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PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF LABOUR
NOTIFICATION

The 24th March, 2021

No. G.S.R. 38/C.A.29/2019/S.67/2021.-The following draft rules, which the Governor of Punjab proposes to make an exercise of the powers conferred by sub-section (2) of section 67 of the Code on Wages, 2019 (Central Act No. 29 of 2019), and all other powers enabling him in this behalf, is published as required by sub-section (1) of section 67 of the said Act, for information of the persons likely to be affected thereby.

Notice is hereby given that the said draft will be taken into consideration by the State Government on or after the expiry of a period of thirty days from the date of publication of this notification in the official Gazette, together with any objection and suggestion, which may be received by the Labour Commissioner, Punjab, Model Welfare Centre (Kirat Bhawan), Phase-X, Sector-64, SAS Nagar (Mohali) (Email: lcpboffice@gmail.com) from any person or organization with respect to the said draft rules before the expiry of the period so specified namely:-

DRAFT RULES
CHAPTER I
PRELIMINARY

1.Short title, extent and commencement.-

- (1) These rules may be called the Code on Wages (Punjab) Rules, 2021.
- (2) They shall extend to the whole of the State of Punjab.
- (3) They shall come into force on and with effect from the date of their after publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the subject or context otherwise requires,-

- (a) “authority” means the authority appointed by the State Government under sub-section (1) of section 45;
- (b) “appellate authority” means the appellate authority appointed by the State Government under sub section (1) of section 49;

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- (c) “appeal” means an appeal preferred under sub-section (1) of section 49;
“Board” means the State Advisory Board constituted by the State Government under sub-section (4) of section 42;
- (d) “Chairperson” means the Chairperson of the Board;
- (e) “Code” means the Code on Wages, 2019 (Central Act No. 29 of 2019);
- (f) “committee” means a committee appointed by the State Government under clause (a) of sub-section (1) of section 8;
- (g) “day” means a period of 24 hours beginning at mid-night;
- (h) “Form” means a form appended to these rules;
- (i) “highly skilled occupation” means an occupation which calls in its performance a specific level of perfection and required competence acquired through intensive technical or professional training or practical occupational experience for a considerable period and also requires of an employee to assume full responsibility for his judgment or decision involved in the execution of such occupation;
- (j) “Inspector-cum-Facilitator” means a person appointed by the State Government, by notification, under sub-section (1) of section 51;
- (k) “member” means a member of the Board and includes its Chairperson;
- (l) “metropolitan area” means a compact area having a population of forty lakhs or more comprised in one or more districts;
- (m) “non-metropolitan area” means a compact area having a population of more than ten lakhs but less than forty lakhs, comprised in one or more districts;
- (n) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (o) “registered trade union” means a trade union registered under the Trade Unions Act, 1926 (Central Act No. 16 of 1926);
- (p) “rural area” means the area which is not the metropolitan area or non-metropolitan area;
- (q) “Schedule” means the Schedule appended to these rules;
- (r) “section” means a section of the Code;

- (s) “semi-skilled occupation” means an occupation which in its performance requires the application of skill gained by the experience on job which is capable of being applied under the supervision or guidance of a skilled employee and includes supervision over the unskilled occupation;
- (t) “skilled occupation” means an occupation which involves skill and competence in its performance through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiating and judgment; and
- (u) “unskilled occupation” means an occupation which in its performance requires the application of simply the operating experience and involves no further skills.

(2) All other words and expressions used herein in these rules and not defined shall have the meanings, respectively, assigned to them under the Code.

CHAPTER II

MINIMUM WAGES

3. Manner of calculating the minimum rate of wages.— (1) For the purposes Section 6 of sub-section (5) of section 6, the minimum rate of wages shall be fixed on the day basis keeping in view the following criteria, namely:-

- (i) the standard working class family which includes a spouse and two children apart from the earning worker; an equivalent of three adult consumption units;
- (ii) a net intake of 2700 calories per day per consumption unit;
- (iii) 66 meters cloth per year per standard working class family;
- (iv) housing rent expenditure to constitute 10 per cent of food and clothing expenditure;
- (v) fuel, electricity and other miscellaneous items of expenditure to constitute 20 percent of minimum wages; and
- (vi) expenditure for children education, medical requirement, recreation and expenditure on contingencies to constitute 25 percent of minimum wages;

- (2) When the rate of wages for a day is fixed, then, such amount shall be divided by eight for fixing the rate of wages for an hour and multiplied by twenty six for fixing the rate of wages for a month and in such division and multiplication, the factors of one-half and more than one-half shall be rounded as next figure and the factors less than one-half shall be ignored.

Section 6 **4. Norms for fixation of minimum rate of wages.-** (1) While fixing the minimum rate of wages under section 6, the State Government shall divide the concerned geographical area into three categories, that is to say, the metropolitan area, non-metropolitan area and the rural area.

- (2) The State Government shall constitute a technical committee for the purpose of advising the State Government in respect of skill categorization, which shall consist of the following members, namely:-
- (i) Minister of Labour- Chairperson;
 - (ii) Principal Secretary to the Government of Punjab, Department of Labour - Member;
 - (iii) a representative from the Government of Punjab, Department of Skill Development and Entrepreneurship dealing with skill development - Member;
 - (iv) Labour Commissioner, Punjab - Member;
 - (v) two technical experts in wage determination as nominated by the State Government -Members; and
 - (vi) Additional Labour Commissioner, Punjab - Member Secretary.
- (3) The State Government shall, on the advice of the technical committee referred to in sub-rule (2), categorize the occupations of the employees into four categories, that is to say, unskilled, semi-skilled, skilled and highly skilled by modifying, deleting or adding any entry in the categorization of such occupations specified in Schedule A.
- (4) The technical committee referred to in sub-rule (2) shall, while advising the State Government under sub-rule (3), take into account, to the possible extent, the national classification of occupation or national skills qualification frame work or other similar frame work for the time being formulated to identify occupations.

5. Time Interval for revision of dearness allowance.- Endeavour shall be made so that the cost of living allowance and the cash value of the concession in respect of essential commodities at concession rate shall be computed once before 1st April and then before 1st October in every year to revise the dearness allowance payable to the employees on the minimum wages. Section 7

6. Number of hours of work which shall constitute a normal working day.-(1) The normal working day under clause (a) of sub-section (1) of section 13 shall be comprised of eight hours of work and one or more intervals of rest which in total shall not exceed one hour. Section 13

- (2) The working day of an employee shall be so arranged that inclusive of the intervals of rest, if any, it shall not spread over more than twelve hours on any day.
- (3) The provisions of sub-rules (1) and (2) shall, in the case of an employee employed in agricultural employment, be subject to such modifications, as may, from time to time, be determined by the State Government.
- (4) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (Central Act No. 63 of 1948).

7. Weekly day of rest.- (1) Subject to the provisions of this rule, an employee shall be allowed a day of rest every week (hereinafter referred to as “the rest day”), which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees: Section 13

Provided that an employee shall be entitled for the rest day under this sub-rule if he has worked under the same employer for a continuous period of not less than six days:

Provided further that the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector-cum-Facilitator in this behalf.

Explanation.- For the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule, any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work, a day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947

(Central Act No. 14 of 1947), and any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days immediately preceding the rest day, shall be deemed to be the days on which the employee has worked.

- (2) Any such employee shall not be required or allowed to work on the rest day unless he has or will have a substituted rest day for a whole day on one of the five days immediately before or after the rest day:

Provided that no substitution shall be made which will result in the employee working for more than ten days consecutively without a rest day for a whole day.

- (3) Where in accordance with the foregoing provisions of this rule, any employee works on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

- (4) An employee shall be granted,-

(a) for the rest day, wages calculated at the rate applicable to the next preceding day; and

(b) where he works on the rest day and has been given a substituted rest day,

then, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day:

Provided that where,-

(i) the minimum rate of wages of the employee as notified under the Code has been worked out by dividing the minimum monthly rate of wages by twenty- six; or

(ii) the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee,

then, no wages for the rest day shall be payable; and

- (iii) the employee works on the rest day and has been given a substituted rest day, then, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate; and, if any dispute arises whether the daily rate of wages has been worked out in accordance with the provisions of this proviso, the Labour Commissioner, Punjab or the Assistant Labour Commissioner having territorial jurisdiction may, on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations.

Provided further that in case of an employee governed by a piece-rate system, the wages for the rest day, or the substituted rest day, as the case may be, shall be such as the State Government may, from time to time, determine having regard to the minimum rate of wages fixed under the Code, in respect of the employment.

Explanation.- In this sub-rule 'next preceding day' means the last day on which the employee has worked, which precedes the rest day or the substituted rest day, as the case may be; and where the substituted rest day falls on a day immediately after the rest day, the next preceding day means the last day on which the employee has worked, which precedes the rest day.

- (5) The provisions of this rule shall not operate to the prejudice of more favorable terms, if any, to which an employee may be, entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to more favorable terms aforesaid.

Explanation.- For the purposes of this rule, 'week' shall mean a period of seven days beginning at midnight on Saturday night.

8. Night shifts.- Where an employee in an employment works on a shift which extends beyond midnight, then,-

- (a) a rest day for the whole day for the purposes of rule 7 shall, in this case mean a period of twenty four consecutive hours beginning from the time when his shift ends; and

- (b) the following day in such a case shall be deemed to be the period of twenty-four hours beginning from the time when such shift ends, and the hours after midnight during which such employee was engaged in work shall be counted towards the previous day.

Section 13 **9. The extent and conditions for the purposes of sub-section (2) of section 13.-**In case of employees,-

- (a) engaged in any emergency which could not have been foreseen or prevented;
- (b) engaged in work of the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;
- (c) whose employment is essentially intermittent;
- (d) engaged in any work which for technical reasons has to be completed before the duty is over; and
- (e) engaged in a work which could not be carried on, except at times dependent on the irregular action of natural forces;

the provisions of rules 6, 7 and 8 shall apply subject to the condition that,-

- (i) the spread over of the hours of work of the employee shall not exceed 12 hours in any day; and
- (ii) the actual hours of work excluding the intervals of rest and the periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attendance shall not exceed 9 hours in any day.

Section 14 **10. Longer wage period.-**The longer wage period for the purposes of minimum rate of wages under section 14 shall be by the month and the annual wages for the Agriculture Labour.

CHAPTER III

PAYMENT OF WAGES

Section 18(4) **11. Recovery under sub-section (4) of section 18.-** Where the total deductions authorized under sub-section (2) of section 18 exceed fifty per cent of the wages of an employee, the excess shall be carried forward and recovered from the wages of succeeding wage period or wage periods, as the case may

be, in such installments so that the recovery in any month shall not exceed fifty per cent of the wages of the employee in that month.

12. The authority under sub-section (1) of section 19.- The Assistant Labour Commissioner having jurisdiction over the place of work of the employee concerned shall be the authority for the purposes of sub-section (1) of section 19. Section 19(1)

13. The manner of exhibiting the notice under sub-section (2) of section 19.- A notice referred to in sub-section (2) of section 19 shall be displayed at the conspicuous places in the premises of the work place in which the employment is carried on, so that every concerned employee would be able to easily read the contents of the notice and a copy of the notice shall be sent to the Inspector-cum-Facilitator having jurisdiction. Section 19(2)

14. The procedure under sub-section (3) of section 19.-The employer shall give an intimation in writing specifying therein the detailed particulars for obtaining the approval of the imposition of fine to the Assistant Labour Commissioner referred to in rule 12 who shall, before granting or refusing the approval, give opportunity of being heard to the employee and the employer concerned. Section 19(3)

15. Intimation of deduction.-(1) Where an employer makes any deduction in pursuance of the proviso to sub-section (2) of section 20, he shall make intimation of such deduction to the Inspector-cum-Facilitator having jurisdiction within 10 days from the date of such deduction explaining therein the reason of such deduction. Section 20(2)

(2) The Inspector-cum-Facilitator shall, after receiving intimation under sub-rule (1), examine such intimation and if he finds that the explanation given therein is in contravention of any provision of the Code or the rules made there under, he shall initiate appropriate action under the Code against the employer.

16. Procedure for deduction under sub-section (2) of section 21.-Any employer desiring to make deduction for damages or loss under sub-section (1) of section 21 from the wages of an employee shall,- Section 21(2)

- (i) explain to the employee personally and also in writing the damage or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account and how

such damages or loss is directly attributable to the neglect or default of the employee; and

- (ii) thereafter, give the employee an opportunity to offer any explanation and deduction for any damages or loss, if made, shall be intimated to the employee within fifteen days from the date of such deduction.

