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ANDAMAN AND NICOBAR ADMINISTRATION
SECRETARIAT

NOTIFICATION

Sri Vijaya Puram, dated the 13th April, 2026.

No. 75/2026/F. No. M-11/2023-Lab. Ins. III-LAB_AN/423. — In exercise of the powers conferred by Sections 154 and 156 read with Sub- section (80)(b) of Section 2 of the Code on Social Security, 2020 (36 of 2020) thereof, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands, hereby proposes to make the Rules to carry out the provisions of the said Code.

WHEREAS, the draft Code on Social Security (A & N Islands) Rules, 2022 was earlier published vide Gazette Notification No. 32 dated 28.02.2022 in A & N Gazette for inviting objections and suggestions from the persons to be affected thereby and now after implementation of the Code on Social Security, 2020 (36 of 2020) w.e.f. 21.11.2025 by the Govt. of India, it has been considered necessary to pre-publish the following Rules afresh:

Accordingly, in exercise of powers conferred under Sections 154, 156 and clause (a) of Section 158 read with Sub- section (80)(b) of Section 2 of the Code on Social Security, 2020 (36 of 2020) thereof, the following Draft Rules are hereby pre-published for inviting objections and suggestions thereupon from the persons to be affected thereby. Any objections and suggestions should reach within a period of 45 days from the date of the draft publication to the Office of Labour Commissioner, Labour Department, Andaman and Nicobar Administration, Supply Line, Sri Vijaya Puram-744101, email- lcdet@and.nic.in.

DRAFT RULES

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement —

- (1) These rules may be called “the Code on Social Security (A & N Islands) Rules, 2026”.
- (2) They shall extend to the whole Union Territory of Andaman and Nicobar Islands.
- (3) They shall come into force on the date of their publication in the *Andaman and Nicobar Islands Gazette*.

2. Definitions.—

- (1) In these rules, unless the context otherwise requires,-
 - (a) “agency” means any corporation, body or institution, established under an Act of Parliament or Central / State Public Sector Undertaking or Special Purpose Vehicle as notified by the Central Government.
 - (b) “appeal” means an appeal preferred under Sub-section (8) of Section 56 or Sub- Section(1) of Section 105, as the case may be;

- (c) "appellate authority" means the Andaman and Nicobar Administration or the authority specified by the Andaman and Nicobar Administration under Sub-section (8) of Section 56 or, as the case may be, an officer, senior in rank to the Assessing Officer for the purposes of Section 105, appointed by the Andaman and Nicobar Administration;
- (d) "assessing Officer" means a Group- A Officer of the Andaman and Nicobar Administration or such other Officer appointed by the Andaman and Nicobar Administration for assessment of Cess under the Code;
- (e) "authorised officer for Employees' Compensation" means any officer whom the A & N Administration may designate either generally or in respect of any area or class of areas, for the purpose of performing the functions assigned by these rules to the authorized officers;
- (f) "authority" means the Andaman and Nicobar Administration or the authority specified by the Andaman and Nicobar Administration under Sub-section (3) of Section 72;
- (g) "average daily wages during a contribution period", under chapter IV of the Code in respect of an employee, means the aggregate amount of wages payable to him during that period divided by the number of days for which such wages were payable;
- (h) "Average daily wages during a wage period", under chapter IV of the Code means—

- (i) in respect of an employee who is employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;
- (ii) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the Contribution period divided by the number of days in full or part for which he has worked for wages in that wage period :

Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 or 1 day(s) or day if the wage period be a month, a fortnight, a week or a day respectively.

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

- (i) "benefit period" means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the Regulations / Code / Rules;
- (j) "beneficiary" means a building worker registered under Section 106 or, as the case may be, an unorganized worker registered under Section 113;
- (k) "Board" means the Andaman and Nicobar Islands Unorganized Workers Social Security Board or the Andaman and Nicobar Islands Building and Other Construction Workers Welfare Board, as the case may be;
- (l) "career centre" means the career centre notified by the A & N Administration as having jurisdiction- (i) over the area in which the establishments concerned are situated; or (ii) over specified classes or categories of establishments concerned or vacancies;
- (m) "cess collector" means an officer appointed by the Andaman and Nicobar Administration for collection of cess under the Code;
- (n) "Chairperson" means the Chairperson of the Andaman and Nicobar Islands Unorganised Workers' Social Security Board constituted under Sub-section (9) of Section 6 or, as the case may be, the Andaman and Nicobar Islands Building and Other Construction Workers Welfare Board constituted under Sub-section (1) of Section 7;
- (o) "chartered engineer" means a person having an engineering degree and the corporate membership of Institute of Engineers India;
- (p) "Code" means the Code on Social Security, 2020 (36 of 2020);

- (q) "competent authority" means an authority appointed under Section 58 for the purpose of Chapter V or under Section 91 for the purpose of Chapter VII of the Code by the A & N Administration;
- (r) "contribution" means the amount of contribution payable by the unorganized worker, the self-employed person or other beneficiary as a member of the scheme as provided under clause (b) of Sub-section (3) of Section 109 or clause 5 (b) of Sub-section (1) of Section 110 or payable by the gig workers, platform workers and the aggregators as provided under clause (c) and (d) of Sub-section (3) of Section 114 and includes the amount given by the Central and the State Government from time to time as per the scheme notified under Sub-section (1) and (2) of Section 109 or Sub-section (1) of Section 114, as the case may be;
- (s) "contribution period" means the period not exceeding six consecutive months, as may be specified in the Code or Rules;
- (t) "electronically" means any information submitted by digital mode or uploading on the designated portal or digital payment in any mode for the purpose of the Code;
- (u) "excluded vacancies" means those vacancies which have been excluded from the purview of the Section 139 as per the provisions of Sub-sections (1) and (2) of Section 140;
- (v) "form" means a form appended to these rules;
- (w) "fund" means the Andaman and Nicobar Islands Unorganised Workers' Social Security Fund or, as the case may be, the A & N Islands Building and Other Construction Workers' Welfare Fund;
- (x) "Government Securities" means Government Securities as defined in the Government Securities Act, 2006 (38 of 2006);
- (y) "immovable property" includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (z) "movable property" means property of every description except immovable property ;
 - (aa) "nodal officer" means a person designated by Andaman and Nicobar Islands Building and Other Construction Workers' Welfare Board or the Andaman and Nicobar Administration to facilitate the registration, renewal and updation electronically or otherwise or any such other function of Building Workers working in the Private Sector, Andaman and Nicobar Administration and Public Sector Undertakings of the Central and the Andaman and Nicobar Administration or local authority. The Nodal officer shall also supervise and monitor functions of the Beneficiary Registering Officers designated by A & N Administration;
 - (bb) "nomination" means nomination made under Section 55;
 - (cc) "Registered Medical Practitioner" means a medical practitioner who possesses any recognised medical qualification as defined in clause (i) of Section 2 of the Indian Medical Council Act, 1956 and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (l) of the said Section;
 - (dd) "register of women employees" means a register of women employees maintained under rule 31;
 - (ee) "Schedule" means the Schedule of the Code;
 - (ff) "Scheduled Bank" means a bank included in the Second Schedule of the Reserve Bank of India Act, 1934 (Central Act 2 of 1934);
 - (gg) "section" means the Section of the Code;
 - (hh) "Shram Suvidha Portal" means the portal of the Ministry of Labour & Employment with such name;
 - (ii) "specified" means specified by an order of the Central Government or the A & N Administration or any officer so authorized by such Government or Administration;

- (jj) "standard benefit rate" means average daily wages obtained by dividing the total wages paid during the Contribution period by the number of days for which these wages were paid ;
- (kk) "Andaman and Nicobar Administration" means the Lt. Governor (Administrator) of A & N Islands;
- (ll) "turnover" of an aggregator as defined under Sub-section (91) of Section 2 of the Companies Act, 2013 (18 of 2013), means the gross amount of revenue recognised in the profit and loss account from the sale, supply, or distribution of goods or on account of services rendered, or both, by a company during a financial year.
- (mm) "year" shall mean the financial year, that is to say, beginning from the first of April and ending with the thirty-first of March of the year following:

Provided that "year" for the purpose of validity of registration, renewal and grant of assistance under the Andaman and Nicobar Islands Unorganized Workers Social Security Board or the Andaman and Nicobar Islands Building and Other Construction Workers Welfare Board constituted by the Andaman and Nicobar Administration shall mean 365 days successively counted from the date of registration as beneficiary, that is to say, commencing from the initial date of registration and ending with the date preceding the date of registration in the following year and so on.

- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

CHAPTER-II

Social Security Organization

PART-A

Andaman and Nicobar Islands Unorganized Workers Social Security Board

3. Constitution of the Andaman and Nicobar Islands Unorganized Workers Social Security Board

under Sub-section (9), (12) and (14) of Section 6.— (1) The State Board constituted under Sub-section (9) of Section 6 shall be called as the Andaman and Nicobar Islands Unorganized Workers Social Security Board (hereinafter in this part referred to as the Board).

- (2) The Andaman and Nicobar Islands Unorganized Workers Social Security Board shall consist of the following members, namely -
 - (i) The Secretary (Labour), A & N Administration – Chairperson, *ex officio*
 - (ii) The Deputy Secretary (Labour), A & N Administration – Vice Chairperson, *ex officio*
 - (iii) One member representing the Central Government in the Ministry of Labour & Employment.
 - (iv) Fifteen members to be nominated by the A & N Administration, out of whom-
 - (a) Three representing the unorganized workers;
 - (b) Three representing employers of unorganized workers;
 - (c) Three members representing eminent persons from civil society;
 - (d) Six members represent various departments of the A & N Administration;
 - (e) Labour Commissioner - Member Secretary, *ex-officio*
- (3) Out of the persons nominated under Sub-clause (a) to (c) of Sub-section (iv) of the above, one person from the Scheduled Tribes, the Minorities and Women shall be represented.
- (4) A member nominated under sub-clauses (a) to (c) of the above, shall cease to be a member of the Board if he ceases to represent the category of interest from which he was so nominated.
- (5) A member, other than an ex-officio member, shall hold office for a period of three years from the date of his nomination.
- (6) A member shall be eligible for re-nomination :

Provided that a member, other than an *ex-officio* member, shall not hold the office for more than two terms.

- (7) No person shall be chosen as, or continue to be, a member of the Board, if such person attracts any provision(s) of Section 8.

4. Manner of exercising the powers and performance of the functions of the Andaman and Nicobar Islands Unorganized Workers Social Security Board

- (1) The Board, for discharging its functions as assigned to it, under Sub-section (15) of Section 6, may constitute committee(s) to deliberate and recommend on the specific issue(s) as may be assigned to such committee(s).
- (2) The committee(s) referred to in sub-rule (1) may co-opt members from the Board or outside as the case may be, from the field of the experts, on which the committee is required to deliberate.

5. Reconstitution of the Board.— (1) The A & N Administration shall initiate the process for reconstitution of the Andaman and Nicobar Islands Unorganized Workers Social Security Board prior to six months of expiry of the term of the Board.

- (2) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging the functions of the Board as may be decided by the Andaman and Nicobar Administration, by notification, for the period till the new Board is constituted.
- (3) All actions taken pursuant to the arrangement under sub-rule (2), shall have the same effect as if it has been carried out by the Board itself.

6. Resignation.— (1) A member of the Board, not being an *ex-officio* member, may resign by a letter in writing addressed to the Andaman and Nicobar Administration.

- (2) The seat of such member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.
- (3) The power to accept the resignation of a member under sub-rule (1) shall vest with the Andaman and Nicobar Administration.

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

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

8. Manner of filling vacancies.—When a vacancy occurs or is likely to occur in the membership of the Board, Member Secretary of the Board shall submit a report to the Andaman and Nicobar Administration and on receipt of such report, the Andaman and Nicobar Administration may, by notification, nominate a person to fill that vacancy and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

9. Procedure for removal of a member from the Andaman and Nicobar Islands Unorganized Workers Social Security Board.—

- (1) During the pendency of the proceeding, if any, under clauses (b) and (c) of Sub-section (2) of Section 8 for removal of a member of the Board, such member shall abstain from the meetings of the Board.
- (2) The decision of the Andaman and Nicobar Administration, on debarment, disqualification and removal of any member under Section 8, shall be final.

10. Manner of holding Meetings and list of business.— (1) The Chairperson shall preside over every meeting of the State Board in which he is present and in his absence, the Vice-Chairperson shall preside over such meeting.

- (2) The Board shall, meet at least once in a quarter at such place and time as may be decided by the Chairperson.
- (3) A notice of not less than 15 days from the date of its issue, containing the date, time and place of every ordinary meeting of the State Board, together with a list of business proposed to be transacted approved by the Chairperson shall be sent to every member of the State Board, through e-mail or speed post or by special messenger.

- (4) In case the Chairperson calls an emergency meeting of the State Board for considering any matter which in his opinion is urgent, a notice with such reasonable time he may consider necessary, shall be deemed sufficient and shall be sent to every member through e-mail or by speed post or speed post or special messenger.
 - (5) No business other than for the meeting of the State Board has been convened shall be transacted at the meeting except with the permission of the Chairperson.
- 11. Quorum.** — (1) No business shall be transacted at any meeting of the State Board without a quorum of atleast one representative from Sub-clause (a) to (d) of clause (iv) in Sub-rule (2) of Rule 3 are present in that meeting :
- Provided that if at a meeting, less than quorum required 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 required quorum or not, and it shall thereupon be lawful to transact the business at the adjourned meeting irrespective of the number of members attending.
- (2) The Chairperson may debar any member, other than ex-officio members, from taking part in the Meeting of the Board if,-
 - (a) he remains absent in three consecutive meetings of the Board without written information to and permission of the Chairperson, or
 - (b) in the view of the Andaman and Nicobar Administration, such member has ceased to represent the interest which he purports to represent on the Board.
- 12. Disposal of Business.**— Every question considered at a meeting of the State Board shall be decided by a majority of the votes of the members present and voting. In the event of an equality of votes, the Chairperson shall exercise an additional casting vote:
- Provided that the Chairperson may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to members of the State Board and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of members received within the time-limit allowed and if the opinions are equally divided, the opinion of the Chairperson shall prevail:
- Provided further that any member of the State Board may request that the question referred to members for written opinion be considered at a meeting of the State Board and thereupon the Chairperson may, if the request is made by not less than three members, direct that it be so considered.
- 13. Minutes of meetings.**— (1) The minutes of each meeting showing *inter-alia* the names of the member present there, shall be forwarded to each member of the State Board and to the Andaman and Nicobar Administration as soon as possible and in any case not later than four weeks after the meeting.
- (2) The minutes of each meeting of the State Board shall be signed by the Chairperson.
 - (3) The minutes of the meeting shall be confirmed, with such modification if any, at the next meeting.
 - (4) The minutes of a meeting of the State Board shall be kept in separate Book.
- 14. Allowances of Members.**— (1) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.
- (2) Members of the Board other than the Official Members shall be paid travelling allowance for attending the meeting of the Board at such rates as are admissible to Group-'A' Officer of the Andaman and Nicobar Administration and daily allowances shall be calculated at the maximum rate admissible to Group-'A' Officer of the Andaman and Nicobar Administration.
- 15. Officers and staff of the Board.**— (1) The Member Secretary of the State Board shall be its Chief Executive Officer.
- (2) The State Board may utilize the services of the officers and other staff of the Labour Department, A & N Administration for discharge of the functions under the Code, till regular arrangement of its staff is made.

- (3) The salaries and other allowances of the officers and other staff of the State Board shall be such as may be decided by the Andaman and Nicobar Administration, from time to time.
- (4) For smooth functioning of the Board, the Secretary and other officers and employees of the Board may visit to different States or districts and the expenditure incurred towards the said visit maybe met from the funds of the Board within its administrative expenses.
- (5) Subject to the financial capability, the Board may appoint its own staff and provide their salaries, allowances and other remuneration from its fund at such rate as may be decided by the Board from time to time.
- (6) A senior officer belonging to Chief Pay & Accounts Office, A & N Administration may be deputed by the Andaman and Nicobar Administration to the Board to look after the financial matters of the Board.
- (7) The Board may in consultation with the Andaman and Nicobar Administration, open or shift or close District and Regional Offices, as it may consider necessary for the purpose of implementing the welfare schemes under the Code, taking into account the actual requirement of the such offices.

