Form. - Any Form, other than a receipt for compensation, which is by these rules, required to be signed by a Competent Authority may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

52. Apportionment of compensation among dependants.- The provisions of this Part, except those contained in rules 35,36, and 48 shall, as far as may be apply in the case of any proceeding relating to the apportionment of compensation among dependants of a deceased Employee.

53. Transfer for report. - (1) A Competent Authority transferring any matter to another Competent Authority for report in accordance with section 92(3) shall, along with the documents referred to in that subsection transmit to such other Competent Authority a concise statement, in the form of question for answer, of the matter on which report is required.

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

54. Transmission of money. -Money transmitted by one Competent Authority to another in accordance with section 92(3) shall be transmitted either by remittance transfer receipt or

by digital payment or money order, or by messenger, as the Competent Authority transmitting the money may direct.

PART VI

COSTS

(Rules made under section 93(4) of the Code)

55. Time-limit for disposal of application and cost incidental to the proceedings

(1) The competent authority shall dispose the application within six months from the date of receiving the application.

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

(a) the cost for the copies of any document of record or statement or order or decree shall be rupees hundred per copy of the said documents.

(b) The cost of service or summons or notices or expenses of witnesses or the cost payable in respect of any of the matter not referred above shall be such amount as may be ordered in each case by the competent authority

(c) The competent authority may, whenever it finds either on application of applicant or otherwise that the applicant is unable to pay the costs, it may exempt the applicant from the payment of cost.

(ii) Any person who is not a party to dispute, may get the certified copy of decision, decree or other documents except the confidential documents, on payment of such fees as specified in the preceding clause.

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

56. Register of beneficiaries.-Every employer shall maintain employment register under Section 123(a) as per **Form-XXIX**.

57. Composition of Board. - (1) The State Government shall by notification in the Official Gazette constitute a board to be known as the Gujarat Building and other Construction Workers Welfare Board.

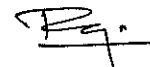
(2) The Board shall consist of:

- (a) Additional Chief Secretary / Principal Secretary / Secretary of Labour and Employment Department as an ex-officio Chairperson,
- (b) One member representing the Central Government.
- (c) Five members nominated by State Government, including Commissioner / Director of Labour, Gujarat State and one each shall be from Health and Family Welfare Department, Roads and Building Department, Narmada, Water Resources and Water Supply Department, Finance Department not below the rank of Secretary.
- (d) Five members representing the Building and Other Construction Workers.
- (e) Five members representing the employers association connected with the building and other construction work.

Under section 7(5)(a) of the Code, the Secretary appointed under Rule 63 shall be the Member Secretary of the Board and shall be Chief Executive Officer.

(3) The State Government shall by notification in the Official Gazette publish the names of, the person nominated by the State Government, and other members.

58. Term of office of members under section 7(4).- The term of office of the members, nominated by the State Government under rule 57, of the Board shall be three years commencing on the date on which their appointments are notified in the Official Gazette.



59. Reconstitution of Board under section 7(4). - (1) State Government shall initiate the process for reconstitution of the Board, prior to six months of the expiry of the term of the Board.

(2) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging and function of the board as may be decided by the State Government for the period till the new Board is constituted, through a notification.

(3) Consequent upon institution of such arrangement, all actions taken shall have the same effect as if it has been carried out by the Board itself.

60. Resignation of office by member under section 7(4).- Any member, nominated by the State Government under rule 57, of the Board may at any time resign his office by writing under his hand addressed to the State Government, and his office shall, on acceptance of resignation, become vacant.

61. Filling up of vacancy under section 7(4). -In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the Board shall forthwith communicate the occurrence to the State Government, and the vacancy shall be filled in not later than 90 days from the date of occurrence of the vacancy shall hold the office so long only as the member in whose place he is nominated would have held it if the vacancy had not occurred.

62. Allowances payable to members under section 7(4).- The members attending the meeting, other than government representatives, shall be paid travelling allowance and meeting allowance at such rates as may be fixed by the Board from time to time.

63. Terms and conditions of service of secretary, other officer and employees of the Board under section 7(5).- The terms and conditions of service and salaries, allowances of secretary, other officers and employees of the Board shall be such as may be determined by the Board from time to time, subject to the following, namely:-

(a) the Secretary of the Board shall, as far as possible, be an officer of the State Government preferably of the rank not below Gujarat Administrative Service, Senior Scale or Deputy Secretary of State Government on deputation;



- (b) the term of deputation of an officer appointed as secretary shall not exceed three years;
- (c) the other officers and employees of the board may also be taken on deputation from the State Government for a maximum period of three years;
- (d) in case where the Secretary, other officers and employees of the Board are not drawn from amongst the services of the State Government, the Board may make appointments subject to such terms and conditions of services it may determine, subject to the approval of the State Government.
- (e) Subject to the provisions contained in sub-section (3) of section 108 of the Code, the salaries and allowances payable to the Secretary, other officers and employee of the Board shall not be higher than those admissible to the State Government employees of equivalent status.

64. Time limit to pay the cess under section 101. - (1) The cess levied under sub section (1) of Section 100 shall be paid electronically by an employer in advance or before the commencement of the work to the cess collector.

(2) With the exception of construction of houses less than Rs. 50 lakh for own use, the owner of the house of more than or equal to Rs. 50 lakh, shall pay cess electronically as per the existing legal provisions and they will be required to pay construction cess at the time of plan approval.

(3) For construction of building and other constructions by private builders / developers / contractors, the amount of construction cess has to be paid electronically at the time the plan is submitted to the authority for approval.

(4) The Cess collected electronically or otherwise shall be monitored by Commissioner of Labour /Director of Labour.

65. Fees for Appeal under section 105.- The application of appeal shall accompany a non-refundable fee equivalent to half percent, but not exceeding rupees twenty-five thousands of the amount in dispute or penalty or both, as the case may be, under such appeal.

66. Annual report under section 118. -The board shall submit to the State Government and Central Government as soon as may be after the 1st of April every year and not later 31st day of October, an annual report in **Form-XXX** on the working day of the Board during

the preceding year ending on 31st March of the year along with audited copy of accounts together with an auditors' report.

67. Powers of the State Government to give directions. - In the exercise of the powers and the discharge of its functions, the Board shall be bound by such directions as the State Government may, for reasons to be stated in writing, to it from time to time.

68. Powers of the Board to implement any Scheme of State Government. -In the exercise of the powers and the discharge of its functions, the Board shall implement any scheme of the State Government, which it deems fit, for the benefit of the building workers and the members of their family.

69. Information to be furnished by the employer under section 123 (d). —(1) Every employer, within Sixty days of commencement of his work of payment of cess, as the case may be, file a return under clause (d) of Section 123 of the Code as per **Form- XXXI** to the Assessing Officer.