Section 17. **Conditions regarding recovery of advance under section 23.**-The
23 recovery, as the case may be, of,-

- (i) advances of money given to an employee after the employment begins under clause (b) of section 23; or
- (ii) advances of wages to an employee not already earned under clause (c) of section 23,

shall be made by the employer from the wages of the concerned employee in installments determined by the employer, so as any or all installments in a wage period shall not exceed fifty per cent of the wages of the employee in that wage period and the particulars of such recovery shall be recorded in the register maintained in Form-I.

Section 18. **Deduction under section 24.**- Deductions for recovery of loans
24 granted for house building or other purposes approved by the State Government, and the interest due in respect thereof shall be, subject to any direction made or circular issued by the State Government from time to time regulating the extent to which such loans may be granted and the rate of interest shall be payable thereon.

CHAPTER IV

PAYMENT OF BONUS

19. Calculation of set on or set off for the sixth accounting year.- Calculation of set on or set off for the seventh accounting year, computation of gross profits under clauses (a) and (b) of section 32, deduction of further sums under clause (c) of section 34, manner of carrying forward under sub-sections (1) and (2) of section 36 shall be such, as may be prescribed by the Central Government.

CHAPTER V

STATE ADVISORY BOARD

A. Procedure of State Advisory Board under sub-section (10) of section 42

20. Constitution of the Board.- (1) The Board shall consist of the persons to be nominated by the State Government representing employers and employees as specified in clauses (a) and (b) of sub-section (6) of section 42 and the independent persons as specified in clause (c) of that sub-section. Section 42

(2) The persons representing employers as referred to in clause (a) of sub-section (6) of section 42 shall be five and the persons representing employees referred to in clause (b) of that sub-section shall also be five.

(3) The independent persons specified in clause (c) of sub-section (6) of section 42 to be nominated by the State Government shall consist of the following, namely:-

- (i) Labour Minister, Punjab- Chairperson;
- (ii) Principal Secretary to Government of Punjab, Department of Labour;
- (iii) Principal Secretary to Government of Punjab, Department of Finance;
- (iv) Principal Secretary to Government of Punjab, Department of Technical Education;
- (v) Principal Secretary to Government of Punjab, Department of Industries;
- (vi) Labour Commissioner Punjab.
- (vii) Economic Advisor Punjab.

(4) The State Government shall, while nominating the members of the Board, take account that the independent members under sub-rule (2) shall not exceed one-third of the total members of the board and one third of the members shall be women.

21. Meeting of the Board.- The Chairperson may, subject to the provisions of rule 23, call a meeting of the Board, at any time he thinks fit: Section 42

Provided that on requisition in writing from not less than one half of the members, the Chairperson shall call a meeting within thirty days from the date of the receipt of such requisition.

Section 42 **22. Notice of Meetings.**— The Chairperson shall fix the date, time and place of every meeting and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post and electronically at least fifteen days before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

Section 42 **23. Functions of Chairperson.** – The Chairperson shall,-
(i) preside at the meetings of the Board:

Provided that in the absence of the Chairperson at any meeting, the members shall elect from amongst themselves by a majority of votes, a member who shall preside at such meeting;

(ii) decide agenda of each meeting of the Board;

(iii) where in the meeting of the Board, if any issue has to be decided by voting, conduct the voting and count or cause to be counted the secret voting in the meeting.

Section 42 **24. Quorum.** – No business shall be transacted at any meeting unless at least one-third of the members and at least one representative member each of both the employers and an employee are present:

Provided that, if at any meeting less than one-third of the members are present, the Chairperson may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present:

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members electronically or by a Registered post.

Section 42 **25. Disposal of business of the Board.**- All business of the Board shall be considered at a meeting of the Board, and shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes, the Chairperson shall have a casting vote:

Provided that the Chairperson may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:

Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than two-thirds majority of the members.

26. Method of voting. - Voting in the Board shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairperson so decides, the voting shall be by secret ballot and shall be held in such manner, as the Chairperson may decide. Section 42

27. Proceedings of the meetings.- (1) The proceedings of each meeting of the Board showing inter alia the names of the members present there at shall be forwarded to each member and to the State Government as soon after the meeting as possible, and in any case, not less than seven days before the next meeting. Section 42

(2) The proceedings of each meeting of the Board shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.

28. Summoning of witnesses and production of documents.- (1) The Chairperson may summon any person to appear as a witness if required in the course of the discharge of his duty and require any person to produce any document. Section 42

(2) Every person who is summoned and appears as a witness before the Board shall be entitled to an allowance for expenses by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing before a civil court.

29. Appointment of the committees.- The State Government may constitute as many committees under clause (a) of sub-section (1) of section 8, as it considers necessary for the purposes specified in that clause. Section 42

B. Terms of office of members of the Board under sub-section (11) of section 42

30. Term of office of members of the Board.- (1) The term of office of the Chairperson or a member, as the case may be, shall normally be two years commencing from the date of his appointment or nomination, as the case may be, under sub-section (6) of section 42: Section 42

Provided that such Chairperson or a member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is appointed or nominated, as the case may be.

(2) An independent member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

(3) The official members of the Board shall hold office till they are replaced by respective such other official members.

(4) Notwithstanding anything contained in sub-rules (1), (2), and (3), the members of the Board shall hold office during the pleasure of the State Government.

Section 42 **31. Travelling allowance.** - The Chairman and every member of the Board, shall be entitled to draw travelling and halting allowance for any journey performed by him in connection with his duties at the rates and subject to the conditions applicable to a Group A officer of the State Government.

Section 42 **32. Officers and staff.**- The State Government may provide a Secretary not below the rank of Labour Commissioner, other officers and staff to the Board, as it may think necessary for the functioning of the Board.

Section 42 **33. Eligibility for re-nomination of the members of the Board.**- An outgoing member shall be eligible for re-nomination for the membership of the Board for not more than total two terms.

Section 42 **34. Resignation of the Chairperson and other members of the Board.**-
(1) A member of the Board, other than the Chairperson, may, by giving notice in writing to the Chairperson, resign his membership and the Chairperson may resign by a letter addressed to the State Government.

(2) A resignation shall take effect from the date of communication of its acceptance or on the expiry of thirty days from the date of resignation, whichever is earlier.

(3) 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 immediately and the State Government shall, then, take steps to fill the vacancy in accordance with the provisions of the Code.

Section 42 **35. Cessation of membership.**- If a member of the Board, fails to attend three consecutive meetings, without prior intimation to the Chairperson, he shall, cease to be a member thereof.

36. Disqualification:- (1) A person shall be disqualified for being nominated as, and for being a member of the Board,— Section 42

- (i) if he is declared to be of unsound mind by a competent court; or
- (ii) if he is an un-discharged insolvent; or
- (iii) if before or after the commencement of the Code, he has been convicted of an offence involving moral turpitude.

(2) If any question arises whether a disqualification has been incurred under sub-rule (1), the decision of the State Government thereon shall be final.

CHAPTER VI

PAYMENT OF DUES, CLAIMS, etc.

37. Payment under clause (a) of sub-section (1) of section 44.- Where any amount payable to an employee under the Code is due after his death or on account of his whereabouts not being known, and the amount could not be paid to the nominee of the employee until the expiry of three months from the date the amount had become payable, then, such amount shall be deposited by the employer with the Assistant Labour Commissioner having jurisdiction, who shall disburse the amount to the person nominated by the employee after ascertaining his identity within two months of the date on which the amount was so deposited with him. Section 44

38. Deposit of the undisbursed dues under clause (b) of sub-section (1) of section 44.- (1) Where any amount payable to an employee under this Code remains undisbursed because either no nomination has been made by such employee or for any other reason, such amounts could not be paid to the nominee of employee until the expiry of six months from the date the amount had become payable, all such amounts shall be deposited by the employer with the Assistant Labour Commissioner having jurisdiction before the expiry of the fifteenth day after the last day of the said period of six months. Section 44

(2) The amount referred to in sub-rule (1) shall be deposited by the employer with the Assistant Labour Commissioner having jurisdiction through bank transfer or through a crossed demand draft obtained from any Scheduled Bank in India drawn in favour of such Assistant Labour Commissioner.

Section 44 **39. Manner of dealing with the undisbursed dues under clause (b) of sub section (1) of section 44.-** (1) The amount referred to in sub- rule (1) of rule 38 (hereinafter in this rule referred to as the amount) deposited with the Assistant Labour Commissioner having jurisdiction shall remain with him for three years and thereafter, shall be deposited in the Labour Welfare Fund.

(2) The Assistant Labour Commissioner having jurisdiction will exhibit, as soon as may be possible, a notice containing such particulars regarding the amount as the Assistant Labour Commissioner considers sufficient for information at least for fifteen days on the notice board. The Punjab Labour Welfare Board shall publish such notice in any two newspapers being circulated in the language commonly understood in the area in which undisbursed wages were earned.

(3) Subject to the provision of sub-rule (4), the Assistant Labour Commissioner having jurisdiction shall release the amount to the nominee or to that person who has claimed such amount, as the case may be, in whose favour such Assistant Labour Commissioner has decided, after giving an opportunity of being heard, the amount to be paid.

(4) If the undisbursed amount remains unclaimed for a period of seven years, the same shall lapse to the Punjab Labour Welfare Board.

CHAPTER VII

FORMS, REGISTERS AND WAGE SLIP

Section 45 **40. The form of a single application.-** A single application may be filed under sub-section (5) of section 45 in Form-II along with documents specified in such Form.

Section 49 **41. Appeal .-** Any person aggrieved by an order passed by the authority under sub-section (2) of section 45 may prefer an appeal under sub-section (1) of section 49 in Form-III, along with documents mentioned by the appellant in such Form, to the appellate authority having jurisdiction.

Section 50 **42. Form of register, etc. -** (1) All fines and all realizations thereof referred to in sub-section (8) of section 19 shall be recorded in a register to be kept by the employer in Form – I appended to these rules, electronically or otherwise and the authority referred to in said sub-section (8) shall be the Assistant Labour Commissioner having jurisdiction.

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- (2) All deductions and all realizations referred to in sub-section (3) of section 21 shall be recorded in a register to be kept by the employer in Form- I appended to these rules, electronically or otherwise.
- (3) Every employer of an establishment to which the Code applies shall maintain registers under sub-section (1) of section 50 in Form I and Form IV, electronically or otherwise.
- (4) The register maintained under above sub rules shall be preserved for a period of five years after the last entry in it and shall be produced before the Inspector-cum- Facilitator on demand.
- 43. Wage slip.-** Every employer shall issue wage slips, electronically or otherwise, to the employees in Form V under sub-section (3) of section 50 on or before payment of wages. Section 50
- 44. Collection of Statistics.-** The employer shall submit the details of Minimum Wages, Payment of Wages, Payment of Bonus given to the employee, as statistics require under these rules electronically in the relevant forms and manner from time to time , to the State Government as well as to the office of Director General, Labour Bureau. Section 67
- 45. The manner of imposing fine under sub-section (1) of section 56.-** Section 56
- (1) An accused person desirous of making composition of offence under sub-section (1) of section 56 may make an application in Form VI electronically or other wise to the Gazette Officer notified under said sub-section (1).
- (2) The Gazette Officer referred to in sub-rule (1), shall, on receipt of such application, satisfy himself as to whether the offence is compoundable or not under the Code and if the offence is compoundable and the accused person agrees for the composition, compound the offence for a sum of fifty per cent of the maximum fine provided for such offence under the Code, to be paid by the accused within the time specified in the order of composition issued by such officer.
- (3) Where the offence has been compounded under sub-rule (2) after the institution of the prosecution, then, the officer shall send a copy of such order made by him for intimation to the officer referred to in sub-section (1) of section 53 for needful action under sub-section (6) of section 56.

Section
56

46. The manner of composition of offence by a Gazetted Officer specified under sub-section (4) of section 56.-(1)An accused person desirous of making composition of offence under sub-section (1) of section 56 may make an application in Form VI electronically or manually to the Gazette Officer notified under said sub-section (1).

(2) The Gazetted Officer referred to in sub-rule (1) shall on receipt of such application, satisfy himself as to whether the offence is compoundable or not under the Code and if the offence is compoundable and the accused person agrees for the composition, compromise the offence for a sum of fifty per cent of the maximum fine provided for such offence under the Code, to be paid by the accused within thirty days of the order of composition issued by such officer.