16. Constitution and administration of Fund under Sub-section (5) of Section 141.—

- (1) The Fund constituted by the Andaman and Nicobar Administration under Sub-section (5) of Section 141 shall be called as A & N Islands Unorganized Workers Social Security Fund to which there shall be credited the amount received from the following sources to;
 - (i) composition of offences under the code relating to the A & N Administration;
 - (ii) amount allotted under the budgetary provisions of the Andaman and Nicobar Administration for the establishment of the fund;
 - (iii) amount of grant given by the Central Government;
 - (iv) amount received for implementation of the scheme notified by the Central Government;
 - (v) Contribution or donation or any other financial support from employer, their association or from Corporate Social responsibility (CSR) Fund as determined by the Andaman and Nicobar Administration by general or special order.
- (2) All funds received under clause (i) and (ii) of Sub-section (5) of Section 141 shall be kept in a separate Bank Account in a Scheduled Bank and such fund shall be administered and transacted by the Board.
- (3) The fund of the Board shall be expended for the implementation of the welfare schemes, for unorganized workers, of the State and Central Government and for meeting out the administrative expenses of the Board, but limit of the administrative expenses shall not be more than ten percent of expenditure on such Scheme.

17. Administrative and Financial Powers of the Member Secretary.— (1) The Member Secretary shall,

- with the approval of the Chairperson, issue notice to convene meetings of the Board and keep record of minutes and shall take necessary steps for carrying out the decision of the Board.
- (2) The Member Secretary shall open a Savings Bank Account in a Nationalized Bank in the name of A & N Islands Unorganized Workers' Social Security Board and shall operate the said Account.
- (3) All administrative expenditure up to Rupees five lakhs at a time shall be sanctioned and drawn under the signature of the Member Secretary and such expenditure in excess of Rupees five lakhs at a time shall be approved by the Chairperson prior to disbursement by the Member Secretary of the Board and such financial power of the Member Secretary and the Chairperson shall be altered by the Board when felt necessary.
- (4) The Member Secretary may also exercise such other administrative and financial powers, as may be delegated to him, from time to time, by the Board on recommendation of the Chairperson.
- (5) The Member Secretary shall ensure opening of an account at the district level which shall be operated jointly by the District Collector and the Assistant Labour Commissioner.

- (6) All expenditure including distribution of benefits under the Board shall be sanctioned by the District Collector and expenditure up to Rupees five thousand and all expenditure in excess of Rupees five thousand at a time shall be made by the District Collector and the Assistant Labour Commissioner, jointly.
 - (7) The Board may, from time to time, delegate, subject to such conditions as it may deem fit, administrative and financial powers to any other Officer under the control and supervision of the Board to such extent, for such purpose and subject to such conditions as may be specified in the delegation, for its efficient functioning.
 - (8) The accounts of the bank shall be reconciled once in every quarter with the Cash Book of the Board. The consolidated debits and credits of bank account shall tally with the income and expenditure of the fund. A bank reconciliation statement shall be made at the end of every quarter to explain inconsistencies between the fund account maintained in the Board and the bank accounts.
 - (9) The Member Secretary shall ensure that,—
 - (i) the accounts of the Board on all income and expenditure shall be maintained annually as per the provision of Section 115;
 - (ii) the income and expenditure of the Board shall be audited annually as per the provision of Section 116;
 - (iii) the budget of the Board shall be framed annually and submitted to the Andaman and Nicobar Administration as per the provision of Section 117; and
 - (iv) the annual report on the works and activities of the Board shall be prepared annually and submitted to the A & N Administration as per the provision of Section 118.
- 18. Budget of the Board.—** The budget estimate of the Board containing estimated receipt and expenditure for every financial year shall be prepared and laid before the Board by 31st January of every year and the Board shall approve the budget before the 31st March for which the details of all immovable and movable assets of the Board including the bank deposits, expenditure incurred on welfare schemes, Administration and other sub heads against the current year's approved budget and a detailed progress report on the functioning of the Board during the current year, shall be placed before the Board for consideration after which the budget shall be submitted to the Andaman and Nicobar Administration for its approval.

PART-B

Andaman and Nicobar Islands Building and Other Construction Workers' Welfare Board

- 19. Constitution of the Andaman and Nicobar Islands Building and Other Construction Workers' Welfare Board.—**
- (1) The "Board" constituted under Sub-section (1) of Section 7 shall be called as the 'Andaman and Nicobar Islands Building and Other Construction Workers' Welfare Board'(hereinafter in this part referred to as the Board).
 - (2) The Andaman and Nicobar Islands Building and Other Construction Workers' Welfare Board shall consist of the following members, namely:—
 - (i) The Secretary (Labour), A & N Administration - Chairperson
 - (ii) A member to be nominated by the Central Government.
 - (iii) Three members representing the building and other construction workers to be nominated by the Andaman and Nicobar Administration.
 - (iv) Three members from among the employers of building and other construction workers to be nominated by the Andaman and Nicobar Administration.
 - (v) Three members representing the Andaman and Nicobar Administration connected with the activities covered under the Labour Codes, to be appointed by the Andaman and Nicobar Administration.
 - (vi) The Labour Commissioner- Member Secretary.

- (3) At least one of the members of the Board nominated under clauses (iii) (iv) and (v) of Sub-rule (2) shall be a woman.

20. The Terms and conditions under Sub-section (4) and Social security schemes and welfare measures under Sub-section (6) of Section 7.—

- (1) The terms and conditions of appointment, the salaries and other allowances payable to the chairperson and the other members of the Board, the manner of filling of casual vacancies of the members of the Board and the Administrative and financial powers of the Secretary under Sub-section (4) and the social security scheme and welfare measures as prescribed in Sub-section (6) of Section 7 shall be formulated separately by the A & N Administration through Notification.

CHAPTER-III
Employees Insurance Court

21. Manner and time within which second appeal may be filed to the Employees' Insurance Court by the Insured Person or the Corporation under clause (b) of Sub- Section (7) of Section 37.—

- (1) The Insured Person or the Corporation may appeal to the Employees' Insurance Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

Provided that the Employees' Insurance Court may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application for appeal within the said period.

- (2) The application to the Employees' Insurance Court, shall be in **Form-I**.

22. Constitution, matter and procedure to be followed by the Employees' Insurance Court under Sub-section (2) and (3) of Section 50. - (1) The Andaman and Nicobar Administration, by notification, shall constitute an Employees' Insurance Court under Section 48, for such local area as may be specified in the notification.

- (2) An Application under Section 49 shall be presented in triplicate in **Form-II** and shall contain the following particular, namely:-

- (a) name of the Court in which Application is brought.
- (b) full name including the Father's name, description including age, occupation and full postal address, Mobile Number and e-mail ID (if any) of the applicant;
- (c) full name including the Father's name, description including age, occupation and full postal address, Mobile Number and e-mail ID (if any) of the opposite party, so far as they can be ascertained;
- (d) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and full postal address of his or her guardian, next-of-kin, or any other person authorized to act on his or her behalf.
- (e) the fact constituting the cause of action and the date when it arose.
- (f) the facts showing that court has jurisdiction.
- (g) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and
- (h) the relief which the applicant claims.

- (3) Every application shall be verified in the same manner as a pleading in a Civil Court.

- (4) All documents on which the application is based or has desired by applicant shall be appended to application with an accurate list thereof in the manner prescribed in **Form-III**. Nothing in this rule shall apply any document which is produced for the purpose of cross examination of a witness or is handed to a witness to refresh his memory.

- (5) All applications shall be entered in a register in **Form-IV** to be maintained by the Court.
- (6) Every application to the Court shall be brought within three years on which the cause of action arose or as the case may be, the claim becomes due.
- (7) Where at any stage it appears to the Court that the application should be presented to another Court, or should be entertained by the another Court, the first mention Court shall transfer the application along with the 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 the application along with the file is transferred shall continue the proceedings as if the previous proceedings or any part of it had been taken before it.
- (8) The Court shall follow the rules of Code of Civil Procedure (5 of 1908) in respect of summoning of the parties, service of summon, procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.
- (9) The fee payable on an application in respect of any matter referred to in Section 49 shall be Rs. 100/- (rupees one hundred), however, the Andaman and Nicobar Administration may enhance the fees by notification, from time to time.
- (10) The fee and costs payable in respect of any other matters shall be such as is prescribed by the relevant laws for the time being in force.
- (11) All fees and costs referred to in this rule shall be collected by way of Court fee stamps used in ordinary Courts and no document which ought to bear stamps under these rules shall be of any validity unless and until it is properly stamped.

23. Manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof under Sub-section (1) of Section 51.—

- (1) The proceedings before an Employees' Insurance Court shall be commenced on application by the Corporation or the aggrieved person or the employer of an establishment, as the case may be.
- (2) Subject to the provisions of Chapter IV of the Code, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the Insured Person was working at the time the question or dispute arose.
- (3) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same State, it may, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.
- (4) The A & N Administration may transfer any matter pending before any Employees Insurance Court in the Union Territory of A & N Islands to any such Court in another State or UT with the consent of the State Government of that State / UT.
- (5) The Court to which any matter is transferred under sub-rule (4) or sub-rule (5) shall continue the proceedings, further from the stage it is transferred to it, as if they had been originally instituted in it.

CHAPTER-IV GRATUITY

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

Explanation.— "Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) with reference to Section 3 of that Act or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980) with reference to Section 3 of that Act.

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

- (1) A nomination under Sub-section (1) of Section 55 shall be in **Form-IV** and submitted in duplicate by the employee either by personal service after taking proper receipt or by speed post or electronically to the employer.
- (2) 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, he shall submit the same within ninety days from the date of such commencement and in the case of an employee who completes one year of service after the date of commencement of these rules, he shall submit the same within thirty days of the completion of one year of service:
 Provided that nomination in **Form-V** 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.
- (3) Within thirty days of the receipt of nomination in **Form-V** under Sub-rule (1), the employer shall verify the service particulars of the employee, as mentioned in the form of nomination, or caused to verify 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-V** duly attested either by the employer or an officer authorized in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be retained.
- (4) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family shall 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 (3) shall apply *mutatis mutandis* as if it was made under Sub-rule (1).
- (5) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in **Form-V** to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (3) shall apply *mutatis mutandis* as if it was made under sub-rule (1).
- (6) 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 left thumb impression in the presence of two competent witnesses, who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be, and shall be submitted by the employee electronically or by speed post acknowledgement due to the employer.
- (7) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

26. Time within which and the form in which a written application shall be made under Sub-section (1) of Section 56.—

- (1) An employee who is eligible for gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form-V** to the employer:
 Provided that where the date of superannuation or retirement of an employee is known, the employee may apply to the employer before thirty days of the date of superannuation or retirement:
 Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of at least one year and for subsequent period in excess of six months and above, but less than one year, shall be rounded off to one additional year.
- (2) A nominee of an employee who is eligible for gratuity under the second proviso to Sub-section (1) of Section 53 shall apply, ordinarily within thirty days from the date the gratuity became payable to him, in **Form-VI** to the employer:

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

- (3) A legal heir of an employee who is eligible for gratuity under the second proviso to Sub-section (1) of Section 53 shall apply, ordinarily within one year from the date the gratuity became payable to him, in **Form-VI** to the employer.
- (4) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in sub-rules (1), (2) and (3) shall be deemed to be operative from the date of such commencement.
- (5) 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 and any dispute in this regard shall be referred to the competent authority for his decision.
- (6) An application under this rule shall be presented to the employer either by electronically or personal service or by speed post acknowledgement due.

27. Notice for payment of gratuity under Sub-section (2) of Section 56.—

- (1) Within fifteen days of the receipt of an application under sub-rule (1) of rule 32 for payment of gratuity, the employer shall,-
 - (i) if the claim is found admissible on verification, issue a notice in **Form-VII** to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof, or
 - (ii) if the claim for gratuity is not found admissible, issue a notice in **Form-VII** 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.
- (2) A copy of the notice in **Form-VII** referred to in sub-rule (1) shall be endorsed to the competent authority.

Explanation.- For the purpose of determination of gratuity under this rule, it is clarified that—

- (i) the exclusions from the wage, as specified under sub-clauses (a) and (b) of clause (88) of Section 2 shall also include any payment payable on an annual basis, that is linked to performance or productivity of an employee or of the establishment in which he is employed and is not part of the remuneration payable under the terms of employment; and
- (ii) the following shall not form part of the wage-
 - (a) reimbursement of medical expenses;
 - (b) stock option benefit or cash equivalent of stock award;
 - (c) crèche allowance;
 - (d) telephone and internet reimbursement; and
 - (e) value of meal vouchers.
- (3) 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-VII** under sub-clause (i) of sub-rule (1) 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.
- (4) 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 and in that case, the time limit specified for issuance of notices under sub-rule (1) 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.
- (5) A notice in **Form-VII** shall be served on the applicant either by personal service after taking receipt or by speed post with acknowledgement due or electronically.
- (6) A notice under Sub-section (2) of Section 56 shall be in **Form-VII**.

- 28. 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, electronically or otherwise.

- 29. Form of Application to competent authority for direction under clause (b) of Sub- Section (5) of Section 56.—** (1) If an employer -

- (i) refuses to accept a nomination under sub-rule (2) of rule 34 or to entertain an application sought to be filed under sub- rule (1) of rule 34, or
- (ii) issues a notice under sub-rule (1) of rule 35 either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or
- (iii) having received an application under sub-rule (1) of rule 34 fails to issue notice as required under rule 35 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-VIII** 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.

- (2) An application under sub-rule (1) and other documents relevant to such an application shall be presented in person to the competent authority or shall be sent by speed post acknowledgement due or electronically.
- 30. Procedure for dealing with application for direction.—** (1) On receipt of an application under clause (iii) of sub-rule (1) of rule 37, the competent authority shall, by issuing a notice in **Form-IX**, by electronically or speed post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.
- (2) 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 and 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.
 - (3) A party appearing by an authorised representative shall be bound by the acts of the representative.
 - (4) After completion of hearing on the date fixed under sub-rule (1), 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 and such finding shall be given to each of the parties.
 - (5) 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* and 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 this sub-rule may, on good cause being shown within thirty days of receipt of the said order, be reviewed and the application shall be re- heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

- 31. 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.

- 32. Administration of oath.**— The competent authority may authorise a clerk of his office to administer oaths for the purpose of making affidavits.
- 33. 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-IX** either to give evidence or to produce documents or for both purposes on a specified date, time and place.
- 34. Service of summons or notice.**— (1) Subject to the provisions of sub-rule (2), any notice, summons, process or order issued by the competent authority may be served either personally or by speed post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908).
- (2) Where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any Trade Union or association or are represented by an authorized person, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of the Trade Union or association, or on the authorized person shall be deemed to be the service on such persons.
- 35. Maintenance of records of cases by the competent authority.**—(1) The competent authority shall record the particulars of each case under Section 56 and at the time of passing orders shall sign and put the date on the particulars so recorded.
- (2) 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.
- (3) 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.
- 36. Direction for payment of gratuity.**— If a finding is recorded under rule 43 and the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in **Form-X** electronically or speed post acknowledgment due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer and a copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.
- 37. Appeal.**— (1) 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 speed post acknowledgement due or electronically.
- (2) 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.
- (3) 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.
- (4) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.
- (5) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments on each paragraph of the Memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.
- (6) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard and a copy of the said decision shall be given to the parties to the appeal by electronically or speed post or in person and a copy thereof shall be sent to the competent authority returning his records of the case.
- (7) 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.

(8) 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-X** 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 and a copy of the said notice shall be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.

38. 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 rule 44 or sub-rule (8) of rule 45, as the case maybe, 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-XI** for recovery thereof under Section 129.

39. Manner of registration of an establishment by the employer under Sub-section (3) and the manner of composition of the Board of Trustees of the approved gratuity fund and the manner in which the competent authority may recover the amount of the gratuity payable to an employee from the insurer under Sub-section (4) of Section 57.—

- (1) The Andaman and Nicobar Administration shall notify the manner of registration of an establishment by the employer under Sub-section (3) of Section 57.
- (2) The composition of the Board of Trustees of the approved gratuity fund shall be notified by Andaman and Nicobar Administration.
- (3) All registration shall be done electronically in **Form-XII**.
- (4) Any amount directed to be paid under Section 57 shall be recoverable as an arrear of land revenue.

40. Qualifications and experience of the officer appointed as the competent authority under Sub-section (1) of Section 58.—

- (1) The qualification and experience of the officer to be appointed as the competent authority shall be notified by the Andaman and Nicobar Administration.
- (2) The A & N Administration may, by notification, appoint any Gazetted officer above the rank of the competent authority, appointed under sub-rule (1) as appellate authority for the purpose of Sub-section (8) and (9) of Section 56.

CHAPTER-V MATERNITY BENEFIT

41. Complaint and Appeal under sub-section (1) Section 72.—

- (1) A complaint under sub-section (1) of Section 72 shall be made in writing in **Form-XIII** to the Inspector-cum-Facilitator having jurisdiction.
- (2) When a complaint referred to in Sub-section (1) of Section 72 is received by an Inspector-cum-Facilitator, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take 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 by order, 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 such period mentioned in the said order:

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

42. Authority to whom an appeal may be preferred under Sub-section (3) of Section 72.— (1) Any person aggrieved by the order of the Inspector-cum-Facilitator under sub-rule (2) shall file an appeal under Sub-section (3) of Section 72 to the Competent Authority, as may be notified by the A & N Administration.