(2) Any change or modification in the information furnished under sub-rule (1) shall be communicated to the Assessing Officer immediately but not later than thirty days from the date of affecting the modification or change.

By,

CHAPTER VI

GUJARAT STATE UNORGANISED WORKERS' SOCIAL SECURITY BOARD

70. Manner of exercising the powers and performance of the functions of the Board under sub-section (9) of section 6. – (1) The Board for discharging its functions as assigned to it, under sub-section (15) of section 6, may constitute a committee to deliberate and recommend on the specific issue(s) as may be assigned to advisory committee.

(2) Such advisory committee may co-opt members from the Board or outside, as the case may be from the fields of the experts from which such advisory committee is required to be deliberate.

71. Terms of office and other conditions of members of the Board under sub-section (12) of section 6. - (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.

(2) 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 the Legislative Assembly by which he is so elected.

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

Provided that out of seven persons nominated under sub-clause (i) of clause (d) of sub section (10) of section 6, one member each from the Scheduled Castes, the Scheduled Tribes, the Minorities and Women shall be represented.

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

(5) The salaries and allowances payable to officers and employees of the Social Security Board shall not be higher than those admissible to the State Government employees of equivalent status.

72. Resignation: - (1) A member of the Board, not being an ex-officio member may resign his office by a letter in writing addressed to the Chairperson.

(2) The seat of such member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date receipt of intimation of resignation, whichever is earlier.

(3) The power to accept the resignation of a member shall vest in the Chairperson who, on accepting the resignation, shall report to the Board at its next meeting.

73. Change of Address. - If a member changes his address, he shall notify his new address to the Member-Secretary of the Board who shall thereupon enter his new address in the official records;

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

74. Manner of filling vacancies. - When a Vacancy occurs or is likely to occur in the membership of the Board, the Chairperson shall submit a report to the State Government and on receipt of such report, the State Government may, by notification, nominate a person to fill the vacancy and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is so nominated.

75. Allowances of member.-(1)The travelling allowance of an official member of the board shall be governed by the rules applicable to him for journey performed by him on official duty and shall be paid by the authority paying his salary.

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



76. Disposal of business.-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;

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

Explanation.- The expression "Chairperson" for the purpose of the above proviso shall include a member nominated or chosen under sub-rule (2) of rule 77 to preside over a meeting.

77. Meeting of the Board. - (1) The Board shall meet at least once in four months at such places and at such times as may be decided by the Chairperson.


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

78. Notice of meetings and list of business. - (1) The Chairperson shall ordinarily give two weeks' notice of proposed meeting to the members of the Board;

Provided that the Chairperson, if he is satisfied that it is expedient so to do, may give notice of longer period not exceeding one month for such meeting.

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

(3) The Chairperson may call a special meeting of the Board at any time in case of urgency, after informing the members in advance about the subject-matter of discussion and the reasons of urgency.



79. **Quorum.** - (1) No business shall be transacted at any meeting of the Board unless at least one-third members are present in that meeting;

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

(2) The State Government may debar any member, other than ex-officio members, from taking part in the meeting of the Board if-

(a) he absents himself from three consecutive meeting of the Board without written information to and consent of the Chairperson, or

(b) in view of the State Government, such member has ceased to represent the interest which he purports to represent on the Board.

By _____

CHAPTER VII
AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

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

(1) Register of Women Employees. — (a) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in **Form XXXII** electronically or in hard copy and shall enter therein particulars of all women workers in the establishment. Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum Facilitator.

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

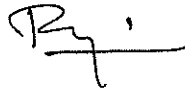
(2) Records. —Records kept under the provisions Chapter V of the Code and the rules framed thereunder shall be preserved for a period of two years from the date of their preparation.

(3) Annual returns.— (a) 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-XXXIII** online on web portal of the Labour and Employment Department, State Government, giving information as to the particulars specified, in respect of the preceding year: Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

Explanation.- For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000). (b) If the employer to which the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of



such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of the Labour and Employment Department, State Government a further unified return in **Form XXXIII** referred to in clause(a) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

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CHAPTER VIII
OFFENCES AND PENALTIES

81. Form and manner of making application for the compounding of an offence under sub-section (4) of section 138.- (1) The officer authorized by the State Government by notification for the purposes of compounding of offences under sub-section (4) of section 138 shall issue electronically a compounding notice in **Form-XXXIV** for the offences for which are compoundable under section 138.

(2) The person so noticed may apply in Part III of the **Form-XXXIV** to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

(3) The Compounding Officer shall issue a composition certificate in Part IV of **Form-XXXIV** 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. —

(a) The Court may compound any compoundable offence at any time after filing of a complaint under section 138 of the Code.

(b) The provisions of section 320 of the Code of Criminal Procedure, 1973 shall apply to such compositions.

P. J.

CHAPTER-IX

EMPLOYMENT INFORMATION AND MONITORING

82. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre under sub-section (2) of section 139.-

(1) Reporting of Vacancies to Career Centers.-

(a) After the commencement of this Code in the State of Gujarat thereof, the employer in every establishment in public sector in State or area shall, before filling up any vacancy in any employment in that establishment, report that vacancy to the State Employment office through the Employment portal of the State Government.

(b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy to the State Employment office through the Employment portal of the State Government.

(c) The State Government shall provide for mechanism (in form of Employment portal) for receipt of vacancies reported by the employers through a notification. Career Centre to which the vacancies are reported would provide a unique vacancy reporting number for the vacancy reported to the employer in writing, through email or digitally or through any other such media within ten working days from the date of receipt of reporting of vacancies.

Explanation: (1) Establishment in “public sector” means an establishment owned, controlled or managed by –

(i) the Government or a Department of the Government



(ii) a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (No. 18 of 2013);

(iii) corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned, controlled or managed by the Government; and

(iv) a local authority.

(2) “Establishment in private sector” means an establishment as notified by the State Government from time to time.

(2) Type of vacancies and respective Career Centre for reporting of vacancies.-

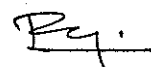
(a) The following vacancies, namely:-

(i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the State Government, occurring in establishments in respect of which the State Government is the appropriate Government under the Code; and

(ii) Vacancies which an employer may desire to 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(State) as may be specified by the State Government by notification.

(b) Vacancies other than those specified in clause (a) of sub-rule (2) above, shall be reported to the concerned Career Centre.

(c) Vacancies which have been reported to the Career Centre and for which recruitment is to be made on State or Inter-State or all India basis, shall also be



reported to Career Centre(State) or uploaded on a digital portal as specified by the State Government by notification.