(3) Where the offence has been compromised under sub-rule (2) after the institution of the prosecution, then, the officer shall send a copy of such order made by him for intimation to the officer referred to in sub-section (1) of section 53 for needful action under sub-section (6) of section 56.

CHAPTER VIII

MISCELLANEOUS

Section
17

47. Timely Payment of Wages.- Where the employees are employed in an establishment through contractor, then, the company or firm or association or any other person who is the proprietor of the establishment shall pay to the contractor the amount payable to him or it, as the case may be, before the date of payment of wages so that payment of wages to the employees shall be made positively in accordance with the provisions of section 17.

Explanation.-For the purpose of this rule, the expression “firm” shall have the meaning as assigned to it in the Indian Partnership Act, 1932 (Central Act No.9 of 1932).

Section
67

48. Inspection scheme.- (1) For the purposes of the Code and these rules, there shall be formulated an inspection scheme by the Labour Commissioner with the approval of the State Government.

(2) In the inspection scheme referred to in sub-rule (1), apart from other

structural facts, a number shall be specified in the scheme for each Inspector-cum-Facilitator and establishment.

49. Powers of Inspector-cum-Facilitator.- The appropriate Government may, by notification in the Official Gazette, appoint such persons as it thinks fit to be Inspector-cum-Facilitator for the purposes of this Act, and define the local limits within which they shall exercise their functions:-

Section
67

- (a) enter, at all reasonable hours, with such assistants (if any), being persons in the service of the Government or any local or other public authority, as he thinks fit, any premises or place where employees are employed or work is given out to out-workers whether unskilled occupation, skilled occupation, semi-skilled occupation and highly skilled occupation in respect of which minimum rates of wages have been fixed under this Act, for the purpose of examining any register, record of wages or notices required to be kept or exhibited by or under this Act or rules made there under, and require the production thereof for inspection;
- (b) examine any person whom he finds in any such premises or place and who, he has reasonable cause to believe, is an employee employed therein or an employee to whom work is given out therein and require any person giving out-work and any out-workers, to give any information, which is in his power to give, with respect to the names and addresses of the persons to, for and from whom the work is given out or received, and with respect to the payments to be made for the work;
- (c) seize or take copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer; and
- (d) supervise the payment of wages to persons employed in any factory or industrial or any other establishment;
- (e) exercise such other powers as may be prescribed.;
- (f) Every Inspector-cum-Facilitator shall be deemed to be a public servant within the meaning of the Indian Penal Code (45 of 1860);

(g) Any person required to produce any document or thing or to give any information by an inspector-cum-facilitator under sub-rule (a) to (e) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code (45 of 1860)].

Section 67 **50. Annual Return.**-The return under these rules shall be filed electronically by every employer of an establishment to which the Code applies in the relevant columns of the Form specified for such purpose in the rules made under the Code on Wages, 2019 (29 of 2019). A copy of such return shall also be forwarded electronically to the Labour Bureau, Ministry of Labour and Employment, Government of India.

51 Repeal and saving .- The Punjab Payment of Wages Rules, 1937 and the Punjab Minimum Wages Rules, 1950 are hereby repealed :

Provided that any order issued or any action taken under the aforesaid rules so repealed, shall be deemed to have been issued or taken under the corresponding provisions of these rules.

FORM-I

[See rule-17 and rule-42 (1), (2) and (3)]

Register of Wages, Overtime, Fine, Deduction for damage and Loss

Name of the Establishment:

Name of the Employer:

Name of the Owner:

PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sr. No. in Employee Register	Name of the employee	Designation /Depart ment	Duration of Payment (Monthly/ Fortnightly /Weekly/ Daily/ Piece rated)	Wage Period From- To	Total no. of days worked during the period	Total overtime (hourwork edor production in case of piece workers)	Rates of wages Basic DA Allowanc es		
1	2	3	4	5	6	7	8	9	10

Overtime earned	Nature of acts and omissions for which fine imposed with date	Amount of fine imposed	Damage or loss caused to the employer by neglect or default of the employee	Amount of deduction from wages	Total amount of wages paid	Date of Payment	Attendance Date	Signature
11	12	13	14	15	16	17	18	19

FORM-II

[See rule 40]

[SINGLE APPLICATION UNDER SUB-SECTION (5) OF SECTION 45]
BEFORE THE AUTHORITY APPOINTED UNDER SUB SECTION (1) OF
SECTION 45 OF THE
CODE ON WAGES, 2019 (29 OF 2019)
FOR..... AREA.....

Application No of 20.....
Between ABC and (State the number).....other Applicant
(Through employees concerned or registered trade union or Inspector- cum- Facilitator
Address.....

And

XYZ.....
Address.....

The application states as follows:

The applicant(s) whose name(s) appear in the attached schedule was/were/has/have been employed fromto..... as.....(category) in.....(establishment) Shri/M/s.....engaged in(nature of work) which is/are covered by the Code on Wages, 2019.

(2) The opponent(s) is/are the employer(s) within the meaning of section 2(1) of the Code on Wages,2019.

(3) (a)The applicant(s) has/ have been paid wages at less than the minimum rates of wages fixed for their category (categories) of employment(s) under the Code by Rs.... Per day for the period(s) from.....to.....

(a) The applicant(s) has/ have not been paid wages at Rs..... Per day for the weekly days of rest from to...

(b) The applicant(s) has/ have not been paid wages at overtime rate(s) for the periodfrom.....to....

(c) The applicant(s) has/have not been paid wages for period from.....to.....

Deductions have been made which are in contravention of the Code, from the wage(s) of the applicant(s) as per details specified in the annexure appended with this application.

(e) The applicant(s) has/have not been paid minimum bonus for the accounting year.....

(4) The applicant(s) estimate(s) the value of relief sought by him/ them on each amount asunder:

Rs.....

Rs.....

Rs.....

Total Rs.....

(5) The applicant(s), therefore, pray(s) that a direction may be issued under section 45(2) of the Code on Wages, 2019 for;

(a) payment of the difference between the wages payable under the Code and the wages actually paid,

(b) payment of remuneration for the days of rest

(c) payment of wages at the overtime rates,

(d) compensation amounting to Rs.....

(6) The applicant(s) do hereby solemnly declare(s) that the facts stated in this application are true to the best of his/their knowledge, belief and information.

Dated.....

Signature or thumb-impression of the employed person(s), or official of a registered trade union duly authorized or Inspector- cum-Facilitator.

Note: The applicant(s), if required, may append annexures containing details, with this application.

FORM III

(See rule 41)

Appeal under Section 49(1) of the Code on Wages, 2019 Before The Appellate
Authority under the Code on Wages, 2019

A.B.C

Address

APPELLANT

Vs.

C.D.E.

Address

RESPONDENT

DETAILS OF APPEAL:

1. Particulars of the order against which the appeal is made : Number and date:

The authority who has passed the impugned order:

Amount awarded:

Compensation awarded , if any :

2. Facts of the case:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).

3. Grounds for appeal:

4. Matters not previously filed or pending with any other Court or any Appellate Authority:

The appellant further declares that he had not previously filed any appeal, writ petition or suit regarding the matter in respect of which this appeal has been made, before any Court or any other Authority or Appellate Authority nor any such appeal, writ petition or suit is pending before any of them.

5. Reliefs sought :

In view of the facts mentioned above the appellant prays for the following relief(s) :—

[Specify below the relief(s) sought]

List of enclosures:

1.

2.

3.

4.

..... Date :

Place :

Signature of the appellant.

For office use

Date of filing or

Date of receipt by post Registration No.

Authorized Signatory

FORM IV

[See rule 42(3)]

EMPLOYEE REGISTER

Name of the Establishment :

Name of the Employer:

Name of the Owner :

PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sl. No.	Employee Name	Surname	Gender	Father's Name	Date of Birth	Natio-nality	Education Level	Date of Joining	Desig-nation	Category (HS/S/SS/U S)*	Type of Employ-ment
---------	---------------	---------	--------	---------------	---------------	--------------	-----------------	-----------------	--------------	-------------------------	---------------------

1	2	3	4	5	6	7	8	9	10	11	12	13
---	---	---	---	---	---	---	---	---	----	----	----	----

Mobile No.	UAN	PAN	ESIC IP No.	AADHAAR	Bank A/c Number	Bank	Branch (IFSC)	Present Address	Permanent Address
------------	-----	-----	-------------	---------	-----------------	------	---------------	-----------------	-------------------

14	15	16	17	18	19	20	21	22	23
----	----	----	----	----	----	----	----	----	----

Service Book No.	Date of Exit	Reason for Exit	Mark of Identification	Photo	Specimen Signature/ Thumb Impression	Remarks
------------------	--------------	-----------------	------------------------	-------	--------------------------------------	---------

24	25	26	27	28	29	30
----	----	----	----	----	----	----

*(Highly Skilled/Skilled/Semi skilled/Unskilled)

FORM V

[See rule 43] WAGE SLIP

Date of issue:

Name of the Establishment..... Address.....Period.....

1. Name of employee :
2. Father's /Spouse name :
3. Designation:
4. UAN:
5. Bank Account No.:
6. Wage period:
7. Rate of wages payable: a.)Basic b.)D.A. c.) other allowances
8. Total attendance/unit of work done:
9. Overtime wages:
10. Gross wages payable :
11. Total deductions: a.) PF b.) ESI c.) Others
12. Net wages paid:

Employer / Pay-in-charge signature

FORM VI

[See rule 46]

**APPLICATION UNDER SUB-SECTION (4) OF SECTION 56 FOR
COMPOSITION OF OFFENCE**

1. Name of applicant :
2. Father's /Spouse name :
3. Address of the applicant :
- d Particulars of the offence.....
.....
.....
5. Section of the Code under which the offence is committed :.....
6. Maximum fine provided for the offence under the Code:.....
7. Whether prosecution against the applicant is pending or not.....
8. Whether the offence is first of fence or the applicant had committed any other offence prior to the offence. If yes, then, full details of the prior offence.
.....
.....
.....
9. Any other information which the applicant desires to provide
.....
.....
.....

Dated:

Applicant
(Name and Signature)

ANNUAL RETURN**Form No. VII****[See rule 50]**

Return for the year ending the 31st December

(a) Name of the establishment and postal address _____

(b) Name and residential address of the Owner/Contractor _____

(c) Name and residential address of the Managing Agent/Director/Partner in charge of the day-to-day affairs of the establishment owned by a company, body corporate or Association _____

(d) Person responsible for payment of wages (name, address, email and phone number) _____

2. Number of days worked during the year. _____

3. Number of man days worked during the year. _____

4. Total wages paid during the year _____

5. Details of wages:-

(i) Gross Wages:-

(ii) Deductions:-

d. Net wages paid:-

5 Deductions:

	Total amount	
	Rs.	P
(a) Fines		
(b) Deductions for damage or loss		
(c) Deductions for breach of contract		
6. Balance of fines in hand at the beginning of the year	_____	

Disbursement from fines:

Purpose	Amount		
	Rs.	P.	
(a)	©		
(b)	(d)		
6.	Balance of fine fund in hand at the end of the year		
7.	Average daily number of persons employed during the year _____		
8.	Arrears of pay in respect of previous year paid during the year _____		
9.	Total Number of Employees:-		
	Male	Female	Adolescent (between the age of 14 to 18 years)
	Unskilled		Total
	Semi Skilled		
	Skilled		
	Highly Skilled		
	Total		
10.	Number of Employees eligible for Bonus _____		
11.	Percentage of Bonus declared to be paid _____		
12.	Total amount of Bonus actually paid _____		
13.	Date on which payment paid _____		
14.	Settlement, if any, reached under section 53(3) of 57(1) of Industrial Relations Code, 2020 with date _____		

Certified that the information furnished above is to the best of my knowledge and belief, correct.