- (2) The appeal shall be in writing to the competent Authority in **Form-XIV** which shall be with the supporting documents.

- (3) When an appeal is received, the competent Authority shall call from the Inspector-cum-Facilitator before a fixed date, the record of the case and he shall, if necessary, also record the statements of the aggrieved person, and of the Inspector-cum-Facilitator and seek clarification, if any, is required.
- (4) Taking into account the document(s), the evidence produced before him and the facts presented to him or ascertained by him, the competent Authority shall give his decision within a period of ninety days from the date of filing of the appeal before him and in case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.
- (5) The competent authority appointed under the Sub-section (3) of Section 72 of the Code shall be responsible for the administration of these rules under this Chapter within their respective areas notified by the A & N Administration.

43. Duties of Inspector-cum-Facilitator.—

- (1) (a) Every Inspector-cum-Facilitator shall discharge his duties within the area assigned to him by the A & N Administration and shall act under the supervision and control of the competent authority.
- (b) Every Inspector-cum-Facilitator shall at each inspection of an establishment see—
 - (i) whether due action has been taken on every notice given under section 62;
 - (ii) whether the register of women employees referred to in rule 72 is correctly maintained;
 - (iii) whether there have been any cases of discharge or dismissal or notices of discharge or dismissal in contravention of the provisions of Section 68 since the last inspection;
 - (iv) whether the provisions of Sub-section (1) of Section 59, Sub-sections (5) and (6) of Section 62, Sections 64, 65, 66, 67, 69 and 71 have been complied with and whether amounts due have been paid within the time as per the relevant provisions of the Code and rules made by the A & N Administration;
 - (v) whether there have been any cases of deprivation of maternity benefit or medical bonus as referred to in sub-section (2) of Section 68; and
 - (vi) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.
- (c) Where an Inspector-cum-Facilitator observes irregularities against the Code or these rules, he shall issue an order in writing electronically or otherwise to the employer asking the employer to rectify the irregularities within a period of fifteen days from the date of receipt of the order and report compliance to the Inspector-cum-Facilitator.
- (2) The employer shall supply to every woman employed by him at her request free of cost copies of **Forms- XIII and XIV.**
- (3) Nothing in rule 47 shall affect the right of a woman entitled to receive maternity benefit or any other amount due under the Code, if she fails to submit a notice, appeal or complaint under the said sub-rules, as the case may be, in a form specified for such purpose:

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

44. Display of Abstract.— The abstract of the provisions of Chapter VI of the Code and the rules made thereunder required to be exhibited under Section 71 and shall be exhibited in a conspicuous place where large number of women are employed.

CHAPTER-VI

EMPLOYEES COMPENSATION

- 45. Amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer under Sub-section(7) of Section 76.**— If the injury of employee results in death, the employer shall in addition to compensation under the Code, deposit with competent authority a sum of Fifteen thousand rupees or such amount as may be notified by the A & N Administration, 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 did not have the dependent or was not living with his dependent at the time of his death to the person who actually incurred such expenditure :

Provided that if the Central Government, by notification enhances the amount specified in Sub-Section (7) of Section 76, the amount to be deposited under this rule shall be automatically enhanced.

- 46. Conditions when application for review is made without certificate of a medical practitioner under Sub-section (1) of Section 79.**— Application for review of half-monthly payment under Sub-section (1) of Section 79, may be made without being accompanied by a medical certificate,-

- (i) by the employer, on the ground that since the right to compensation was determined, the employee's wages have increased;
- (ii) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;
- (iii) 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;
- (iv) 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;
- (v) 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.

- 47. Class of employers and the form of notice-book under Sub-section (4) of Section 82.**—Every employer to which the Code applies shall maintain a notice book in accordance with Sub-section (4) of Section 82 in **Form-XV**.

- 48. Interval for medical examination under the proviso to Sub-section (1) of Section 84.**—An employee who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.

- 49. Form of statement to be submitted by the employer under Sub-section (1) of Section 88.**—The statement for fatal accident as required by an employer under Sub-section (1) of Section 88 shall be,-

- (1) the notice to be sent by a Competent Authority under Sub-section (1) of Section 88 shall be in **Form-XVI** and shall be accompanied by a blank copy of **Form-XVI**;
- (2) the statement to be submitted by an employer under Sub-section (1) of Section 88 shall be in **Form- XVII**.

- 50. Manner of recording the memorandum in a register by the competent authority under Sub-section (1) of Section 89.**—

- (1) The Memorandum of agreement sent to the Competent Authority under Sub-section (1) of Section 89 shall, unless the Competent authority otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with, **Form-XVIII**, or **Form-XIX**, or **Form-XX**, as the case may be.

- (2) On receiving a memorandum of agreement, the Competent authority shall, for taking decision to record memorandum or refusing to record, shall issue notice to parties to agreement in **Form-XXI** fixing the date and place of hearing that in default of objections he proposes to record the memorandum on the date so fixed and the notice under this sub-rule may be sent personally or through speed 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 is 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 his decision to the parties present and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send information to that party in **Form XXII**.

51. Procedure where Competent Authority considers, he should refuse to record memorandum.-

- (1) (a) If, on receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.
- (b) If the parties to be informed are not present a written notice shall be sent to them in **Form-XXIII or Form XXIV**, as the case may be and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.
- (c) If on the date fixed under sub-rule (5) of clause (b) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the Competent Authority may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with rule 58
- (d) If, on the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in **Form-XXII** to any party who did not receive information under sub rule (1).
- (e) If, in any case, the Competent Authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.
- (f) If, the Competent Authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show-cause why it should not be paid.
- (g) Where the agreement is for the redemption of half monthly payments by the payment of lump-sum, and the Competent Authority considers that the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as fixed in the agreement, he shall record his estimate of the probable duration of the disablement of the workman.
- (2) **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-XXV** 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 20 _____.

(Signature)
(Competent Authority)

52. Other experience and qualifications for appointment as a competent authority under Sub-section (1) of Section 91.— The Andaman and Nicobar Administration may, by notification, appoint any Group-A officer of the Labour Department not below the rank of Assistant Labour Commissioner having educational qualification as determined for the post by the Andaman and Nicobar Administration to be the Competent Authority for employee's compensation within defined jurisdiction.

53. Manner in which matters may be dealt with by or before a competent authority under Sub-section (1) of Section 92.—

- (1) Save as otherwise provided in these rules, the procedure to be followed by Competent Authorities in the disposal of cases under the Code or these rules and by the parties in such cases shall be regulated in accordance with the sub-rules under this rule.
- (2) Application.— (i) Any application of the nature referred to in Section 93 may be sent to the Competent Authority electronically or by registered post or speed post or may be presented to him or to any of his subordinate authorised by him in this behalf and, if so sent or presented, shall unless the Competent Authority otherwise directs, be made in duplicate in **Form--XXVI, Form-XXVII or Form- XXVIII**, as the case may be and shall be signed and verified by the applicant in the manner prescribed by Order VI Rule 15 of the Code of Civil Procedure 1908 (Central Act No. V of 1908).
- (3) Production of documents.— When the application for relief is based upon a document, the document shall be appended to the application and any other document which the applicant desires to tender in evidence shall be produced at or before the first hearing. Any document which is not produced along with application or before the first hearing shall not, without the sanction of the Competent Authority, be received in evidence on behalf of the applicant. Nothing in this rule applies to any document which is produced for the purposes of cross-examining a witness or is handed to a witness to refresh his memory.
- (4) Application presented to wrong Competent Authority.—
 - (i) If it appears to the Competent Authority on receiving the application that it should be presented to another Competent Authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Competent Authority to whom it should be presented, and
 - (ii) if it appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant and the opposite party, if he has received a copy of the application, accordingly.
- (5) Continuation of proceedings.— The Competent Authority to whom an application is transferred under sub-rule (4) may continue the proceedings as if the previous proceedings or any part of them had been taken before him, if he is satisfied that the interest of the parties will not thereby be prejudiced.
- (6) Examination of applicant.— On receiving the application of the nature referred to in Section 92 or Section 93, the Competent Authority may examine the applicant and his witness, if any, on oath and the substance of any examination made shall be recorded in the manner provided for the recording of evidence in Section 97.
- (7) Summary dismissal of application.— The Competent Authority may, after considering application and the result of any examination of the applicant under the sub-rule (6) summarily dismiss the application if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.
- (8) The dismissal of the application under Sub-Rule (7) shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter.
- (9) Preliminary inquiry into application.— If the application is not dismissed under Sub-Rule (7), the Competent Authority may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and if upon considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