(3) Form and manner of reporting of vacancies.-

(a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre through the employment portal as notified the State Government.

(b) The vacancies shall be reported in Vacancy Notification Form as given in **Form-XXXV** furnishing as many details as practicable, separately in respect of each type of vacancy.

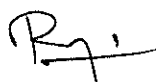
(c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule(3), shall be reported in writing or through official email or digitally as the case may be, to the specified Career Centre.

(4) Time limit in the reporting of vacancies. -Vacancies, required to be reported to the Career Centre, shall be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported, whichever is earlier.

(5) Maintenance of records.-

(a) After commencement of this Code in State of Gujarat 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,-

(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) Vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - (iv) Occupational details of approximate number of vacancies likely to occur during the next two financial years and the skill requirements thereof.
- (b) The 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) Vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - (iv) Occupational details of approximate number of vacancies likely to occur during the next two financial years and the skill requirements thereof.

(6) **Submission of returns.** - An employer shall furnish to the concerned Career Centre yearly returns in form EIR (Employment Information Return) as given at **Form-XXXVI**. Yearly returns shall be furnished manually or electronically or digitally, as the case may be, up to 31st May of the year.

(7) **Declaration of Executive Officer.** - The Assistant Director/Employment officer holding the responsibility of the career Centre shall be "Executive Officer" for each district

Pg.

for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.

(8) Levy of penalty under Chapter XIII of the Code. - The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centers of the respective State shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

By: _____

CHAPTER X
MISCELLANEOUS

83. Collection of Labour Statistics. –For the purpose of any provisions made under these rules, the State Government shall mean the Office of the Director General, Labour Bureau in the collection or extraction of annual statistical information on any matter under this Code, specified electronically.

84. Conditions and manner of writing off irrecoverable dues under section 121.- Where the Gujarat Unorganised Workers' Social Security Board is of the opinion that the amount of contribution, cess, interest and damages due to the Social Security Board has become irrecoverable, Gujarat Unorganised Workers' Social Security Board or any other officer authorized by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely:-

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

85. Establishment and administration of Social Security Fund under sub-section (5) of section 141. – (1) All the following funds received shall be credited to separate account and called as the Gujarat Social Security Fund and all expenses towards the scheme notified under section 109 shall be met out of this fund ;-



- (a) under sub-section (5) of section 141 of the Code on Social Security, 2020 (36 of 2020) ; and under sub-section (1) of section 115 of Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020);
- (b) contribution from contractors empanelled for supplying manpower to State Government, Semi-Government, or Local Authorities Bodies, etc, in the manner decided by the State Government, in accordance with the provisions of clause (ii) of sub –section (5) of section 141 of the Code;
- (c) contribution by employers, donations by Governments, Semi-Governments, Semi-Government and private organizations;
- (d) donations under Corporate Social Responsibility;
- (e) income obtained through various fund generating schemes;
- (f) grants received from the Central and State Government;
- (g) all contributions made by the unorganized workers including registration fee, renewal fee, membership fee, etc.;
- (h) interest on investment in security and deposits, rent and all money received by the Gujarat Unorganised Workers’ Social Security Board in any other manner or from any other sources;
- (i) any other sources as ascertained by the State Govt. from time to time.
- (j) Income generated by way of tax, cess or duty levied by State Government.
- (2) The Gujarat Unorganised Workers’ Social Security Board may invest its funds and realize such investments.
- (3) The State Government shall identify the sources for initial funding or replenishing the Gujarat Social Security Fund from time to time.
- (4) The fund shall be collected, administered and expended by the State Government through the office of the Commissioner/Director of Labour as directed by the State Government.
- (5) Directions of the State Government, if any, shall be complied by the office of the Commissioner/Director of Labour.
- (6) The Statement of accounts of Gujarat Social Security Fund shall be maintained by the office of the Commissioner/Director of Labour, in the form(s) and manner as specified by the State Government and shall be submitted to the State Government from time to time.

Py,

86. Holding of property, etc., by the Board under sub-section (1) of section 120. -The Board may in the name of the Board with prior permission of the State Government, acquire and hold property, both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for such purposes and for the purposes for which the said Board is established.

87. Holding of property, etc., by the Board under sub-section (2) of section 120. - With prior permission of State Government the Board may, from time to time invest any moneys vested in it, which are not immediately required for expenses properly defrayable and may, subject to as aforesaid, from time to time re-invest or realize such investments in the Government Agencies:

Provided that in case of Provident Fund, Pension Fund or Insurance Fund, such investment, re-investment or realization shall be specified in the Provident Fund Scheme or Pension Scheme or Insurance Scheme, as the case may be.

Ry.

FORM-I

[(see rule 4(1),(2), (3) and (4)]

Nomination/Fresh Nomination/Modification of Nomination

(Strike out the words not applicable)

To
.....

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

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

or

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

**Strike out unnecessary portion.*

2. I hereby certify that the person(s) mentioned is/are a member(s) of my family within the meaning of clause (33) of section 2 of the Code on Social Security, 2020.
3. I hereby declare that I have no family within the meaning of clause (33) of section 2 of the said Code.
 - (a) My father/mother/parents is/are not dependent on me.
 - (b) My husband's father/mother/parents is/are not dependent on my husband.
4. I have excluded my husband from my family by a notice dated the..... to the competent authority in terms of clause (33) of section 2 of the said Code.
5. Nomination made herein invalidates my previous nomination.

Nominee(s)

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

8. Permanent address:

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

Office.....

Pin-Code..... District..... State.....

E.mail ID..... Mobile Number.....

Place: Date:

Signature/Thumb-impression of the
Employee

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 authorized

Date:

Designation

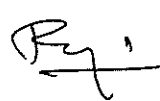
Name and address of the establishment or
rubber stamp thereof.

Acknowledgement by the Employee

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

Date:

Signature of the Employee



FORM-II

[[see rule 5(1)]]

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)

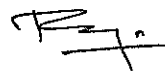
Sir/Madam,

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 of years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....

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

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

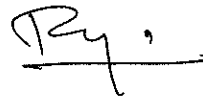


3. Department/Branch/Section where last employed
4. Post held by employee.
5. Date of appointment.
6. Date and cause of termination of service
7. Date of Death
8. Total period of service of the employee
9. Total wages last drawn by the employee.
10. Total gratuity payable to the employee/ share of gratuity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

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

Place:

Date:



FORM-III

[(see rule 5(2))]

Notice for Payment/Rejecting claim of Gratuity

(Strike out the words not applicable)

To,.....

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

You are hereby informed that

a. *as required under sub-clause (ii) of clause (a) of sub-rule (2) of rule 5 of the Code on Social Security (State) 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 5 the Code on Social Security (Gujarat) Rules, 2021 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 aton..... (Here specify place)(date) at(time) for collecting your payment of gratuity crossed cheque.