Signature of the employer

Schedule A (see rule 4 (3))

Serial No.	UNSKILLED
1	Beldar
2	Calf boy
3	Cattleman
4	Cleaner (Motor shed, Tractor, Cattle, Yard, M.T)
5	Collecting loose fodder
6	Dairy coolie
7	Mazdoor (Arportculturist Compost, Dairy's Haystaking, Irrigation, Manure, Stacking, Milk-room, Ration room Store, Anti-Malaria, M.R.)
8	Driver (Mule, Bullock, Camel, Donkey)
9	Dresser
10	Driver (Bullocks Mule)
11	Grazler
12	Dairyman
13	(Store-Mazdoor)
14	Carrier (Stone),
15	Breaker (using manual appliances)
16	Helper
17	Messenger (Office)
18	Mali
19	Syce
20	Tying and Carrying loose hay
21	Sweeper,
22	Weighing and Carrying bales,
23	Weighman (Bales, pally),
24	Waterman,
25	Stable man,

26	Trolly man
27	Valveman,
28	Watchman,
29	White Washer,
30	Wooderman,
31	Wooder Woman,
32	Borryman,
33	Coalman,
34	Condenser,
35	Attendant,
36	Grass Cutter,
37	MuchhersJamadars,
38	Condenser Attendant,
39	Shunters
40	Turner,
41	Bajri Spreader,
42	Beater Women,
43	Bell-Woman,
44	Chain Man,
45	Boat Man,
46	Bucket Man,
47	Labourer (Boiler, Cattle Yard, Cultivation, General Loading and Unloading, Bunding, Carting-Fertilizers, Harvesting, Miscellaneous Seeding, Sowing, Thatching, Transplanting, Weeding)
48	Cleaner (Crane, Truck, Cinder for ash Pit),
49	Cartman,
50	Caretaker (Bridge),
51	Carrier (Water),
52	Chowkidar,

53	Concrete (Hand Mixer),
54	Daffadar,
55	Driver (Bullock, Camel, Donkey, Mule),
56	Flag Man,
57	Flagman (Blast Train),
58	Khalasi not attending to machines
59	Gangmen,
60	Gatingman (Permanent Way),
61	Handle Man, Jumper Man,
62	Kamin (Female Work),
63	Khalas,
64	Bridge,
65	Electrical,
66	Marine,
67	Moplah,
68	Store,
69	Steam Road,
70	Share,
71	Roller Survey,
72	labourer (Garden),
73	Mazdoor,
74	Hole Cutter,
75	Lorry Trainees,
76	Petrolman,
77	Searcher,
78	Signal man,
79	Strikers,
80	Vaks Controller,

81	Cleaner
82	Dresser / Dressing Mazdoor
83	Loader
84	Mazdoor (Male/Female)
85	Messenger (Male / Female)
86	Trammer
87	Caretaker (except in Copper, Chromite and Graphite mines where it is semiskilled)
88	Office Peon /Peon (except in Bauxite Mines)
89	Sweeper (Male / Female)
90	Carrier
91	Number Taker
92	TrollyTriper
93	Water Carrier
94	Earth Cutter
95	Survey Khalasi
96	Gate Man,
97	Concrete (Hand Mixer)
98	Dismantling stocks
99	Lampman
100	Beldar/Beldar (Canteen)
101	Coolie
102	Peon
103	Cook-helper
104	Office Boy
105	Quarry Worker
106	Jelly Maker
107	Over burden Remover
108	Waste removing mazdoor

109	Unloader
110	Excavating Labour
111	Digger
112	Butcher
113	Attender
114	Lorry Helper
115	Surface loader
116	Wood Cutter
117	Surface Mukar
118	Under Ground Mukar
119	Striker (Moplah gang),
120	Tall Boy,
121	Tile
122	Person employed in loading and unloading
123	Person employed in sweeping and cleaning and other categories by whatever name called which are of unskilled nature
Serial	SEMI
No.	SKILLED
1	Assistant (Chowdhary)
2	Attendant (Bull-calving lines, Chowkidar, Chaff cutter, Hostel, Dry Stock, Grain crusher, Pump, Siekline,
3	Stable, Yard Stock)
4	Assistant-Plumber
5	Attendant
6	Bhisti
7	Brander
8	Bullman
9	Butterman
10	Coachman

11	Cobbler
12	Cultivator
13	Daftry
14	Deliveryman
15	Dhobi
16	Dresser
17	Fireman
18	Gowala
19	Hammerman
20	Helper (Blacksmith)
21	Helper
22	Jamadar (stand)
23	Jamadar
24	Khalasi
25	Mali Senior
26	Mate/Mistry
27	Mazdoor (literate)
28	Nalband
29	Oilman
30	Ploughman
31	Vtackers
32	Supervisor
33	Thatcher
34	Valveman
35	Valveman (Senior)
36	Wireman fixing tin cables
37	Cook
38	Dandee

39	Frash
40	Hacksaw man
41	Helper (locco-Crane/Truck)
42	Manjhee (Boatman)
43	Belchawala
44	Muccadam (without competency certificate under Metalliferous Bulldozer Driver Mines Regulations, 1961)
45	Bhisti (with Mushk)
46	Boatman (head)
47	Breaker,
48	Breaker (Stone, Rock, Rock Stone, Stone Metal)
49	Canweaver
50	Chainman(Head)
51	Charpoy-Stringer
52	Checker
53	Cracker
54	Dollyman
55	Assistant
56	Driller
57	Driver (Skin)
58	Excavator
59	Ferroman
60	Fireman (Brick Kiln, Steam Road Roller)
61	Gate Keeper
62	Gharami
63	Classman
64	Grater
65	Greaser-cum-Fireman

66	Grinder
67	Hammerman
68	Helper (Artisan)
69	Helper (Sawyer)
70	Keyman
71	Khalasi (Head Survey, Rivertters-Moplah Gang, Supervisory)
72	Labourer (Rock-Cutting)
73	Lascar
74	Mali (Head)
75	Stockers and Boilerman
76	Thoombaman (Spade worker)
77	Tindals
78	Trolleyman (Head Motor)
79	Fitter (Assistant Semi-Skilled)
80	Jamadar (Semi-skilled)
81	Mate (Stone)
82	Kasab
83	Khalasi (Structural)
84	Masalchi P.M. Mates
85	Miner
86	Untrained Mate/ Mining Mate/ Mate without Competency certificate Under Metalliferous Mines Regulations, 1961
87	Butler/Cook
88	Breaker (using mechanical appliances)
89	Crech Ayah/Ayah/Untrained Crech Attendant
90	Assistant Driller
91	Oilman/Oiler
92	Chowkidar/ Watchman
93	Helper (Mason, Carpenter, Blacksmith)

94	Tindals
95	Topas
96	Topkar (Big Stone Breaker)
97	TrollyJamadar
98	Winchman
99	Attendance-keeper
100	Assistant Wireman
101	Mate
102	Mate (Blacksmith, Road, Carpenter)
103	Engine Driver and/or Feeder
104	Fitter
105	Gang
106	Mazdoor Mason
107	Permanent Way
108	Pump-Driver,Turner)
109	Mazdoor (Heavy-weight)
110	Charge-man
111	Mistri (Head
112	Muccadam
113	Night-guard
114	Runner (Post dak)
115	Oilman
116	Quarry man
117	Quarry Operator
118	Stoneman
119	Stocker
120	Thatcher
121	Pump Attendant

122	Bearer
123	Breakman
124	Crowlder Man
125	Laboratory Boy
126	PointsmanSencummy
127	Stone mines and other cateogires by whatever name called which are of semi-skilled nature

Serial No.	SKILLED
1	Artificer (Class-II, III, IV)
2	Blacksmith
3	Blacksmith (Class II)
4	Boilerman
5	Carpenter
6	Carpenter (Class II) Carpenter-cum- Blacksmith
7	Chowdhary
8	Driver
9	Driver (Engine Tractor, M.T.Motor)
10	Electrician
11	Fitter
12	Mason
13	Mason Class 11
14	Machine hand (Class II, III, IV)
15	Machineman
16	Mate Gr. I (Senior)
17	Mechanic
18	Milk Writer
19	Mistry (Head)
20	Moulder

21	Muster Writer
22	Operator (Tube-well)
23	Painter
24	Plumber
25	Welder
26	Upholsterer
27	Wireman,
28	Chipper
29	Chipper-Cum-Grinder
30	Cook (Head)
31	Driller
32	Driller (Well Boring)
33	Driver(Loco/Truck)
34	Electrician (Assistant)
35	Mechanic (Tube-Well)
36	Mistry(Stell, Tube-Well, Telephone)
37	Meter Reader
38	Meterological Observer Navghani
39	Operaor (Batching Plant, Cinema Project,Clamp Shelf, Compressor, Grane, Dorrick, Diesel Engine, Doser,Dragling Drill Dumber, Excavator, Fork Lift Generator, Grader, Jack Hammer and Payment breaker Loader, Pump, Pile Driving,Scrapper, Screening Plant, Shoval, Tractor, Vibrator, Weight Batcher, Railway Guards, Repairer (Battery)
40	Sharper/Slotter
41	Sprayer (Ashalt) Station Master
42	Surveyor (Silt)
43	Trades-Man
44	Train Examiner
45	Turner/Miller

46	TyreVulcaniser
47	Sawyer
48	Sawyer (Selection Grade Class II) Serang
49	Serangpile
50	Driving Pantooms with Boiler
51	Shapesman
52	Shift-incharge
53	Sprayman
54	Sprayman (Roads)
55	Stone Cutter
56	Stone Cutter (Selection Grade, Grade II, Class II)
57	Stone Chisler
58	Stone Chisler (Class II)
59	Stone Blasterer
60	Sub-Overseer (Unqualified)
61	Surveyors
62	Pump Driver
63	Pump Driver (Selection Grade), Grade II and III, Class II)
64	Pump Driver (Selection Grade, P.E., Driver,
65	Pumpman
66	Pumpman (Assistant)
67	Plumber
68	Polisher (with spray) Grade II
69	Ratan Man
70	Rivet Cutter (Assistant)
71	Rivetter
72	Rivetter (Cutter)
73	Road Inspector Grade II, Railway Plate Layer

74	Rod Bender
75	Haulage Operator
76	Dispensary Attendant
77	Work Sakar
78	Mica Cutter Grade -I
79	Dresser Grade -I Mica
80	Supervisory Fireman
81	Fireman only in Mines
82	Compressor Driver
83	Pump Man Driver 96. Grinder in Mica Mines
84	Surveyors (Assistant)
85	Tailor
86	Tailor(Upholstry)
87	Transprayer
88	Tar man
89	Line Man
90	Tiler Class 11
91	Wall(Floor, Roofs
92	Tiler (Selection Grade)
93	Tin-Smith
94	Tin Smith(Selection Grade, Grade II and III, Class II) Tinker
95	Well Sinker
96	Assistant Mistry
97	Armature Winder Grade-II and III
98	Bhandari
99	Blacksmith
100	Blacksmith (Selection Grade, Grade II, III, Class II and III)
101	Boilerman

102	Boilerman Grade II and III
103	Boiler Foreman Grade II
104	Work (Assistant)
105	Brick Layer
106	Bricklayer (Selection Grade, Class II)
107	Blaster
108	Chowkidar (Head)
109	Security Guard (without arms)
110	Carpenter
111	Carpenter (Selection Grade, Grade II and III, Class I and III Assistant)
112	B.I.M. Road
113	Cabinet Maker
114	Caneman
115	Celotex
116	Cutter Maker Chargeman, Class II and Class III, Carpenter Ordinary)
117	Checkder (Junior)
118	Chick Maker
119	Chickman (Junior) Concrete Mixure Mixer
120	Concrete Mixure Operator
121	Cobbler
122	Coremaker
123	Driver
124	Driver Motor Vehicle
125	Motor Vehicle Selection Grade
126	Motor Lorry
127	Motor—Lorry Grade II
128	Lorry Grade II
129	Diesel Engine

130	Diesel Engine Grade 11
131	Mechanical Road Roller I.C. and Cement Mixer etc.
132	Road Roller
133	Road Roller Driver Grade II
134	Driver (Engine Static Stone Crusher, Tractor/Bull Dozer, Steam Road Roller, Water Pump, Mechanical Assistant, Road Roller, Mechanical, Steam Crane, Tractor with Bull Dozer Mechanical, Transport, Engine Static and Road Roller Boiler Attendant
135	Engine Operator (Stone Cursher Mechanical)
136	Distemprrer, Electrician, Electrician (Grade II, Class II and Class III)
137	Fitter
138	Fitter (Selection Grade, Grade II and III) class II and III Assistant, Pipe class II, Pipe Line ending Bars for
139	reinforcement Cum-mechanic, Mechanic and Plumber)
140	Gharami (Head)
141	Glazier
142	Hole Drillar for Blasting
143	Joiner
144	Joiner (Cable, Cable Grade II)
145	Lineman (Grade II, III, High Tension/Low Tension)
146	Mason
147	Mason (Selection Grade, Grade II, III and Class B Mistry)
148	Stone (Stone Class II, Brick Work, Stone work)
149	Brick-layer
150	Tile Flooring
151	B.I.M Muccadam (Head)
152	Stone cutting
153	Ordinary Machanis
154	Mechanic
155	Mechanic (Class II, Air conditioning, Air conditioning Grade II