- (10) Notice to opposite party.— If the Competent Authority does not dismiss the application under the sub-rule (7) or (9), he shall send to the party from whom the applicant claims relief, hereinafter referred to as the opposite party, a copy of the application, together with a notice of date on which he will dispose of the application and may call upon the parties to produce upon that date any evidence which they may wish to render.
 - (11) Appearance and examination of opposite party.— The opposite party may, and if so required by the Competent Authority, shall, at or before the first hearing or within such time as the Competent Authority may permit, file a written statement dealing with the claim raised in the application, and any such written statement shall form part of the record and if the opposite party contests the claim, the Competent Authority may, and, if no written statement has been filed, shall proceed to examine him upon the claim, and shall reduce the result of the examination to writing.
 - (12) Framing of issues.— After considering the written statement and the result of any examination of the parties, the Competent Authority shall ascertain upon what material propositions of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend. In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.
 - (13) Power to postpone trial of issues of facts where issues of law arise.— When issues both of law and of fact arise in the same case, and the Competent Authority is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.
 - (14) Diary or Tracker.— The Competent Authority shall maintain a brief diary or tracker on an application either electronically or otherwise.
 - (15) Reasons for postponement to be recorded.— If the Competent Authority finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitates a postponement.
 - (16) Judgment.— The Competent Authority in passing orders, shall record concisely a judgment, and his finding on each of the issues framed and his reasons for such finding. The Competent Authority, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.
 - (17) Summoning of witnesses.— If an application is presented by any party to the proceedings for the citation of witnesses, the Competent Authority shall on payment of expenses and fees, issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.
 - (18) Exemption from payment of costs.— If the Competent Authority is satisfied that the applicant is unable by reason of poverty to pay the prescribed fees, he may remit any or all of such fees. If the case is decided in favour of the applicant, the prescribed fees which had they not been remitted, would have been due to be paid, may be added to the costs of the case and recovered in as the Competent Authority in its order regarding costs may direct.
- 54. Right to entry for local inspection.**— (1) A Competent Authority before whom any proceeding relating to an injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings:
- Provided that the Competent Authority shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

- (2) Procedure in connection with local inspection.— (i) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representative notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.
- (ii) Such notice may be given orally or in writing, and, in the case of an employer may be given to any person upon whom notice of a claim can be served under sub-section (2) of Section 88, or to the representatives of any such person.
- (iii) Any party, or the representative of any party, may accompany the Competent Authority at a local inspection.
- (iv) The Competent Authority, after making local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the prescribed fees, shall supply any party with a copy thereof.
- (v) The memorandum shall form part of the record.
- (3) Power of summary examination.— (i) The Competent Authority during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not.
- (ii) No oath shall be administered to a person examined under this sub-rule.
- (iii) Statements made by persons examined under sub-rule (4), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilised by the Competent Authority for the purpose of arriving at a decision in the case.
- (iv) If a witness who has been examined under sub-rule (4), makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Competent Authority may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the purpose of examining or cross-examining the witness.
- (v) Any statement or part of a statement which is furnished to the parties under sub-rule (6) shall be incorporated in the record.
- 55. Settlement by agreement.**—Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under sub-rule (4) of rule 105 and may utilize such statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.
- 56. Agreement to abide by Competent Authority's decision.**—If a party states in writing his willingness to abide by the decision of the Competent Authority, the Competent Authority shall inquire whether the other party is willing to abide by his decision and if the other party agrees to abide by the Competent Authority's decision, the fact of his agreement shall be recorded in writing and signed by him but if the other party does not agree to abide by the Competent Authority's decision, the first party shall not remain under an obligation so to abide.
- 57. Procedure where indemnity claimed under Sub-section (2) of Section 85.**—(1) Where the opposite party claims that if compensation is recovered from him he will be entitled under sub-section (2) of Section 85 to be indemnified by a person not being a party to the case, he shall, when first called upon to answer the application, present a notice of such claim to the Competent Authority accompanied by the prescribed fee, and the Competent Authority shall thereupon issue notice to such person in **Form-XXIX**.

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

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

- (3) If any person served with a notice under sub-rule (1), whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation he shall on or before the date fixed in the notice under sub-rule (1), present a notice of such claim to the Competent Authority accompanied by the prescribed fee and the Competent Authority shall thereupon issue notice to such person in **Form-XXX**.
- (4) If any person served with a notice under sub-rule (3) desires to contest the applicant's claim for compensation, or the claim under sub-rule (3) to be indemnified he shall appear before the Competent Authority on the date fixed in the notice in **Form-XXX** or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

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

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

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

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

59. Time-limit for disposal of application under Sub-section (4) of Section 93.—The competent authority shall dispose the application within six months from the date of receiving the application.

60. Costs incidental to the proceedings under Sub-section (4) of Section 93.—(1) All costs, incidental to any proceedings before a Competent Authority, shall, subject to rules made under this Chapter of the Code shall be at the following rate :-

I Applications for compensation -		
	(a)	Where compensation is claimed in the form of recurring payments; - Rs. 5/-
	(b)	Where compensation is claimed in the form of lump sum - Re. 1/- where the sum does not exceed Rs. 500/- plus Re. 1/- for each additional sum of Rs. 500/- or fractional thereof.
II Applications for commutation		
	(a)	By agreement between parties - Rs. 5/-
	(b)	In all other cases - Rs. 10/-
III Application for the deposit of compensation		
	(a)	Under section 81(1) of the Code - Nil
	(b)	Under section 81(2) of the Code for an amount more than or equal to Rs. 5000/- Rs. 5/-
(In respect of each person to whom compensation is payable)		
IV	Applications for distribution by dependents for each dependant	
		- Rs.10/-
V. Application for review-		
	(a)	Where the review claimed is the continuance, increase, decrease, or ending of half monthly payment - Rs. 5/-
	(b)	Where the half-monthly payments are sought to be converted into a lump sum - Rs. 20/-
	(c)	In all other cases - Rs. 10/-
VI. Applications for the registration of agreements		
	(a)	Where the application of the memorandum of agreement is signed by both parties - Nil
	(b)	In all other cases - Rs. 5/-
VII. Applications to summon witness-		
	(a)	For the first witness mentioned in application - Rs. 10/-
	(b)	For every subsequent witness Rs. 5/-
VIII. Application for the indemnification		Rs. 15/-
IX. Application for the recovery of compensation-		
	(a)	Under an order already passed by the Commissioner Rs. 5/-
	(b)	In all cases The same fee as is payable on a similar application for compensation
X	All applications not otherwise provided for	
		Rs.5

- (2) **Cost for Certified Copies.**- (a) The cost for the copies of any document of record or statement or order or decree shall be Re 1/- per page along with Rs 10/- for the application for the copies, or as notified by the State Government from time to time.
- (b) The cost of service or summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred to here-in- before shall be such amount as may be specified in each case by the Competent Authority and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as it may specify therefor.
- (c) The Competent Authority may, whenever it finds either on applications of applicant or otherwise that the applicant is indigent and unable to pay the cost, may exempt the applicant from the payment of any cost with written Order to that effect.
- (3) Any person, who is not a party to the dispute, may on disposal of the dispute, get the certified copy of the decision, decree or other documents except the confidential documents, on payment of the fees prescribed in above mentioned clauses.
- 61. Certain provisions of Code of Civil Procedure, 1908 to apply.**- Save as otherwise expressly provided in the Code or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908 namely, those contained in Order V rule 9 to 13 and 15 to 30, Order IX. Order XII rule 3 to 10, Order XVI rule 2 to 21, Order XVII, Order XVIII rule 1 and 2 shall apply to proceedings before Competent Authorities, in so far they may be applicable thereto :
- Provided that, -
- (a) for the purpose of facilitating the application of the said provisions, the Competent Authority may construe them with such alterations not affecting the substantive as may be necessary or proper to adopt them to the matter before him;
- (b) the Competent Authority may, for sufficient reasons, proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.
- 62. Provisions regarding signature of forms.**- Any form, other than a receipt for compensation, which is by these rules required to be signed by a Competent Authority may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.
- 63. Apportionment of compensation among dependents.**- The provisions of this part except those contained in sub-rule (10) and (11) of rule 104 and rule 108 shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependents of a deceased employee.
- 64. The manner of authentication of memorandum under section 97.**- The competent authority shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be authenticated electronically or otherwise by the competent authority.