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

4. Brief statement of calculation

a. Date of appointment.

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

c. Total period of service of the employee concerned: yearsmonths.

d. Wages last drawn:

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

f. Amount payable:

*strike out para, if, not applicable

Ry.

Place:

Date:

Signature of the Employer/authorised officer

Name or description of establishment or

rubber stamp thereof.

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

Copy also to: Office of DG Labour Bureau, Ministry of Labour and Employment, Chandigarh.

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line and a small dot.

FORM-IV

[(see rule 5(4))]

Application for Direction

Before the Competent Authority for Chapter V under the Code on Social Security, 2020

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

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

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 (Gujarat) Rules, 2021 on thebut the above-mentioned employer refused to entertain it/issued a notice dated the..... under clauseof sub-rule of rule offering 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.

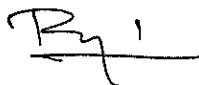


ANNEXURE

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 SI. No., if any (if known)
8. Date of appointment of the employee (if known)
9. Date and cause of termination of service of the employee (Superannuation / retirement / resignation /disablement / death/Completion of contract period under Fixed Term Employment)
10. Total period of service by the employee
11. Wages last drawn by the employee
12. If the employee is dead, date and cause thereof
13. Evidence/witness in support of death of the employee
14. If a nominee, No. and date of recording of nomination with the employer
15. Evidence/witness in support of being a legal heir if a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Place:

Date: Signature/Thumb-impression of the applicant



FORM — V

[(see rule 5 (5),(8)]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

(Name and address of the employer/applicant)

Whereas Shri.....an employee under you/a nominee(s)/legal heir(s) of Shri.....an employee under the above-mentioned employer, has/have filed an application under sub-rule (4) of rule 5 of the Code on Social Security(Gujarat) Rules, 2021 alleging that----

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

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at

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

A handwritten signature in black ink, appearing to be 'Py', with a horizontal line underneath it.

FORM — VI

[(see rule5(11) and (12)]

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

(Strike out the words not applicable)

To,

(Name and address of employer)

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

Whereas a notice was given to you 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

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.

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

R.

FORM — VII

[(see rule 5(13)]

Application for Recovery of Gratuity

Before the Competent Authority for Chapter V under the Social Security Code, 2020

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

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

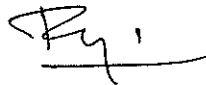
1. The applicant is an employee of the above-mentioned employer/a nominee of late.....an employee of the above mentioned employer/a legal heir of late an employee of the above –mentioned employer, and you were pleased to direct the said employer in your notice dated the under sub-rule (11) or sub-rule (12) of rule 3 of Code on Social Security (Gujarat) Rules, 2021 for payment of a sum of Rs. as gratuity payable under the Code on Social Security, 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 of the Code 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 VIII
Appeal
(see rule 7(b))

To.

The Authority.

(Appointed under the Social Security Code, 2020)

.....(Address)

Sir,

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

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

*Shri....., Inspector-cum-Facilitator, having directed under sub-section (2) of section 72 to pay the maternity benefit or other amount being..... (Nature of amount) to which..... (Name of woman) is said to be entitled/to set aside my discharge or dismissal during or on account of absence from work in accordance with the provisions of this Chapter V of the Social Security Code, 2019(*Strike out unnecessary portion*).

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

**Strike out unnecessary portion.*

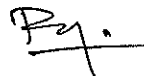
Signature or thumb impression of the Women/Aggrieved person

Date.....

.....

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

Full address of the nominee/legal representative



FORM IX

(Abstract for the Maternity Benefit, and the rules made under the Social Security Code,
2020).

[See Rule 11]

1. No employer shall knowingly employ a woman during the six weeks immediately following the day of her delivery of miscarriage/ Medical termination of pregnancy and no woman shall work in any establishment during the said period.
2. No pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do during the period of one month immediately preceding the period of six weeks before the date of her expected delivery and also for any period during this period of six weeks for which she does not avail of leave of absence, any work which is of an arduous nature or which involves long hours of standing, or which in way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.
3. (1) Subject to the provisions of the Code, every woman who has actually worked in an establishment of the employer from whom she claims maternity benefit for a period of not less than eighty days, including the days during which she was laid off, shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of her average daily wages, or **the minimum rate of wage fixed or revised under the Code on wages 2019 or Two hundred rupees a day**, whichever is higher, for the period of her actual absence not exceeding six weeks immediately preceding the day of delivery and the remaining period immediately following that day:

Provided further that where a woman dies during the period for which maternity benefit is payable, to her, the benefit shall be payable only for the days up to and including the day of her death. However, where the woman having been delivered of a child, dies during her

By,

delivery or during the remaining period of maternity benefit leaving behind in either case the child, the employer shall be liable for the payment of maternity benefit for the entire period of maternity benefit following the day of her delivery but if the child also dies during the said period, then, for the days up to and including the day of the death of the child.

(2) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of a certificate in **Form X (appended to the Code on Social Security Central Rules, 2020 made by the Central Government)** stating that she is pregnant and is expected to be delivered of a child within six weeks of the date of production of the certificate, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of the certificate issued in **Form X (appended to the Code on Social Security Central Rules, 2020 made by the Central Government)** that she has been delivered of a child or production of a certified extract from a Birth Register maintained under the provisions of any law for the time being in force.

4. (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Code may give notice in writing in **Form XI (appended to the Code on Social Security Central Rules, 2020 made by the Central Government)** to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Code may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.
- (2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.
- (3) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery.

Py.

- (4) On receipt of the notice, the employer shall permit such woman to absent herself from establishment until the expiry of the remaining period of maternity benefit after the day of her delivery.
5. (1) Every woman entitled to maternity benefit under the Code shall also be entitled to receive from her employer a medical bonus of Three Thousand and Five Hundred Rupees, if no pre-natal, confinement and post-natal care is provided for by the employer free of charge. The medical bonus shall be paid along with the second installment of the maternity benefit.
- (2) In case of miscarriage/medical termination of pregnancy, a woman shall, on production of a certificate in **Form X (appended to the Code on Social Security Central Rules, 2020 made by the Central Government)** be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage. The wages shall be paid within 48 hours of production of the certificate in **Form X (appended to the Code on Social Security Central Rules, 2020 made by the Central Government)**.
- (3) A woman suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage/ medical termination of pregnancy or tubectomy operation shall, on production of a certificate in **Form X (appended to the Code on Social Security Central Rules, 2020 made by the Central Government)** be entitled, in addition to the period of absence allowed to her on account of maternity or miscarriage/ medical termination of pregnancy or tubectomy operation, as the case may be, to leave with wages at the rate of maternity benefit for a maximum period of one month. The wages for the leave period shall be paid within 48 hours of the expiry of that period.
6. Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work two breaks of 15 minutes' duration for nursing the child until the child attains the age of fifteen months.