156	Diesel Grade II
157	Road Roller Grade II
158	Assistant, Radio)
159	Manson (Gharami)
160	Mistry
161	Mistry Grade II, Air conditioning Grade II, P. Way, Survey, Santras Works)
162	Mason Class A
163	Moulder
164	Moulder (Brick, Tile)
165	Painter
166	Painter (Selection Grade, Grade II and III, Class II, Assistant Lotter and Polisher, Polisher, Rough)
167	Plasterer
168	Plasterer (Mason Grade 11)
169	Plumber
170	Plumber (Selection Grade, Class II, Assistant Lotter and Polisher, Rough),
171	Plasterer
172	Plasterer (Mason Grade II)
173	Plumber (Selection Grade, Class-II, Assistant Senior, Junior, Mistry Grade II)
174	Plumbing Mistry
175	Plumber-cum-Fitter
176	Polisher
177	Polisher (Floor)
178	Sirdhar Lathe Man
179	Geologist
180	Trailors

181	Turner
182	Upholsterer
183	Upholsterer (Grade II and III)
184	Painter Spray (Class 11)
185	Wood Cutter
186	Wood Cutter Section Grade
187	Wood Cutter Class II
188	Work Sircar
189	Welder
190	Airwineh Haulage Operator
191	Auto-electrician
192	Painter
193	Blacksmith
194	Tailor
195	Compressor Operator
196	Blaster/Shot-firer
197	Driver
198	Head cook
199	Chargeman
200	Carpenter
201	Concrete Mixer Operator
202	Compressor Attendant
203	Air Compressor Attendant
204	Tractor Driver
205	Vehicle Driver
206	Chemist and Assistant/ Chemist
207	Sub- overseer (unqualified)
208	Driller

209	Handhole Driller
210	Drill Mechanic
211	Driver Auto
212	Electrician
213	Wireless Operator Asstt. Foreman
214	Foreman
215	Fitter
216	Ferry Driver
217	Issuer Loco
218	Super Foreman
219	Hoist Operator
220	IMCE Driver
221	Driver
222	Loco Driver
223	Loader Operator
224	Linesman
225	Mechanic/ Machinist
226	Mason
227	Mid Wife
228	Tinsmith
229	Supervisory Mechanic
230	Pump Attendant only in Gypsum, Barytes and Rock Phosphates
231	Pump Operator/Driver
232	Mining Mate with competency certificate under Metalliferous Mines\ Regulations, 1961.
233	Mistry
234	Skilled Mazdoor
235	Turner
236	Senior Mechanic

237	Pipe Fitter
238	Supervisor
239	Drafts Man
240	Wireman
241	Timber Marr Timber Mistry Elect.
242	Stone Crusher Operator
243	Crusher Operator
244	Moulder
245	Welder
246	Operator
247	Work Mistry
248	Engine Driver
249	Mining Engine Driver Grade -II
250	Engineman
251	Valveman
252	Cutter
253	Winding Engine Driver Grade - II
254	Security Guard (Unarmed) /Head Chowkidar
255	Shovel Operator
256	Limco Loader Operator
257	Surface Supervisor
258	Dozer Operator
259	Compressor Driller
260	Dumper Tractor Operator
261	Boiler Man (with Certificate)
262	Machinery Attendant
263	Air-conditions Mechanic
264	Crech Attendant only in Magnesite, Manganese and Mica Mines
265	Power Shovel Operator
266	Power and Pump House Operator
267	Miner Grade - I

268	Tractor Operator 80. Tub Repairer 81. Lathe Mistry
269	Stationery Engine Attendant 83. Generator Operator 84. Loading Foreman
270	Diesel Mechanic
271	Ferro Printer cum-chairman
272	White Washing and Colour Washing Man
273	Operator Pneumatic Tools, Operator (Fitter)
274	Boreman
275	Borer
276	Wireman (Grade II and III, Mechanic, Electrical)
277	White Washer
278	White Washer (Selection Grade, Class II)
279	Wireman
280	Welder (Class II, Bridge work)
281	Welder gas
282	Muccatam (with Compentency Certificate under MetalliferousMinesRegulations, 1961).
283	Security Guard (without arms)and other cateogires by whatever name called which are of skilled nature
284	Assistant (Farm)
285	Assistant (Cashier)
286	Librarian
287	Telex or Telephone Operator
288	Hindi Translator
289	Telex or Telephone Operator
290	Hindi Translator
291	Accounts Clerk
292	Clerks
293	Computer/Data Entry Operator
294	Telephone Operator, Typist
295	Store Attendant
296	M. C. Clerk
297	Munshi (Matriculate, Non-matriculate)

298	Store Clerk (Matriculate Non-matriculate)
299	Store Keeper
300	Store Keeper Grade I, Grade II, (Matriculate)
301	Time Keeper
302	Time Keeper (Matriculate Non-Matriculate)
303	Book Keeper
304	Work Munshi
305	Work Munshi (Subordinate)
306	Magazine Clerk
307	Teller Clerk
308	Store clerk
309	Tally Clerk
310	Store Issuer
311	Tool Keeper
312	Computer/Date Entry Operator
313	Record Keeper
314	Tracer
315	File Clerk
316	Register Keeper
317	Time Keeper
318	Clerk
319	Munshi
320	Typist and other categories by whatever name called which are of clerical nature

Serial No.	HIGHLY SKILLED
1	Artificier Class I
2	Blacksmith Class I
3	Carpenter Class I
4	Machine
5	Hand Class 1
6	Mason Class I

7	Mechanic (Senior)
8	Painter (Grade I, Class I, Spray) Plasterer (Mason) Class I
9	Plumber (Head, class I)
10	Mistry Grade I
11	Polisher (with spray Grade I)
12	Road Inspector Grade I
13	Sawyer Class I
14	Stone Cutter Class I
15	Stone Cutter Grade I
16	Stone Chisler Class I
17	Stone Mason Class I
18	Sub-Overseer (Qualified)
19	Tiler Class I
20	Tinsmith Grade I and Class I
21	Upholsterer Grade 1
22	Varnisher Class I
23	Welder-Cum-Fitter and Air Conditioning Mechanic
27	Welder (Gas) Class I
25	White Washer Class I
26	Wireman Grade I, Class I
27	Wood Cutter Class I
28	Grinder (Tool) Grade I
29	Operator (Batching Plant Grade I)
30	Leader Grade I
31	Pile Driving Grade I
32	Pump Grade
33	Scrapper Grade I
34	Screening Plant Grade I
35	Pump Grade I
36	Scrapper Grade I
37	Security Guards (with arms)

38	Armature Winder Grade I
39	Blacksmith Grade I and Class I
40	Boilerman Grade I
41	Boilerman Foreman Grade I
42	Brick Layer class I
43	Cable Joiner Grade I
44	Carpenter grade I and Class I
45	Celo Cutter and Decorator
46	Chargeman Class I
47	Checker (Sr) Driver Lorry Grade I
48	Motor Lorry Grade I
49	Motor Vehicle Class I and Diesel Engine Grade I
50	Road Roller Grade I
51	Pump Class Electrician Grade I and Class I/ Grade I
52	Fitter (Grade I, Class I)
53	Pipe Class I (Head)
54	Foreman(Assistant) Line Man Grade I Mason (Skilled Grade I, Class I)
55	Mast Rig
56	Mechanic Class I and Class II
57	Mechanic (Diesel Grade I and Road Roller Grade I
58	Airconditioning Grade I/Class I, Mistry Grade I
59	Mistry (Airconditioning Grade I)
60	Overseer
61	Overseer (Senior and Junior)
62	Dragline Grade I
63	Drill Grade I
64	Dumper Grade I
65	Excavator Grade I
66	Fork Lift Grade I
67	Generator Grade I
68	Rigger Grade I

69	Rigger Grade II
70	Charper/Sletter Grade I
71	Shovel and Dragline Tractor Grade I
72	Tradesman Class I
73	Turner/Miller Grade I
74	Work (Assistant) Grade I
75	Compounder
76	Surveyor
77	Winding Engine Driver
78	Operator (Heavy Earth Moving Shovel and Bulldozer)
79	Head Mistry
80	Staff Nurse with Diploma
81	Drill Operator other than Jack Hammer
82	Electrical Supervisor with Competency Certificate
83	Underground Shift Boss
84	Head Mechanic
85	Qualified and Experienced Welder
86	Machine Tool Mechanic
87	Mechanical/Plant Foreman
88	Mining Supervisor
89	Vocational Training Instructor/Teacher
90	Head Electrician
91	Accountant
92	Steno with 7 years of service
93	Store Incharge
94	Shift Incharge
95	Supervisor
96	Incharge of Watch and Ward
97	Security Guard (Armed)
99	Crane Grade I
100	Diesel Engine Grade I

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101	Dozer Grade I
102	Clamp Shell Grade I
103	Compressor Grade I
104	Grader Grade I
105	Tractor Grade I
106	Vibrator Grade I
107	Screening Plant Grade I
108	Shovel Grade I
109	Shovel and Dragline
110	Tyrevulcanser Grade I
111	Security Guard (with Arms)and other categories by whatever name called which are of Highly-skilled nature

VIJAY KUMAR JANJUA, IAS,

Additional Chief Secretary to Government of Punjab,
Department of Labour.

PART III
GOVERNMENT OF PUNJAB
DEPARTMENT OF LABOUR
NOTIFICATION

The 25th March, 2021

No. G.S.R. 39/C.A.36/2020/Ss.154 and 156/2021.-The following draft of the Social Security (Punjab) Rules, 2021, which the Governor of Punjab proposes to make in exercise of the powers conferred by sections 154 and 156 of the Code on Social Security, 2020 (Central Act No. 36 of 2020) and all other powers enabling him in this behalf, is published as required by section 158 of the said Code for the information of the persons likely to be affected thereby.

Notice is hereby given that the draft will be taken into consideration by the Government on or after the expiry of a period of forty-five days from the date of publication of this notification in the Official Gazette, together with any objection or suggestion, which may be received by the Labour Commissioner, Punjab, in writing or on email lc@punjab.gov.in or lcpboffice@gmail.com from any person before the expiry of the period so specified with respect to the said draft, namely:-

DRAFT RULES

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement. - (1) These rules may be called the Code on Social Security (Punjab) Rules, 2021.
 - (2) They shall extend to the whole of the State of Punjab.
 - (3) They shall come into force from such date on which the Code on Social Security, 2020 comes into force.
2. Definitions.- (1) In these rules, unless the context otherwise requires:-
 - (a) "Board" means the Punjab Unorganised Workers Social Security Board and the Punjab Building and Other Construction Workers Welfare Board constituted under sub-section (9) of section 6 of the Code and under sub-section (1) of section 7 of the Code respectively.

- (b) "Chairperson" means the Chairperson of the Board;
 - (c) "code" means the Code on Social Security, 2020 (Act No. 36 of 2020);
 - (d) "Form" means a Form appended to these rules;
 - (e) "Government" means the State Government in the Department of Labour;
 - (f) "member" means a member of the Board;
 - (g) "nominations" means nomination made under section 55;
 - (h) "section" means a section of the Code; and
 - (i) "specified" means specified by the State Government by an order published in the Official Gazette.
- (2) All other words and expressions used in these rules which are not defined therein, but are defined in the Code shall have their respective meanings assigned to them in the Code.

CHAPTER II

SOCIAL SECURITY ORGANISATIONS

PART I

PUNJAB UNORGANISED WORKERS SOCIAL SECURITY BOARD

Sections 6 3. **Term of office of members.** - (1) A member, other than an ex-officio
(12) and 156 member, shall hold office for a period not exceeding three years from the date
(2) (a). 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.

(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 shall be from the Scheduled Castes, the Scheduled Tribes, the Minorities and the Women shall be represented.

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

4. **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. Sections 6 (12) and 156

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

(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.

5. **Removal of member.** - The Government may remove from office any member of the Board, if, in its opinion, such a member has ceased to represent the interest which he purports to represent on the Board: Sections 6 (12) and 156 (2) (a).

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making any representation against the proposed action.

6. **Address of the members.** - (1) Every Member shall furnish his or her address to the Member-Secretary of the Board who shall thereupon enter his address in the official record. Sections 6 (12) and 156 (2) (a).