CHAPTER-VII

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

- 65. Time limit to pay the amount of cess under Section 101.**-(1) Date of payment of cess levied under Section 100, into the Board's Fund shall be, the date on which the amount is deposited with the cess collector, or the date of deduction at source or the date on which the amount has been deposited to the local authority, as the case may be.
- (2) Cess payable under Section 100 shall be deposited maximum within thirty days of completion of the work or within thirty days of the date on which assessment of cess payable is finalized, whichever is earlier, and in case the duration of the project of 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;

Provided that in case of deduction of cess at source or collection of cess by the local authority or by any other authority notified by the State Government as per Sub-section (2) of Section 100, the amount of cess shall be paid to the Board, maximum within thirty days of such deduction or collection.

- (3) If any employer or local authority or other designated cess deducting authority fails to pay any amount of cess payable or deposited with cess deducting authority, as the case may be, within such time as specified in sub-rule (1) of Rule 117, shall be liable to pay interest as prescribed by the Central Government, on the amount of cess to be paid, for the period from the date on which such payment is due to the Board till such amount is actually paid to the Board.

- 66. Fees for appeal under Sub-section (2) of Section 105.**— An employer aggrieved by an order of the assessment made under Section 103 or by an order imposing penalty made under Section 104 may file an appeal against such order as per the manner prescribed by the Central Government under Sub-section (1) of Section 105, to the Appellate Authority as notified by the State Government in this regard with a nonrefundable fee equivalent to one-half percent, but not exceeding twenty five thousand rupees, of the amount in dispute or penalty or both, as the case may be, under such appeal.

CHAPTER-VIII FINANCE AND ACCOUNTS

- 67. Holding of property, etc. by the A & N Islands Unorganised Workers' Social Security Board and the A & N Islands Building and Other Construction Workers' Welfare Board under Section 120.**—

The conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under Sub-section (1), conditions to invest moneys, re-invest or realize investments under Sub-section (2), terms to raise loans and take measures for discharging such loans under Sub-section (3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under Sub-section (4) of Section 120 shall be—

- (a) in case of A & N Islands Unorganised Workers' Social Security Board, as specified in Part-A of Chapter-II, under this chapter and as notified by the A & N Administration in this regard after consultation with the Finance Department, from time to time.
- (b) in case of A & N Islands Building and Other Construction Workers' Welfare Board, as specified in Part-B of Chapter-II, under this chapter and as notified by the A & N Administration in this regard after consultation with the Finance Department, from time to time.

- 68. Conditions and manner of writing off irrecoverable dues under Section 121.**— Where the Social Security Organisations in the UT of A & N Islands like the A & N Islands Unorganised Workers' Social Security Board and A & N Islands Building and the Other Construction Workers' Welfare Board constituted by the Andaman and Nicobar Administration is of the opinion that the amount of contribution, cess, interest and damages due to the said Boards has become irrecoverable, the said Boards or any other officer authorised by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely: —

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

CHAPTER-IX

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

69. Other powers of Inspector-cum-Facilitator under clause (e) of Sub-section (6) of Section 122.— In addition to powers under Sub-section (6) of Section 122, the Inspector- *cum*- Facilitator may exercise such other powers and shall perform such other duties as may be assigned by Andaman and Nicobar Administration by general or special order.

70. Form and manner for maintenance of records and registers and other particulars and details under clause (a), manner and form for display of notices at the work places of the employees under clause (b) and the manner and period of filing returns to the officers or authority under clause (d) of Section 123.— (1) (a) The employer of every establishment shall maintain,-

- (i) Register of employees in **Form-XXXI**;
- (ii) Register of attendance-cum-muster roll in **Form-XXXII**;
- (iii) Register of wages, overtime and deduction in **Form-XXXIII**;
- (iv) Register of women employees in **Form-XXXIV**.

Provided that in respect of establishment which is governed by the Code on Wages, 2019 (29 of 2019) or the Code on Occupational Safety, Health and Working Conditions, 2020 (37 of 2020) and rules made thereunder maintain the registers specified in clause (i), (ii) and (iii) which shall be deemed to be maintained by the employer under these rules also.

- (b) Registers under this chapter shall be maintained electronically or otherwise.
 - (c) Entries in the registers shall be made in English and Hindi language.
 - (d) Every employer shall produce records and registers, on demand before the Inspector-cum-Facilitator or any person authorized in that behalf by the Andaman and Nicobar Administration.
 - (e) All the registers and other records shall be preserved in original for a period of five calendar years from the date of last entry made therein.
- (2) Every employer shall issue wage slips, electronically or otherwise to the employees under clause (c) of Section 123 before 24 hours of payment of wages in **Form- XXXV**.
- (3) All registers and other records required to be maintained under this Code and under the rules made thereunder shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a place within a radius of three kilometers.
- (4) The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English and/ or Hindi language specifying the name of the officer with designation authorised by the employer to receive, on his behalf, notices under the Code or the rules made therein.
- (5) (a) The employer to which the provisions of Chapter V and Chapter VI of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in **Form-XXXVI** online on the designated web portal of the Labour Department, Andaman and Nicobar Administration giving information as to the particulars specified, in respect of the preceding year :

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

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

- (b) If the employer to which the provisions of Chapter V and Chapter VI of the Code applies, sells, abandons or discontinues the working of the establishment, then, he shall, within one month from 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 designated web portal of the Labour Department, Andaman and Nicobar Administration, a further unified return in **Form-XXXVI** referred to in sub-rule (5) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

CHAPTER-X

OFFENCES AND PENALTIES

71. Manner of compounding of offences by the authorized officer and Form and manner of application for compounding of an offence under Sub-section (4) of Section 138.—

- (1) The officer authorized by the Andaman and Nicobar Administration by notification for the purposes of compounding of offences under Sub-section (1) of Section 138 shall issue electronically or by speed post a notice for compounding the offences in **Form-XXXVII** which are compoundable under Section 138.
- (2) The person to whom the notice under sub-rule (1) is issued, he may apply in Part III of the **Form-XXXVII** to the officer electronically or by speed post and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.
- (3) The authorized Officer shall issue a composition certificate in Part IV of **Form-XXXVII** electronically or by speed post within ten days of receipt of the composition amount, to such person from whom such amount has been received in compliance of the composition notice.
- (4) If a person, to whom the notice is issued, fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the competent Court or the offence in respect of which the compounding notice was issued, against such person.
- (5) For the compounding of an offence after the institution of prosecution in a Competent Court in respect thereof, the provisions of Sub-section (6) of Section 138 shall apply.

CHAPTER-XI

EMPLOYMENT INFORMATION AND MONITORING

72. Manner of establishment and maintenance of Career Centre and the Career Services under clause (9) of Section 2—

- (1) The A & N Administration may establish, run and maintain Career Centre or modify and declare its already established office or employment exchange or both or a portal or authorize any other such centre as Career Centre by notification. Until such a notification is issued, the existing local Employment Exchanges would function as Career Centres.
- (2) The A & N Administration may also enter into an agreement with any institution, local authority, local body or private body for running a Career Centre.
- (3) The Career Centres established under sub-rules (1) and (2) above shall inter-alia perform the following functions namely :
 - a) collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode; relating to:
 - (i) persons who seek to employ employees;
 - (ii) persons who seek employment;
 - (iii) occurrence of vacancies; and
 - (iv) persons who seek vocational guidance and career counseling or guidance to start self-employment;
 - b) providing career counseling and vocational guidance;
 - c) organising job-fairs and job drives;
 - d) employment related surveys and studies;
 - e) employability enhancement activities; and
 - f) other services as may be decided by the A & N Administration from time to time.

73. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned Career Centre under Sub- section (2) of Section 139. —

(1) Reporting of Vacancies to Career Centres : (1) After the commencement of this Code in the A & N Islands or any area thereof, the employer in every establishment in public sector in the A & N Islands or area thereof shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the A & N Administration.

- (1) 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 A & N Administration.
- (2) A & N Administration 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.
- (3) Employer, if advertise that vacancy in any media or makes recruitment through agency or any other mode, shall invariably quote that Unique Vacancy Reporting Number in that advertisement on recruitment process.