Ry!

An extra sufficient period, depending upon the distance to be covered, shall be allowed for the purpose of the journey to and from the creche or the place where the children are left by women while on duty, provided that such extra period shall not be less than 5 minutes and more than 15 minutes' duration.

7. (1) When a woman absents herself from work in accordance with the provisions of the Code, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

(2) (a) The discharge or dismissal of a woman at any time during her pregnancy, if the woman but for which discharge or dismissal would have been entitled to maternity benefit or medical bonus shall not have the effect of depriving her of the maternity benefit or medical bonus:

Provided that where the dismissal is for one or more of the following acts, the employer may, by order in writing communicate to the woman, deprive her of the maternity benefit or medical bonus or both-

- (i) Willful destruction of employer's goods or property;
- (ii) Assaulting any superior or co-employee at the place of work;
- (iii) Criminal offence involving moral turpitude resulting in conviction in a court of law;
- (iv) theft, fraud, or dishonesty in connection with the employer's business or property; and
- (v) Willful non-observance of safety measures or rules on the subject or willful interference with safety devices or with fire-fighting equipment.

(b) Any woman deprived of maternity benefit or medical bonus or both, may within sixty days from the date on which the order of such deprivation is communicated to her, appeal in **Form VIII** to the Competent Authority and his decision on such appeal whether the woman



- should or should not be deprived of maternity benefit or medical bonus or both, shall be final.
8. If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of the Act, she shall forfeit her claim to the maternity benefit for such period.
9. (1) Any woman claiming the maternity benefit or any other amount to which she is entitled under the Act and any person claiming that payment due has been improperly withheld may make complaint to the Inspector cum facilitators in writing in **Form XII (appended to the Code on Social Security Central Rules, 2020 made by the Central Government)** as the case may be.
- (2) The Inspector may, of his own motion or on receipt of a complaint in **Form XII (appended to the Code on Social Security Central Rules, 2020 made by the Central Government)**, make an inquiry or cause an enquiry to be made and if satisfied that payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders.
- (3) Any person aggrieved by the decision of the Inspector-cum-Facilitator may, within, thirty days from the date on which such decision is communicated to such person, appeal to the Authority prescribed by the Appropriate Government.
- (4) The decision of Authority where an appeal has been preferred to him or of the Inspector-cum-Facilitator where no such appeal has been preferred shall be final.
10. (a) The employer shall supply to every women employed by him at her request free of cost copies of **Forms X, XI, XII and XIII** appended to the Code on Social Security Central Rules, 2020 made by the Central Government.
- (b) The failure to submit a notice, appeal or complaint in the prescribed form will not affect the right of a woman entitled to receive maternity benefit or any other amount due under the Code. Where a notice, appeal or complaint has been received in a form other than the prescribed form, the authority concerned shall within fifteen days of the receipt of such

By /

notice, appeal or complaint, require the woman to submit the notice, appeal or complaint, as the case may be in the prescribed form.

11. (a)(1) The employer of the establishment in which women are employed shall prepare and maintain a register of women employees in **Form XXXII** and shall enter therein particulars of all women workers in the establishment.

(2) All entries in the muster-roll shall be made in ink and maintained up-to-date and it shall always be available for inspection by the Inspector-cum-Facilitator during working hours.

(b) The employer to which the Code applies, on or before the 1st day of February in each year, upload a unified annual return in **Form XXXIII** online on the web portal of the State Government, Labour and Employment Department, giving information as to the particulars specified, in respect of the preceding year:

Provided that during inspection, the inspector 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).



FORM XIV
(See Rule 20(1))

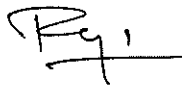
Whereas I have received information that
(1).....employees employed by you in
(2)..... I died as the result of an accident arising out of and in the course
of his employment, I hereby require you in accordance with section 82 of the Social
Security Code, 2020 to submit to me within third party days of the receipt of this notice the
enclosed **Form XV** with the particulars required in paragraphs 1,2,3 and the particulars
required in either paragraph 4 or 5 duly field in. In the event of your admitting liability to
pay compensation, the necessary deposit must, under sub-section (2) of the said section 88
be made within thirty days of the receipt of this notice.

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

Competent Authority

(1) Here insert the name of the employees.....

(2) Here insert the name of the establishment.....



Form XV

(See rule 20(1), (2))

1. In reply to your notice dated the.....20.....which was received by me on the20.....it is submitted that residinga work met with an accident on.....20.....

The monthly wages of the deceased amounted to Rs.....

2. The circumstances in which the death of the employee occurred were as follows:

3. The deceased left the following dependants (s) namely:

4. *I admit liability to pay as compensations, on account of the deceased's death, the amount of Rs.....which will be deposited with you on the20.....wasbefore.....

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

Employer

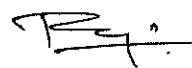
(1) Here insert the name of the employee.....

(2) Here insert the name of the establishment.....

(3) Here insert the name(s) and address(es) where, known

.....
.....

(3) *Strike out the paragraph which is not applicable



FORM XVI
 (See Rule 21)
Report of Fatal Accidents on Serious Bodily Inquiry

To

Sir,

I hereby submit submit the following report of an accident which occurred on..... (date), at..... (here enter details of premises)..... and which resulted in the death of / serious bodily injury to / the employee of whose particulars are given in the statement annexed.


2. The circumstances in which the death / serious bodily injury / occurred / to the employee/ employees were as under:

- (a) Time of the 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:

Yours faithfully,
 (Signature and designation of
 person making the report)

STATEMENT

Name	Sex	Age	Nature of employment	Full postal address



FORM XVII
(See Rule 23)
Memorandum of Agreement

It is hereby submitted that on the..... day of..... 20..... personal injury was caused toresiding at by accident arising out of and in the course of his employment in The said injury has resulted in temporary disablement to the said employees whereby it is estimated that he will be prevented from earning more than his previous any wage for a period ofmonths. The said employees has been in respect of half-monthly payments which continued from the.....day of20 until the day of20.....amounting to Rs.....in all. The said employee's monthly wages are estimated at Rs..... in all. The said employee's monthly wages are estimated at Rs..... The workman is over the age of 15 years/will reach the age of 15 years on.....

It is further submitted that..... the employer of the said 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 Social Security Code, 2020 in respect of all disablement of a temporary nature arising out of the said accident, whether now or hereafter to become manifest. It is therefore requested that this memorandum be duly recorded.