(2) If a member changes his address, he shall furnish his new address to the Member-Secretary of the Board who shall thereupon enter his new address in the official record:

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

7. **Manner of filling vacancies.** - When a vacancy occurs or is likely to occur on completion of the term of the member in the membership of the Board, the Chairperson shall submit a report to the Government and on receipt of such report, the Government may, by notification, nominate a person to fill the vacancy: Sections 6 (12) and 156 (2) (a).

Provided that when a vacancy occurs or is likely to occur due to removal or resignation of a member, the Member-Secretary shall submit a report to the Government and on receipt of such report, the Government may, by notification, nominate a person to fill the vacancy and the person so nominated shall hold office for the remaining term of office of the member in whose place he is nominated.

Sections 6 8. **Allowances of members.** - (1) The travelling allowance of an official
(12) and 156 member of the Board shall be governed by the rules applicable to him for
(2) (a). journey performed by him on official duties and shall be paid by the authority
paying his salary.

(2) The non-official members of the Board shall be entitled to the payment of travelling and daily allowance for attending the meetings of the Board at such rates as are admissible to Group 'A' Officers of the State Government.

Sections 6 9. **Disposal of business.** - Every matter which the Board is required to
(12), 6(14) take into consideration shall be considered at a meeting of the Board, or if the
and 156 (2) Chairperson so directs, by sending the necessary papers to every member for
(a). opinion, and the matter shall be disposed of in accordance with that 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 10 to preside over a meeting.

Sections 6 10. **Meetings.**- (1) The Board shall meet at such places and at such times as
(14) and 156 may be decided by the Chairperson and it shall meet at least once in a quarter
(2) (a). of the year.

(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 meeting in his place and in the absence of such nomination by the Chairperson, the members of the Board present in such meeting, may choose one member from amongst themselves to preside over the meeting.

Sections 6 11. **Notice of meetings and list of business.**- (1) Ordinarily, two weeks
(14) and 156 notice shall be given to the members of the Board of a proposed meeting:
(2) (a). 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 at any time call a special meeting of the Board in case of urgency, after informing the members in advance about the subject matter of discussion and the reasons of urgency.

12. **Quorum.**- (1) No business shall be transacted at any meeting of the Board unless at least twelve members are present in that meeting which shall include at least one non-official member. Sections 6 (14) and 156 (2) (a).

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

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

- (a) he absents himself from three consecutive meetings of the Board without written information and consent of the Chairperson; or
- (b) In view of the Government, such member ceased to represent the interest which he purports to represent on the Board.

PART II

PUNJAB BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD

13. **Terms and conditions of appointment of the Chairperson and other members of the Board.**—(1) The term of office of Chairperson and other members of the Board shall be three years. Sections 7 (4) and 156 (2) (b).

(2) The Chairperson and other members of the Board shall be paid such salary and allowances, as may be determined by the Government, in consultation with the Board.

14. **Filling up of casual vacancies.**—A member, nominated to fill a casual vacancy, shall hold office for the remaining period of the term of office of the member in whose place, he is nominated. Sections 7 (4) and 156 (2) (b).

15. **Terms and conditions of appointment of Secretary, other officers and employees of the Board.**—The Secretary, other officers and employees Sections 7 (5) and 156 (2) (b).

of the Board shall be appointed on such terms and conditions and shall be paid such salary and allowances, as may be determined by the Board from time to time with the approval of the Government.

CHAPTER III

EMPLOYEES INSURANCE COURT

Sections 37 (7) (b) and 154 (2) (b). 16. **Appeal.**- The Insured Person or the Corporation may file an second appeal to the Employees' Insurance Court by presenting an application within ninety days from the date of receipt of the copy of order of the Medical Appeal Tribunal:

Provided that the Employees' Insurance Court may entertain the appeal after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the appeal within the prescribed period. The applications to the Employees' Insurance Court, shall be in Form I.

Sections 51 (1) and 154 (2) (c). 17. **Procedure and fees.**- (1) The procedure for filing appeal to the Employee Insurance Court,-

(i) an Appeal under section 49 shall be presented in triplicate in Form II and shall contain the following particulars, namely :-

(a) the name of the Court in which an appeal is filed;

(b) full name, description including age, occupation and full postal address of applicant and the opposite party;

(c) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and full postal address of his or her guardian, next-of-kin, or any other person authorized to act on his or her behalf;

(d) the fact constituting the cause of action and the date when it arose;

(e) the facts showing that court has jurisdiction;

(f) the relief which the applicant claims;

(ii) every appeal shall be verified in the same manner as a pleading in a Civil Court;

(iii) all the documents on which the appeal is based or has desired by applicant shall be appended to appeal with an accurate list thereof;

(iv) all appeals shall be entered in a register in Form III to be maintained by the Court.

(2) Proceeding of Employees Insurance Court.-(i) Every appeal to the Court shall be filed within three years on which the cause of action arose or as the case may be, the claim become due;

(ii) Where at any stage it appears to the Court that the appeal should be presented to another Court, or should be entertained by another Court, the first Court shall send the appeal or file of the case to the Court empowered to deal with it and shall inform the applicant and the opposite party accordingly and the Court to which appeal or file is transferred shall continue the proceedings as if the previous proceedings or any part of it had been taken before it.

(iii) The Court shall follow the rules of the Code of Civil Procedure, 1908 in respect of summoning of the parties, service of summons, procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.

(3) Fees.- (i) The fee payable on an appeal in respect of any matter referred to in section 49 shall be hundred rupees.

(ii) The fee and costs payable in respect of any other matter shall be such as may be prescribed for the time being in force.

(iii) All fees referred to in this rule shall be collected by way of Court fee stamps.

CHAPTER IV GRATUITY

18. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor.—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 any other Nationalised Bank. Sections 5 (1) and 154 (2) (c).

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

19. Time, form and manner of nomination by an employee.— (1) A nomination shall be in Form IV and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer, Sections 5 (1) 55(4), 55(5), 55(6) and 154 (2) (e).

- (i) in the case of an employee who is already in employment for a year or more on the date of commencement of these rules but not submitted the nomination, ordinarily, within ninety days from such date; and
- (ii) in the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily within thirty days of the completion of one year of service:

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

(2) Within thirty days of the receipt of nomination in Form IV under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in Form IV duly attested either by the employer or an officer 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 V 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-VI 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.

20. Time within which and the form in which a written application shall be made.- (1) Application for Gratuity.- (i) An employee who is eligible for payment of gratuity under the Code, or any person authorized, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in Form VII to the employer: Sections 56
(5) and 154
(2) (f).

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

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

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

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

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

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

(v) 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.

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

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

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

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

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

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

(iii) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (i) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.

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

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

(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.—

(i) if an employer-

(a) refuses to accept a nomination under sub-rule (1) of rule 19 or to entertain an application sought to be filed under sub rule (1) or

(b) issues a notice under clause (i) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or

(c) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in Form IX to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:

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

(ii) application under clause (i) 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 X, by electronically or registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorized representative together with all relevant documents and witnesses, if any.

(b) any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may

be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The competent authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.

(c) a party appearing by an authorized representative shall be bound by the acts of the representative.

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

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

Provided that an order under clause (e) of sub-rule (5) may, on 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:

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

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

(7) Administration of oath.—The competent authority may authorize a clerk of his office to administer oaths for the purpose of making affidavits.

(8) Summoning and attendance of witnesses.—The competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such

terms as may appear to the competent authority just, issue summons to any person in Form X 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 (Central Act 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 XI electronically or registered post acknowledgment due or in person specifying the amount payable (including interest due, if any, under sub-section (4) of section 56 of the Code) and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

(12) Appeal.—

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

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

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

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

(e) within fourteen 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 XI 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.

(i) the time limit for disposal of appeal shall not exceed ninety days from the date of filing of appeal. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.

(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 XII for recovery thereof under section 129 of the Code.

21. **Manner of registration .-**(1) Every Employer of an establishment covered by the Code shall get his/her establishment registered electronically with competent authority in Form XIII within thirty days from the date of notification of the compulsory insurance specified under sub section (1) of section 57 of the Code. Sections 57 (3), 57(4) and 154 (2) (g).

(1) The Board of Trustees shall include an equal number of representatives of the employer and the employees of the establishment.

(2) Any amount directed to be paid under sub-section (4) of Section 57 shall be recoverable as an arrear of land revenue.

22. **Qualifications and experience of the officer appointed as the competent authority .—**The person to be appointed as the competent authority for the purpose of this Chapter shall be an officer not below the rank of Assistant Labour Commissioner or Labour Conciliation Officer having educational qualification and experience as determined for that post by the Government. Sections 58 (1) and 154 (2) (h).

CHAPTER V

MATERNITY BENEFIT

23. **(1) Complaint and Appeal.-** (1) Complaint,- Sections 72

(a) A complaint under sub-section (1) of section 72 shall be made in writing in Form XIV as the case may be. (3), and 156 (2) (i).

(b) When a complaint referred to in sub-section (2) of Section 72 is received by an Inspector-cum-Facilitator, he shall examine the relevant record maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under section 63, as the case may be, immediately or within a specified period:

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

(2) Appeal.-

(a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie with the competent authority.

(b) The aggrieved person shall prefer an appeal in writing to the prescribed authority in Form XV 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 within a period of ninety days from filing of the application before him. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.

(3) Authority to whom an appeal may be preferred:

A person aggrieved by the order of Inspector-cum Facilitator under sub- section (2) of section 72 may appeal to Additional Labour Commissioner.

CHAPTER VI

EMPLOYEE'S COMPENSATION

Sections 76 24. **Amount to be deposited towards the expenditure of the funeral of**
(7) and 156 **the employee with the competent authority by the employer.**—If the injury
(2) (d). of employee results in death, the employer shall in addition to compensation to
be given under the code shall deposit with the competent authority a sum of
fifteen thousand rupees or such amount as may be notified by the Government
through Gazette notification, for payment of the same to the eldest surviving
dependents of the employee towards the expenditure of the funeral of such
employee or where the employee does not have any dependent or was not
living with his dependent at the time of his death to the person who actually
incurred such expenditure.

25. **Conditions when application for review is made without certificate of a medical practitioner.**—Application for review of half-monthly payment under sub-section (1) of section 79, may be made without being accompanied by a medical certificate;- Sections 79 (1), and 156 (2) (e).
- (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 that since the right to compensation was determined, his wages have diminished;
 - (c) by the employee, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the employee's condition such as to warrant such cessation;
 - (d) either by the employer or by the employee, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;
 - (e) either by the employer or by the employee on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record.
26. **Class of employers and the form of notice-book.**— Every employer to which the Code applies, shall maintain a notice book in accordance with sub-section (4) of section 82 in Form XVI. Sections 82 (4), and 154 (2) (j).
27. **Interval for medical 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 for more than twice in the first month following the accident or more than once in any subsequent month. Sections 84 (1) and 156 (2) (f).
28. **Form of statement to be submitted by the employer.**—The statement for fatal accident required under sub-section (1) of section 88 shall, be in Form XVII. Sections 88 (1) and 156 (2) (g).
29. **Manner of Recording Memorandum.**— Sections 89 (1) and 156 (2) (j).
- (1) Form of Memorandum- Memoranda of agreement sent to the competent authority under sub-section (1) of section 89 shall unless the competent authority otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with, Form XVIII, or Form XVIIIA, or Form XVIII B as the case may be.

(2) After receiving a memorandum of agreement, the competent authority shall, for taking decision to record memorandum or refusing to record, shall issue notice to parties to agreement in Form XIX, fixing date and place of hearing and in default of objections, he proposes to record the memorandum on the date so fixed. The notice may be sent personally or through registered post or speed post or electronically:

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

(3) On the date so fixed, the competent authority, after hearing the parties to agreement shall take decision to record or refuse to record the memorandum:

Provided that the issue of a notice under sub-rule (2) shall not be deemed to prevent the competent authority from refusing to record the memorandum on the date so fixed even if no objection has been made by any party concerned.

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

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

“The memorandum of agreement bearing Serial No. _____ of
20____ in the register has been recorded this _____ day _____ of.

(Signature)

competent authority”

Sections 91 30. **Qualifications and experience for competent authority.**—The person
(1) and 154 to be appointed as the competent authority for the purpose of this Chapter
(2) (1). shall be an officer not below the rank of Assistant Labour Commissioner or
Labour-cum-Conciliation Officer having educational qualification and experience
as determined for the post by the Government:

Provided that a person to be appointed as competent authority for the purpose of this Chapter shall have experience of at least five years of service on the post of Labour-cum-Conciliation Officer:

Provided that a person who has worked as Labour-cum-Conciliation Officer and Assistant Labour Commissioner for a combined period of not less than five years need not possess the above mentioned experience for being appointed as competent authority.