Dated20.....

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 signature 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 that sum of
Rs.....

Employees

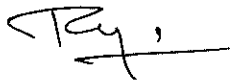
Seal

Dated20.....

This 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.

A handwritten signature in black ink, appearing to be 'Ry', with a horizontal line extending to the right from the bottom of the signature.

FORM XVIII
(See Rule 23)
Memorandum of Agreement

It is hereby submitted that on theday 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 employees of the following nature, namely:

The said employee's monthly wages are estimated at Rs.....

The employees is over the age of 15 years/ will reach the age of 15 years on..... The said employees has, prior to the date of this agreement's 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 employees, has agreed to pay, and the said workman has agreed to accept the sum of Rs..... in full settlement of all and every claim under the Social Security Code, 2020, in respect of the disablement stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Dated20.....

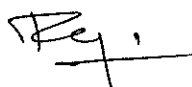
Signature of employer.....

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 signature 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 that sum of

Rs.....

Dated20.....

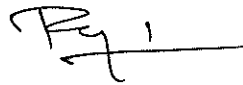
Employees

Seal

This 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.

A handwritten signature in black ink, appearing to be 'Ry', with a horizontal line extending to the right.

FORM XIX
(See Rule 23)
Memorandum of Agreement

It is hereby submitted that on the..... day of..... 20..... personal injury was caused toresiding at by accident arising out of and in the course of his employment in The said injury has resulted in temporary disablement to the said workman, 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 employees, has agreed to pay, andon behalf of the said employees has agreed to accept half-monthly payments at the rate of Rs.....for the period of the said temporary.....disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with the provisions of the Social Security Code, 2020 on account of an alternation in the earnings of the said workman during disablement. It is further stipulated that all rights of communication under section 97 of the said Code are unaffected by this agreement. It is therefore requested that this memorandum be duly recorded.

Dated20.....

Signature of employer.....

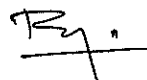
Seal.....

Witness.....

Signature of employees.....

Witness.....

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



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

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

Employees

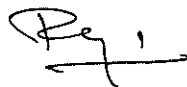
Seal

Dated20.....

This 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.

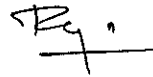
A handwritten signature in black ink, appearing to be 'P. J.', with a horizontal line extending to the right from the bottom of the signature.

FORM XX
(See Rule 24(1))

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

Dated20.....

Competent Authority

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line and a vertical stroke.

FORM XXI

(See Rule 24(3))

Take notice that registration of the agreement to pay compensation said to have been reached between you.....and.....on the20.....has been refused for the following reasons, namely:-

Dated20.....

Competent Authority

By

FORM XXII

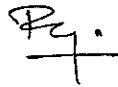
(See Rule 25 (2))

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

An opportunity will not be afforded to you of showing of cause on20..... why the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will be refused.

Dated20.....

Competent Authority

A handwritten signature in black ink, consisting of a stylized 'P' followed by a horizontal line and a vertical stroke.

FORM XXIII

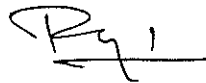
(See Rule 25(2))

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

.....
..... an opportunity will be afforded to the said.....of showing cause on.....20..... , why the said agreement should be registered. Any representation which you may have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated20.....

Competent Authority

A handwritten signature in black ink, appearing to be 'Ry1' with a horizontal line underneath.

FORM XXIV

(See Rule 27)

Register of Agreements for the year 20.....

Serial number	Date of agreement	Date of registration	Employer	Employees	Initials of Competent Authority	Reference to orders rectifying the register
1	2	3	4	5	6	7

Pg.

FORM XXV
(See Rule 29(1))
Application for Compensation by employee

To Competent Authority for Employee's
Compensation,.....,residing
at,.....applicant,
Versus

.....
residing at,..... opposite party.

It is hereby submitted that--

- (1) The applicant, an employee employed by (a contractor with) the opposite party on the..... day of 20....., received personal injury by accident arising out of and in the course of his employment.
The cause of the injury was (here insert briefly in ordinary language the cause of the injury).....
- (2) The applicant sustained the following injuries, namely:
.....
- (3) The monthly wages of the applicant amounts to Rs.....the applicant is over/under the age of 15 years.
- (4) (a) Notice of the accident was served on theday of.....
(b) Notice was served as soon as practicable.
(c) Notice of the accident was not served (in due time) by reason of.....
- (5) The applicant is accordingly entitled to receive--
(a) Half-monthly payment of Rs.....from the..... day of 20....., to.....day of.....20
(b) A lump sum payment of Rs.....
- (6) The applicant has taken the following steps to secure a settlement by agreement, namely.....but it has proved impossible to settle the questions in dispute because.....

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

- (a) whether the applicant is a employee within the meaning of the code;
- (b) whether the accident arose out of or in the course of the applicant's employment;
- (c) whether the whole or any part of the amount of compensation claimed is due;
- (d) whether the opposite party is liable to pay such compensation as is due;
- (e) etc. (*as required*).

Dated20.....

..... Applicant



FORM XXVI
(See Rule 29(1),48(4))
Application for commutations

To Competent Authority for Employee's

Compensation,.....,

Residing..... At.....applicant

Versus

.....residing

at..... , opposite party.

It is hereby submitted that--

- (1) The applicant/opposite party has been in receipt of half-monthly payments fromto..... in respect of temporary disablement by accident arising out of and in the course of his employment.
- (2) The applicant is desirous that the right to receive half-monthly payments should be redeemed.
- (3) (a) The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.
(b) The parties have been unable to agree regarding the sum for which the right to receive half-monthly payments should be redeemed.

You are, therefore, requested to pass order—

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

Dated20.....

..... Applicant



FORM XXVII

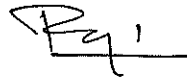
(See Rule 48(1))

Notice

Whereas a claim for compensation has been made by..... applicant, against..... and the saidhas claimed that..... is liable under Section 82 of the Social Security Code, 2020 to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance you will be deemed to have admitted the validity of any award which may be made against the opposite party, and your liability to indemnify the opposite party for any compensation which may be recovered from him.

Dated20.....

..... Competent Authority

A handwritten signature in black ink, appearing to be 'Ry', with a horizontal line extending to the right from the bottom of the 'y'.

FORM XXVIII

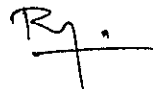
(See Rule 48(3))

Notice

Whereas a claim for compensation has been made by..... applicant, against..... and the saidhas claimed that..... is liable under Section 82(3) of the Social Security Code, 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said..... on notice served has claimed that youstand to him in the relation of a contractor from whom the applicant..... could have recovered compensation, you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party..... In default of your appearance you will be deemed to have admitted the validity of any award which may be made against the opposite party..... and your liability to indemnify the opposite party..... for any compensation which may be recovered from him.

Dated20.....

..... Competent Authority

A handwritten signature in black ink, consisting of a stylized 'R' followed by a horizontal line and a vertical stroke.

FORM - XXIX

[See rule - 56]

REGISTER OF BENEFICIARIES TO BE MAINTAINED BY THE
EMPLOYER FOR THE MONTH OF.....

Sr. No.	Name and Full Address of the beneficiaries	Age & Date of Birth	Sex Male/Female	Name of Work	Designation	Date of commencement and Completion of Employment
1	2	3	4	5	6	7

Wage Per Day /Per Month	No. Hours of work.	Leave, Leave Wages, Overtime	Date and No. of regn. As a beneficiary	Remarks
8	9	10	11	12

.....
Employer's Signature

By _____

FORM - XXX

[See rule - 66]

BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD, GUJARAT

Annual Report for the Year.....

I. Board:

1. Full Registered Address
2. Date of Constitution
3. Name of Chairperson
4. Member of Board
5. Regional Offices with address, (if any)
6. No. of Staff of the Board with Grade wise (including Regional Offices)

II. Membership:

1. No. of beneficiaries registered with the Board,
2. No. of Registered Employers.
3. No. of beneficiaries Registered during the Audit Period.

III. Meetings: State the No. of meetings held with dates during the year and names of the members remaining absent.

IV. Audit:

1. Date of the Last Audit.
2. Have any irregularities been mentioned in the Previous Audit?

If so, state the position Regarding Compliance thereof.

V. Internal Audit:

- (a) Is there a formal internal audit system in operation?
- (b) Any special areas which are taken up by the internal auditor? If yes, List them.
- (c) Who had done the internal Audit? Whether the internal Auditor is from the panel of Auditor?
- (d) State whether there is proper co-ordination between the Government Auditor and the internal Auditor.
- (e) Whether recommendations made by the internal auditor have been complied with by the Board, if no, specify them.



VI. Cash, Bank Balance and Securities:

(a) Cash:

- (a) Whether the cash is counted physically by the auditor? If yes, give the date.
- (b) Who produced the cash for counting? Give his Name & Designation. Is he Authorised to keep cash? Whether the cash balance was within the limits stipulated?
- (c) Is it correct according to cash book?
- (d) Are arrangements for safety of cash in safe and cash in transit adequate?
- (e) Whether any insurance policy for money in transit, cash in safe and fidelity guarantee is taken out? If yes, specify the sum insured against each category.

(b) Bank Balance:

- (a) Do the Bank balance shown in bank statement/passbook tally with the bank book? If not, whether any reconciliation statement is prepared? Attach Statement.
- (b) Whether confirmations of balance are obtained from all the banks?

(c) Securities:

- (a) Verify securities physically and see whether they are in the name of the board?
- (b) Are dividends and / all interest being duly collected and whether provision of accrued interest is calculated correctly?
- (c) If securities are lodged with the bank, are relevant certificates obtained?
- (d) Is investment register kept and written up to date?
- (e) Whether the aggregate amount as per the register tallies with the ledger? If not what is the quantum of difference?
- (f) Amount not received upon maturity.

VII. Moveable and immovable property:

- (a) Are relevant registers maintained upto date?
- (b) Verify properly physically and obtain list. Do the balances tally with balance sheet figures?
- (c) In case of immovable properties including land, verify title deeds and see whether they are in the name of the board.
- (d) Is the property duly insured where necessary? If so give details.
- (e) Depreciation:



(i) Is due depreciation charges?

(ii) State the rates of depreciation charged on various assets.

VIII. Receipts during the year under report:

(1) Amount of grants/ loans received from the Central Govt.

(2) Amount of contribution received from the beneficiaries.

(3) Amount of cess received.

(4) Amount of registration fees received from the beneficiaries.

(5) Any other source.

IX. Expenditure during- the year under report:

(1) Financial assistance provided to the beneficiaries (give the details scheme-wise).

(2) Administrative expenditure (including salary)

(3) Expenditure on other heads (specify the heads).

X. Activities:

(1) State the various activities of the Board.

(2) Proposals for the future scheme.

XI. General:

1. Ligations.

(a) No. of court cases against board.

(b) No. of court cases filed by the Board.


2. Inspection.

(a) Whether any inspection has been carried out by any Central/ State Govt. authority.

(b) orders/ directions issued if any.

3. Proposals:

Pending proposals if any with the Government.



FORM XXXI

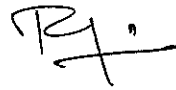
[See rule -69]

1. Name of Establishment
2. Address
3. Date of commencement of work (DD/MM/YYYY)
4. Estimated period of work (MM/YYYY)
5. Estimated cost of work:
6. Amount of Cess to be paid:
7. Whether work is being handed over to any other person/agency for completion.
8. If yes, Name/ Address of such person/agency.

Signature of Employer

Name of Establishment

Date

A handwritten signature in black ink, appearing to be 'R. H.', is written in the center of the page.

FORM XXXII

[(See rule 80(1)(a)]

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.

P. J.

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.

Py,

FORM XXXIII
Unified Annual Return
(See Rule 80(3))

A. General Part:

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

Address of the establishment:
 House No./Flat No.....Street No./Plot No.....
 Town.....District.....State.....pin code.....

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

Address of the employer:
 House No./Flat No.....Street No./Plot No.....
 Town.....District.....State.....pin code.....

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

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

.....

Address:
 House No./Flat No.....Street No./Plot No.....
 Town.....District.....State.....pin code.....

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

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

S. No.	Name	Registration	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Code on Occupational Safety, Health and Working Condition Code, 2020.		
02.	The Code on Social Security, 2020.		

Handwritten signature

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:

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

F. Wage rates (Category Wise):

Category	Rates of Wages	No. of workers			
		Regular		Contract	
		Male	Female	Children	Adolescent

Highly

Skilled

Skilled

Semiskilled

Unskilled

G. (a) Details of Payments:

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

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

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

A handwritten signature in black ink, appearing to be 'R. H.', is written in the center of the page.

FORM-XXXIV
[see rule 81 (1),(2),(3)]

**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:

Py.

PART – III

[see rule 81(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:

PART – IV

[see rule 81(3)]

Composition Certificate

Ref: Notice No.....

Date:

This is to certify that the offence under sub-section of section 133 of the Code in respect of which Notice No..... Dated: _____ was issued to Sh..... (Applicant), the employer of (name and Registration Number of establishment) has been compounded on account of remission of full amount of Rs (Rupees _____) towards the composition of offences to the satisfaction of the said Notice.