31. Manner in which matters may be dealt with by or before a competent authority- (1) On receipt of the application, the competent authority shall verify the jurisdiction as per the parameters specified in clause (a), (b) and (c) of sub-section (1) of section 92. Sections 92 (1) and 156 (2) (h).

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

(3) If at any stage of the case it appears to the competent authority the application should be entertained by another competent authority, he shall send file of the case to that authority who has the jurisdiction, and inform to the applicant and other parties in accordance with the procedure defined in sub-section (3) of section 93 of the Code.

(4) The competent authority to whom the case has been transferred, shall continue to proceed as if the previous proceedings were done before him, provided he is satisfied that it shall not cause prejudice to the concerned parties.

32. 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 . Sections 93 (4) and 154 (2) (i).

(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.

Sections 97 and 154 (2) (j). 33. **Manner of authentication of memorandum.**— (i) After framing of issues, parties may submit their evidence on affidavit, on which the opposite party shall have right to cross examination.

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

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

CHAPTER VII

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

Sections 101 and 154 (2) (m). 34. **Time limit to pay the amount of cess .**— (1) The cess levied under the sub-section (1) of section 100 shall be paid by an employer, within thirty days of the completion of the construction project or within thirty days of the date on which assessment of cess payable is finished; whichever is earlier, to the cess collector.

(2) Notwithstanding anything contained in sub-rule (1), where the duration of the project or construction work exceeds one year, cess shall be paid within thirty days of completion of one year from the date of commencement of work and every year thereafter at the notified rates on the cost of construction incurred during the relevant period.

Sections 105 (2) and 154 (2) (n). 35. **Fees for appeal.**—An appeal preferred under sub-section (1) of section 105 shall be accompanied by non-refundable fee equivalent to half percent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal.

CHAPTER VIII

FINANCE AND ACCOUNTS

36. **Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property.**— The Government shall in consultation with the Punjab Unorganised Social Security Board and the Punjab Building and Other Construction Workers Welfare Board frame a detailed policy for the purposes specified in Section 120 of the Code. Sections 120 and 154 (2) (o).

37. **Conditions and manner of writing off irrecoverable dues.**— Where Punjab Unorganized Workers Social Security Board or The Punjab Building and other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to the Board has become irrecoverable, the Board or any other officer authorised by it in this behalf, may sanction the writing off of the said amount, subject to the following conditions, namely: — Sections 121 and 154 (2) (p).

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

CHAPTER IX

AUTHORITIES ASSESSMENT COMPLIANCE AND RECOVERY

38. **Other powers of Inspector-cum-Facilitator.**: In addition to powers specified in sub-section (6) of section 122, the Inspector -cum-Facilitator may exercise such other powers as the Government may deem fit from time to time. Sections 122 (6) (e) and 154 (2)

CHAPTER X RECORDS

39. **Maintenance of records, registers, returns etc:** (1)(a) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in Form XXI electronically or in hard copy and Sections 123 and 154 (2) (r).

shall enter therein particulars of all women workers in the establishment and the same shall always be available for inspection under notified inspection scheme by 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)(a)The records to be maintained for the purposes of Chapter V of the Code and the rules framed there under shall be preserved for a period of three years from the date of their preparation.

(b) The employer of every establishment in which employees are employed, shall prepare and maintain record and registers as per the record and registers to be maintained under the Code on Wages 2019 and the rules framed thereunder.

(3)(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 XXII online on the web portal of the 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.- (a) 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 (Central Act 21 of 2000).

(b) If the employer to which the Code applies, sells, abandons or discontinues the working of the establishment, 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 Government, a further unified return in Form XXII in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

CHAPTER XI

OFFENCES AND PENALTIES

Sections 40. Form and manner of application for compounding of an offence.-

138 (4) and 154 (2) (s). (1) The officer authorized by the Government by notification for the purposes of compounding of offences under sub-section (1) of section 138 shall issue electronically a compounding notice in Form XXIII for the offences which are compoundable under section 138.

- (2) The person so noticed may apply in Part III of Form XXIII 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 XXIII within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- (4) If a person so noticed fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the competent court for the offence in respect of which the compounding notice was issued, against such person.
- (5) Composition after institution of prosecution. — (a) The court may compound any compoundable offence at any time after filing of a complaint under section 138 of the Code.
- (b) The provisions of section 320 of the Code of Criminal Procedure, 1973 shall apply to such compositions.

CHAPTER XII

EMPLOYMENT INFORMATION AND MONITORING

- 41. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre.—** Sections 139 (2) and 154 (2) (t).
- (1) Reporting of Vacancies to Career Centres: (a) After the commencement of this Code in the State or area thereof, the employer in every establishment in public sector, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the 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 or cause to be reported to such Career Centre from such date as may be specified in the notification by the Government.
- (c) The State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers, Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for

the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

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

- (i) the Government;
- (ii) a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (Central Act No. 18 of 2013);
- (iii) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned ,controlled or managed by the Government; and
- (iv) a local authority.

(2) “Establishment in private sector” means an establishment which is not an establishment in public sector and with ordinarily fifty or more employees or such number of employees as may be notified by the State Government.

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

(a) The following are the types of 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 Government is the appropriate Government under the Code; and
- (ii) Vacancies which an employer may desire to be circulated to the Career Centres outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre as may be specified by the State Government by notification.

(b) 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(Central) or uploaded on a digital portal as specified by the Central Government by notification.

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

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- (a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the State Government.
- (b) The vacancies shall be reported in the format given at Form XXIV, 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), 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.
- (5) Maintenance of records.— (a) After the commencement of the Code , the employers in every establishment in the public sector shall maintain records manually or electronically or digitally about
- (i) total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
 - (ii) persons recruited during the year ending on 31st March;
 - (iii) occupational details of its employees on 31st March of every year;
 - (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - (v) approximate number of vacancies likely to occur during the next financial year.
- (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) occupational details of its employees on 31st March of every year;

-
- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) approximate number of vacancies likely to occur during the next financial year.
- (6) **Submission of returns.**—An employer shall furnish to the concerned Career Centre yearly returns in Form XXV, the yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the Government in notification, within thirty days of the due date i.e. 31st March of the year.
- (7) **Declaration of Executive Officer.**—The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres of the Government, shall declare in writing an officer looking after the work of Career Centres as Executive Officer for each district for the purpose of enforcement and implementation of Chapter XIII 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 the Chapter XIII of the Code.**—The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres, of the Government 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.

CHAPTER XIII

MISCELLANEOUS

- Sections 42. Constitution of Fund.**— (1) The Fund shall be known as the Punjab Social Security Fund and all the expenses towards the scheme(s) notified under sub-sections (2) of section 109 for the Unorganised Workers, shall be met out of this fund. In addition to the source of fund mentioned in clause (i) sub-section (5) of section 141, the amount received from the following sources shall be credited to the Fund namely:-
- (i) amount given by the State Government for the establishment of the fund;
 - (ii) the amount of grant given by the Government of India, the State Government and other authorities and other statutory bodies;
 - (iii) amount received for registration or renewal of beneficiaries and their contribution;

(iv) amount received for implementation of the scheme notified by the Government of India;

(v) amount received for implementation of the scheme notified by the State Government;

(vi) contribution or donation or any other financial support from employer, their association or from Corporate Social responsibility (CSR) Fund as determined by the State Government by general or special order;

(vii) any other source which is approved by the State Government by notification in Official Gazette.

(2) The fund shall be administered by the State Government through an agency designated by the State Government in the manner, as notified by the State Government.

(3) The directions of the State Government, if any shall be complied with by the agency designated for the administration of the Punjab Social Security Fund.

(4) The statement of accounts of the Punjab Social Security Fund shall be maintained by the agency, in the form(s) and manner as specified by the State Government and shall be submitted to the State Government from time to time.

(5) The accounts of the Punjab Social Security Fund shall be audited by the Comptroller and Auditor General of India or any other State Agency as the State Government may notify.

43. Submission of a copy of the Form to the office of the Director General, Labour Bureau.—A copy of Form VIII (notice for Payment or Rejecting claim of Gratuity) shall be shared electronically with the designated authority of the State Government and the Director General, Labour Bureau. Sections 156 (2) (1).

44. The-Punjab Maternity Benefit Rules, 1967, The Payment of Gratuity (Punjab) Rules, 1973, the Punjab Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2008, the Punjab Unorganized Workers' Social Security Rules, 2012 and the Workman's Compensation Rules, 1924 are hereby repealed : Repeal and saving

Provided that any order issued or any action taken under the aforesaid rules and regulations so repealed, shall be deemed to have been issued or taken under the corresponding provisions of these rules.

FORM I

[See rule 16 (2)]

Appeal to Employees' Insurance Court

To,

The Authority,

(Appointed under the Code on Social Security, 2020)

.....(Address)

Sir,

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

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

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

Signature or thumb impression
of the Aggrieved person

Date

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

Form II

[See rule 17 (2)(i)]

In the Employees, Insurance Court at

.....
.....

Applicant

(add description and residence)

Against

.....
Opposite Party (add description and residence) Other Particulars of Application specified
in rule 6(2)
.....

Signature of Applicant

Date (verification by the applicant)

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

Date

.....

Signature

PUNJAB GOVT. GAZ., APRIL 2, 2021
(CHTR 12, 1942 SAKA)

1	Date of presentation of application	
2	No of proceedings	
3	Name	Applicant
4	Description	
5	Place of residence	
6	Particulars	opposite party
7	Amount of value, if any	
8	Place of residence	Claim
9	Particulars	
10	Amount or value, if any	
11	When the cause of action accrued	
12	Day of parties to appear	appearances
13	Applicant	
14	Opposite-party	
15	Date	final
16	For whom	
17		
18	Order	
19	Date of Decision of appeal, if any	appeal
20	Judgment in appeal,	
21	Date of application	executive
22	against whom	
23	For what, and amount of money	
24	Amount of costs	
25	Date of order yrasferingto another vivil court	
26	Other remarks, if any	

FORM IV

[See rule 19 (1) (2)]

Nomination

To

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

(Name in full here)

I, Shri/Shrimati/Kumari whose particulars are given in the statement below, hereby nominate 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).

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

3. I hereby declare that I have no family within the meaning of sub-section (33) of Section 2 of the Code.

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

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

NOMINEE(S)

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	4
1.			
2.			
3.			
4.			
so on			

STATEMENT

1. Name of the 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,

Police Station,

sub-division

Post office,

district,

state

Place

Date

signature/thumb-impression
of the employee.

Declaration by witness

Nomination signed/thumb-impressed before me

Name in full and full address

Of witness

signature of witness

1.

1.

2.

2.

Certificate by the employer

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

Employer's reference no., If any.

Signature of the employer/officer authorized

Designation

Date

name and the address of the establishment

Or rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of nomination in form 'f' filed by me and duly certified by
the employer.

Date

signature of the employee.

Note-Strike out the words and paragraphs not applicable.

FORM V

[See rule 19 (2)(3)]

Fresh Nomination

To

Give her name or description of the establishment with full address.)

I, sri/srimati.....(name in full here) whose particulars are given in the statement below, have acquired a family within the meaning of sub-section (33) of section 2 of the code with effect from the (date here)... in the matter indicated below and therefore nominate a fresh 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, direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

2. I hereby certify the person(s) nominated is a/are member(s) of my family within the meaning of sub-section (33) of section 2 of the code.

3. (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 controlling authority in terms of the proviso to sub-section (33) of section 2 of the code. NOMINEE(S)

Name in full with address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1	2	3	4

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 The Employee.
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
- 9.

Village, Post office,	Police Station, District,	Sub-division, State
--------------------------	------------------------------	------------------------

Place	signature/thumb-impression
Date	of the employee

Declaration by witnesses

Fresh nomination signed/thum-impressed before me.

Name in full and full address of witness.	Signature of witnesses
1.	1.
2.	2.

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.

Designation.

Name and address of the establishment

Or rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of the nomination in form's' filed by me on...,
duly certified by the employer.

Date	signature of the employee
------	---------------------------

Note-Strike out the words and paragraphs not applicable.

FORM VI

[See rule 19 (2) (4)]

MODIFICATION OF NOMINATION

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 give notice that the nomination filed by me on [date] and recorded under your reference No.dated shall stand modified in the following manner. [Here give details of modifications intended] 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 or Serial No. if any.
7. Date of appointment.
8. Address in full.

Place

Signature/Thumb impression of the employer

Date

DECLARATION BY WITNESSES

Modification of nomination signed/thumb impressed before me. Name in full and full address of witnesses. Signature of witnesses

1. 2.
1. 2.

Place

Date

CERTIFICATE BY THE EMPLOYER

Certified that the above modification have been recorded. Employer's Reference No., if any.

Signature of the employer/officer
authorized

Designation

Name and address of the Establishment
or rubber stamp thereof.

ACKNOWLEDGMENT BY THE EMPLOYEE

Received the duplicate copy of the notice for modification in Form 'H' filed by me on...
duly certified by the employer.

Date

Signature of the employee

Note

FORM VII

[See rule 20(1)(i) and (ii) and (iii)]

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;
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 employeeor
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,

Place:

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

FORM VIII

[(See rule 20(2)(i)(a) and rule 20(2)(i)(b)]

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 clause (b) sub-rule (2) of rule 8 of the Code on Social Security Rules, 2020, that your claim for payments of gratuity as indicated on your application in Form-VII under the said rules is not admissible for the reasons stated below: Reasons (Here specify the reasons); or

(b) *as required under clause (a) sub-rule (2) of rule 8 of the Code on Social Security Rules Rules, 2020 that a sum of Rs.(Rupees) is payable to you as gratuity/as your share of gratuity in terms of nomination made byon.....and.....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:years months.
- (d) Wages last drawn:
- (e) Proportion of the admissible gratuity payable in terms of nomination/as a legal heir:
- (f) Amount payable:

Place:

Signature of the Employer/

Date:

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.

FORMIX

[(See rule 20(4)(i)(c)]

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 abovementioned 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 Punjab Rule 8(1) of the Code on Social Security (Punjab) Rules, 2021 on thebut the above-mentioned employer refused to entertain it/issued a notice dated the under clauseof sub-rule of ruleoffering an amount of gratuity which is less than my due/ issued a notice datedthe under clause..... of sub- rule.....of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

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

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

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

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

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

Signature/Thumb-impression of the applicant

Place:

Date:

FORM X

[(See rule 20 (5)(a) & rule 20(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 of rule of the Code on Social Security(Punjab) Rules, 2021 alleging that (A copy of the said application is enclosed, if, summon is issued then copy of application is not required) Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at (place)either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the day 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 given evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent authority on the day and hour fixed for the purpose.

FORM XI

[(See rule 20(11) and rule 20(12)(h)]

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 latean
employee under you, filed an application under section 56 of the Code on Social Security,
2020, before me; or

Whereas a notice was given to you onrequiring you to make
payment of Rs.....to Shri/Smt./Kumari as gratuity under the Code on
Social Security, 2021.

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 and the amount as interest due under
The Code on Social Security, 2021.

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, 2021

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)

FORM XII

[(See rule 20(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 latean employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the of Code on Social Security (Punjab) Rules, 2021 for payment of a sum of Rs as gratuity payable under the Code on Social Security, 2021.
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 XIII

[See rule 21(1)]

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

- A. Establishment Details.
1. Retrieve details of Establishment through LIN/Registration Number:
 2. Name of Establishment:
 3. Location and Address of the Establishment:
 4. Others details of Establishment:
 - a. Total Number of employees engaged directly in the establishment:
 - b. Total Number of the contract employees engaged:
 - c. Total Number of Inter-State Migrant workers employed:
 5. Ownership Type/Sector:
 6. Activity as per National Industrial Classification (NIC):
 7. Details of Selected NIC Code:
 8. Identification of the establishment e-sign/ digital sign of employer/ representative:
- B. Details of Employer:-
1. Name & Address of Employer / Occupier / Owner/Agent/ Chief Executive-
 2. Designation:
 3. Father's/ Husband's Name of the Employer:
 4. Email Address, Telephone& Mobile No:
- C. Manager/ Agent Details
1. Full name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment;
 2. Address of Manager/ Agent:
 3. Email Address, Telephone& Mobile No :
 - D. Details of Approved Gratuity Fund/Insurance obtained for liability of payment towards the Gratuity;
- E. Others Details:-

Signature/ E-sign/digital sign of employer

Dated:-

PI

FORM XIV

[See rule 23(1)(a)]

Complaint to the Inspector-cum-Facilitator

To,

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

Sir,

I..... (Name of woman) employed in..... (name and full address of the establishment) or I, (name), a person nominated under section 62 by or a legal representative of.....(name of woman) employed in... (name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security , 2020 and the Rules thereunder, am entitled to Rs..... being maternity benefit and/ or Rs being the medical bonus and/ or Rs being wages for leave due under section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Chapter VI of Code on Social Security , 2020.

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

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

Date.....

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

FORM XV

Appeal

[See rule 23 (2) (b)]

To,

The Authority,

(Appointed under the Code on Social Security, 2020)

..... (Address)

Sir,

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

*Feel aggrieved by the order of Inspector-cum-Facilitator under sub section (2) of section 72 for the reasons attached hereto, prefer this appeal under sub-section (2) of section 68 and request that the said employer be ordered to pay the above mentioned amount to me. A copy of the order of Inspector-cum-Facilitator 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 Code on Social Security , 2020(Strike out unnecessary portion).

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

(Notice Book of the Accidents)

[See rule 26]

Name of the Establishment.....

Nature of Business

Date of opening.....

Registration no (if any)-.....

Name of the employer/occupier.....

Date of acci- dents	Short of Acci- dent	Name of the injured person	Whe- ther acci- dent result in death	Whe- ther acci- dent result in total disabl- ement	Whe- ther acci- dent result impartial disable- ment	Whe- ther acci- dent result in tempo- rary disable- ment	Amount of Compen- sation paid to employee or his dependent	Amount of Compen- sation deposited to Compe- tent Autho- rity	Date of payment or deposit of Compen- sation
1	2	3	4	5	6	7	8	9	10

FORM XVII
[See rule 28]
Statement of Fatal Accidents

To ,
Competent Authority,
.....

Sir,

1. I have the honor to submit the following statement of an accident which occurred in (date), at (here enter details of premises) and which resulted in the death of the employee/employees of whom particulars are given in the statement annexed.
2. The circumstances relating to the death of the employee/employees were as under: -
 - a. Time of accident.
 - b. Brief History of Accident
 - c. Place where the accident occurred.
 - d. Manner in which deceased was/were employed at the time.
 - e. Cause of the accident.
 - f. Accident reported at the local police station (Copy of FIR if any)(Y/N)
 - g. Any Other Relevant Information
3. I am responsible for payment of compensation.
4. Details of employee
 - a. Name of the employee
 - b. Age of the employee
 - c. Wages of the employee
5. The establishment is not responsible for payment of compensation due to reasons mentioned below

(Signature and designation
of person making the statement)

Name:

Mobile:

Address:

FORM XVIII

[See rule 29]

Memorandum of Agreement

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

The said employee's monthly wages are estimated at Rs The employee is over the age of 15 years will reach the age of 15 years on

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

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

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

Dated20.....

Signature of employer Witness Witness

Signature of employee

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

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

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

Dated20.... .

Employee

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

Witness

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

FORM XVIII A

[See rule 29(1)]

Memorandum of Agreement

It is hereby submitted that on theday of 20 personal injury was caused toresiding at by accident arising out of said in the course of employment in The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs. per month/no wages.

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

It is further submitted that the employer of the employee has agreed to pay and on behalf of the said employee has agreed to accept half-monthly payments at the rate of Rs.for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half-monthly payments may be varied in accordance with provisions of the said Act on account of an alteration in the earnings of the said employee during disablement. It is further stipulated that all rights of commutation under Section 7 of the said Act are unaffected by this agreement it is therefore requested that this memorandum be duly recorded.

Dated 20.... .

Signature of employer

Witness

Signature of employee

Witness

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

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

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

Employee

Dated20 .

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

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

FORM XVIII-B

[See rule 29(1)]

Memorandum of Agreement

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

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

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

Rs. on Rs. on
Rs..... onRs.on
Rs.on Rs on

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

Dated20..... .

Signature of employer

Witness

Witness

Signature or dependant(s)

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

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

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

Dated 20.... .

Dependant(s)

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

Witness

FORM XIX

[See rule 29(2)]

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

Dated

.....

.....

Competent Authority

FORM XX

[See rule 29(5)]

Register of Agreement for year 20.....

S.No.	Date of agreement	Date of registration	Employer	Employee	Initial of Competent Authority	Reference to orders rectifying the register
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FORM XXI

[(See rule 39(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.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
21. Remarks column for the use of the Inspector-cum-Facilitator.

FORM XXII

[(See rule 39(3)]

Unified Annual Return

A. General Part:

(a) Name of the establishment

.....

Address of the establishment:

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

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

(b) Name of the employer

Address of the employer:

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

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

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

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

.....

Address:

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

Town.....District.....State.....Pin code.....

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

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

S. No. Name Registration If yes (Registration No.)

S.No. Name Registration If yes (Registration No.)

1 2 3 4

01. The Code on Occupational Safety
Health and working02. The Code on Social Security
2020.03. Any other Law for the time being
in force.

3. 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.

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

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

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

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

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

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

01 Date of opening of establishment

02 Date of closing, if close

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.

Sign. Here

Place

Date

FORM XXIII

Part I

[See rule 40 (1)]

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

Notice No.....

Date:

To,

.....
.....
.....
.....

This is to inform you that your establishment M/s.....
was inspected by Inspector-cum-Facilitator on Dt:at..... On the basis
of records and documents produced before me, the undersigned has reasons to believe
that you, being the employer of the establishment M/s. (Registration No...), have
committed offence for the violation of provision of the Code on Social Security 2020 or
the Schemes or the Rules or the Regulations framed there under as per the details given
below:

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 i
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

PART –II

In view of the above, and as per provisions of sub-section (1) of Section 138 read with Sub-Rule (1) of Rule 28 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. The compounding amount mentioned in Column 6 of Part 1 of this notice can be deposited in the account mentioned in column 7 of Part 1 of this notice through treasury challan or electronically on the designated web portal of the Government of Punjab as the case may be. 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)

Part III
Form XXIII
[See rule-40(2)]

APPLICATION UNDER SUB-SECTION (4) OF SECTION 138 FOR
COMPOUNDING OF OFFENCE

To,
Compounding Officer,
.....
.....

Kindly refer to your notice no. dated I/wehereby applying for composition of Offence. I have deposited Rs...../- astheamount of Composition by depositing through Treasury Challan in the account as per column 7 of Part 1 of the notice No..... Dated: or electronically on the designated web portal of the Government of Punjab. Kindly accept my application and close the proceeding under the Code.
Dated:
Enclosure: The Treasury Challan/Payment receipt of electronic Payment.

(Signature)
Name of the Applicant

- (1) Name of the establishment:.....
(2) Address of Establishment :.....

Part IV
Form XXIII
Composition Certificate
[See rule 40 (3)]

Ref: Notice No.....
Date:

This is to certify that the offence under section.....of the Code and Rule. i n respect of which

Notice No. Dated: was issued to Sh..... (Applicant), the employer of M/s..... (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:

(CHTR 12, 1942 SAKA)

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

14. Date of receipt of Vacancies
15. NIC Code of the establishment/
16. NCO Code of the post
17. Unique Vacancy ID(number)

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

NOTE:

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

FORM XXV

[See rule 40(6)]

Form EIR (Employment Information Return)

Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....

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

Name & Address of the Employer

Whether – Head Office

Branch Office

Type of Establishment (Public /Private Sector)

Nature of business/Principal activity

Establishment Registration No. under the Code

1. (a) **EMPLOYMENT**

Total number of manpower of establishment including working proprietors/partners// contingent paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid)

Category	On the last working day of the previous Year	On the last working day of the Year under report
----------	--	--

MEN

WOMEN

Other (Transgender)

TOTAL :

PWD (persons with out disabilities) of above total

EIR Continued

2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year

Occurred	Reported	Filled	Source (Career Centre/NCS Portal/ Govt. Recruiting Agencies/ Private Placement Organisations/ others)
----------	----------	--------	---

	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

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

3. MANPOWER SHORTAGES:

Vacancies/posts remained unfilled because of shortage of suitable applicants.

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

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

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

Occupation Number of employees Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement expansion/re-organisation

Description	Men	Women	Others (transgender)	Total PWD (persons with disabilities) out of 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 & Designation of
Authorised Signatory of
establishment/ employer with
seal & date

To The Career Centre,

Note:-

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

VIJAY KUMAR JANJUA

Additional Chief Secretary to Government of Punjab,
Department of Labour.