(Signature)

Name and Designation of the Officer

Date:

Place:

By,

FORM-XXXV
[see rule 82 (3)(b)]

Vacancy Notification Form

(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 : Registration No. allotted by Career Centre : Sector: Functional Area:		
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(jobrole/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 (ii) 6-12 months (iii) 12 months and more	Number of posts	

R.

4	<p>(a) Total No. of Vacancies:</p> <p>(b) Whether there is any obligation for arrangement for giving reservation/preference to any category of persons such as the 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</p> <p>(if yes, give the bifurcation of vacancies mentioned in (a))</p>		
	Category	Number of vacancies to be filled	
	<p>(a) Scheduled Caste</p> <p>(b) Scheduled Tribe</p> <p>(c) SEBC</p> <p>(d)OBC</p> <p>(e)EWS</p> <p>(f) Ex-Serviceman</p> <p>(g) Persons with disabilities (pwd)</p> <p>(h) Women</p> <p>(i) Others(specify)</p>	Total	*By Priority candidates (Applicable for Central Government vacancies)
5	<p>Pay and Allowances:</p> <p>For government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any</p> <p>For others: Mention minimum total emoluments per month with other details if any</p>		
6	Place of work (Name of the town/village/city and district in which it is situated) (Mention place of initial posting in case of transferable)		
7	Mode of Application(email, online, in writing, etc) and Last date for receipt of applications		
8	Date of interview or test		
9	Particulars of officer to whom the applications be sent/candidates should approach		

Py,

	(Mention Name, designation, email id, address, telephone No., website address in case of online)	
10	Mode of Recruitment {Through Career Centre, Placement Agency , self management, any other mode (specify)	
11	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No
12	Any other relevant information	

Signature, Name and Designation of Authorized Signatory of establishment/ employer with seal and date

NOTE:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported to the employer in writing, through email or digitally or through any other such media within ten working days from the date of receipt of reporting of vacancies.
2. Employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, shall 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.
4. Sector as mentioned in, but not restricted to annexure-A
5. Functional Area as mentioned in, but not restricted to annexure-B

Ry'

FORM-XXXVI

[see rule 82 (6)]

Form EIR(Employment Information Return)

Yearly Return to be submitted to the Career Centre for the Financial Year.....

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

Name and Address of the Employer		
Whether – Head Office		
Branch Office		
Type of Establishment (Public /Private Sector)		
*Sector		
**Functional Area		
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 Financial Year	On the last working day of the Financial Year under report
MEN		
WOMEN		
Others (Transgender)		

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

*Sector as mentioned in, but not restricted to annexure-A

** Functional Area as mentioned in, but not restricted to annexure-B

***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.)

Ry,

4. Estimated Manpower Recruitment by Occupational classification the next financial year (Please give below the number of employees in each occupation separately)

Occupation	Number of employees			
	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/ expansion or re-organization.			
Description	Men	Women	Others (trans-gender)	Total
1	2	3	4	5
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.

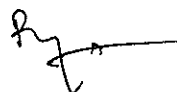
Signature, Name and Designation of Authorized Signatory of establishment/ employer with seal and date

To

The Career Centre,
.....

Note:- 1. This return is to be rendered to the Career Centre up to 31st May after the end of concerned Financial year by establishments/employers vide their obligation under the Code on Social Security 2020 (Chapter XIII-Employment Information and Monitoring).

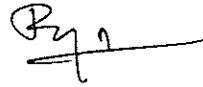
2. The main purpose in obtaining the information from employers is to know (i) the vacancies/employment opportunities available; (ii) type of personnel who are in



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 Centers for getting suitable candidates as per their requirements.

3. Sector as mentioned in but not restricted to Annexure-A

4. Functional Area as mentioned in but not restricted to Annexure-B

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Annexure-A

List of Sectors


- (1) Hotels
- (2) Food Service and catering
- (3) International Organizations
- (4) Operations and Support
- (5) Agriculture and related
- (6) Arts and Entertainment
- (7) IT and Communication
- (8) Civil and Construction works
- (9) Education
- (10) Power and Energy
- (11) Finance and Insurance
- (12) Health
- (13) Manufacturing
- (14) Mining and Quarrying
- (15) Specialized Professional service
- (16) Public Administration and Defense
- (17) Real Estate Activities
- (18) Transportation and Storage
- (19) Wholesale and Retail
- (20) Other Service Activities

Ry.

Annexure-B
List of Functional Area

- (1) Marketing and Sales
- (2) Operations and Maintenance
- (3) Information Technology
- (4) Administration/Back Office Activities
- (5) Finance, Insurance and Accounting Services
- (6) Industrial Manufacturing, Metal Production, Wooden Products
- (7) Human Resources
- (8) Other Manufacturing
- (9) Healthcare
- (10) Customer Care Service
- (11) Logistics and Supply chain
- (12) Construction
- (13) Research and Development
- (14) Education
- (15) Oil, Gas and Energy
- (16) Transport Equipment Manufacturing
- (17) Analytics and Business Intelligence
- (18) Textile Manufacturing
- (19) Internal security
- (20) Livestock, Agriculture and Farm Production
- (21) Pharmaceuticals
- (22) Telecom/ISP
- (23) Hospitality
- (24) Social work activities
- (25) Wholesale and Retail
- (26) Paper and related products manufacturing
- (27) Transport and Storage
- (28) Computer, Electronics and Electrical Manufacturing
- (29) Others

By order and in the name of the Governor of Gujarat,


(GAGUBHA RAJ)
Deputy Secretary to Government

To,
The Manager,
Government Central Press,
Gandhinagar.

With a request to publish the notification in the Extra-Ordinary Gujarat Government Gazette Part IV-B.

Copy Forwarded With Compliments To :-

1. The Commissioner of Labour, Gujarat State, Block No.14, 2nd Floor, Udhyog Bhavan, Sector-11, Gandhinagar.
2. The Director, Directorate of Employment & Training, Block No.1, 3rd Floor, Dr. Jivraj Mehta Bhavan, gandhinagar-382010.
3. The Director, Office of the Director Industrial Safety & Health, 3rd Floor, Shram Bhavan, Beside Gun House, Rustom Cama Road, Khanpur, Ahmedabad.
4. The Member Secretary, Building and other construction Worker's Welfare Board, Shram Bhavan, Beside Gun House, Rustom Cama Road, Khanpur, Ahmedabad.
5. The Under Secretary, Legislative and Parliamentary Affairs Department, Sachivalaya, Gandhinagar. (The Gujarati Version of the notification may Please be Published in the Extra-Ordinary Gujarat Government Gazette Part - IV - B.)
6. The Branch Select File /M-3.
7. The Dy. S.O. Select File.

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