Explanation :- For the purposes of this rule,-

(1) **“establishment in public sector”** means an establishment owned, controlled or managed by-

- (i) The A & N Administration or a Department of the A & N Administration;
- (ii) a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (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 A & N Administration; and
- (iv) a local authority.

(2) **“establishment in private sector”** means an establishment which is not an establishment in public sector and with ordinarily 50 or more employees or such number of employees as may be notified by the A & N Administration.

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

- (a) The following vacancies, namely.
 - (i) all vacancies in posts of technical and scientific nature carrying a minimum pay or pay level or both as notified by the A & N Administration, occurring in establishments in respect of which the A & N Administration is the appropriate Government under the Code; and
 - (ii) vacancies which an employer may desire to circulate to the Career Centres outside the A & N Islands shall be reported to such Career Centre (Central) as may be specified by the A & N Administration by notification.
- (b) Vacancies other than those specified in clause (a) above, shall be reported to the career centre concerned.
- (c) Vacancies which have been reported to the Career Centre and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Central Government by notification.

(3) Form and manner of reporting of vacancies :

- (a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the A & N Administration.

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

(4) Time limit in the reporting of vacancies :

- (1) 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.
- (2) The local career centre will in turn provide the list of prospective candidates to the employer for the benefit of both the employer and the job seekers.
- (3) The result of the selected candidates shall be reported within 15 days from the date of selection to the Career Centre in the prescribed form appended as **FORM-XXXIX**. The above does not mean that candidate will be selected only from the list provided by the Career Centre.

(5) Maintenance of records :

- (a) After commencement of this Code in the A & N Islands or area thereof, the employers in every establishment in the public sector in the A & N Islands or area thereof shall maintain records manually or electronically or digitally about :-
 - (i) total number of employees (regular, contractual or in fixed term employment) as 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;
 - (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) A & N Administration 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 in fixed term employment) as 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 EIR (Employment Information Return) as given at **Form-XL**. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the A & N Administration by way of in notification, within thirty days of the due date namely 31st March of the year.

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

(8) Levy of penalty under 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 A & N Islands shall be the Competent Authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

(9) Issue of Guidelines:-For implementation of provisions of Code relating to Chapter XIII and rules thereof, the A & N Administration shall follow the guidelines issued by Central Government, which shall be further supplemented by the A & N Administration as per local needs.

CHAPTER-XI MISCELLANEOUS

74. Such other sources of funding and the manner of administering and expending of the fund under Sub-section (5) of Section 141.—

- (1) There shall be established a Social Security Fund by the Andaman and Nicobar Administration for the welfare of the Unorganised Workers under Sub-section (5) of Section 141 and shall be named as A & N Islands Unorganised Workers' Social Security Fund.
- (2) In addition to source of fund mentioned in clause (i) Sub-section (5) of Section 141, the amount received from the following sources shall be credited to this fund, namely :-
 - (i) Amount given by the A & N Administration for the establishment of the fund.
 - (ii) The amount of grant given by the Central Government, the Andaman and Nicobar Administration and other authorities and 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 Central Government.
 - (v) Amount received for implementation of the scheme notified by the Andaman and Nicobar Administration.
 - (vi) Contribution or donation or any other financial support from employer, their association or from Corporate Social Responsibility (CSR) Fund as determined by the Andaman and Nicobar Administration by general or special order.
 - (vii) Funds received under Sub-section (1) Section 115 of the Occupation Safety, Health and Working Conditions Code, 2020 relating to the Andaman and Nicobar Administration.
 - (viii) Any other source which is approved by the Andaman and Nicobar Administration through Notification.
- (3) The A & N Administration shall identify other sources for funding or replenishing the Social Security Fund, from time to time.
- (4) All funds received under clause (i) and (ii) of Sub-section (5) of Section 141 shall be kept in a separate Bank Account in a nationalised Bank and such fund shall be administered and transacted by the A & N Administration through A & N Islands Unorganised Workers' Social Security Board or as specified by the A & N Administration from time to time.
- (5) The fund of the Board shall be expended for the implementation of the welfare schemes for unorganised workers, of A & N Administration and Central Government and for meeting out the administrative expenses of the Board, but limit of the administrative expenses shall not be more than ten percent of expenditure on such Scheme.
- (6) The A & N Islands Unorganised Workers' Social Security Board may also engage any institution for the administration of the fund, in the manner, as notified by the A & N Administration and in such case directions of the A & N Administration, if any, shall be complied by such institution for the administration of the Social Security Fund.
- (7) The statement of accounts of Social Security Fund shall be maintained by the A & N Islands Unorganised Workers' Social Security Board or the institution engaged by A & N Islands Unorganised Workers' Social Security Board, as the case may be, in the form and manner as specified by the A & N Administration and shall be submitted to the A & N Administration from time to time.

- (8) The accounts of the Social Security Fund shall be audited by the Comptroller & Audit General, Sri VijayaPuram Branch or by the A & N Administration by a Chartered Accountant.

75. Time within which the State Board, shall forward its view to the appropriate Government under

Sub-section (1) Section 143.- The Central Board or the Corporation, shall forward its views on the application seeking exemption under Section 143 of the Code to the A&N Administration within six (6) months of receipt of proposal for exemption. If Central Board or the Corporation is unable to provide its views within the said period, the A & N Administration may extend the time limit or take action on the application of exemption, as it may deem fit.

76. Conditions which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption under Sub-section (2) of Section 143.—

- (1) The establishment to which exemption has been granted from the provision of Chapter IV of the Code-
 - (a) shall maintain such records regarding the exempted employees and submit such returns and other information to the Corporation as may be specified in the Regulations made under Section 157; and
 - (b) in case of change of legal status of an establishment which has been granted exemption under Section 143 of the Code, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc. the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption, to the appropriate Government.

77. Terms and conditions for management of the trust under Sub-section (5) of Section 143.—

- (1) A Board of Trustees shall be established for the management of the Provident Fund or the Pension Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time.
- (2) The Board of Trustees shall consist of such equal number of representatives each of the employers and employees as may be specified in the Provident Fund Scheme or the Pension Scheme, as the case may be.
- (3) The employer of such exempted establishment shall be the Chairperson of the Board of Trustees and the Chairperson may exercise a casting vote in the event of equality of votes. However, arm's length principles shall be maintained by the Chairperson in all meetings of the Board of Trustees.
- (4) The Board of Trustees shall meet at least once in every three months and shall function in the accordance with the guidelines that may be issued from time to time by the Central Government or the Central Provident Fund Commissioner or any officer authorized by him.
- (5) The terms and conditions, including the tenure of office of the Trustees, the procedure and manner for election or nomination of the representatives of the employees and of employers to the Board of Trustees, disqualification and cessation of trusteeship, reelection or re nomination of trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all such other matters and conditions for the management of the Trust shall be as provided for in the Provident Fund Scheme or the Pension Scheme, as the case may be.
- (6) In case of any dispute or doubt on- (a) the interpretation of any provision of this rule, such matter shall be referred to the Central Government; and (b) any clarifications on the grant of such exemption which do not relate to this rule, shall be referred to the Central Provident Fund Commissioner or any other officer of the Employees' Provident Fund Organization authorised by him; and the interpretation of the Central Government or the clarification of the Central Provident Fund Commissioner or such officers, as the case may be, on such dispute or doubt shall be binding for the disposal of such matter so referred.

- 78. Manner of determining the misuse of any benefit by an establishment or by any other person under Section 148.**— On recommendation of the Authority or Competent Authority or A & N Islands Unorganised Workers' Social Security Board or the A & N Islands Building and Other Construction Workers' Welfare Board, as the case may be, if the Andaman and Nicobar Administration is satisfied that any establishment or any person has misused any benefit provided to him under this Code or these rules, then the Andaman and Nicobar Administration may by notification or general or special order, deprive such establishments or other person, as the case may be, from such benefit for such time as may be specified in the notification or order: Provided that no such order shall be passed unless an opportunity of being heard is given to such establishment or other person, as the case may be.
- 79. Submission of form to the office of Director General, Labour Bureau.**— A copy of **Form-VI** (notice for payment or rejecting claim of gratuity) shall be shared electronically with the Director General, Labour Bureau.
- 80. Power to waive, etc.**— Notwithstanding anything contained in these rules, the A & N Administration, when it considers that it is required in the public interest, may, by notification, waive off or defer any of the provisions of these rules to be in force in whole of this Union Territory or such part thereof for such period as may be specified in the notification.
- 81. Adoption of procedure prescribed by Central Government.**— Notwithstanding anything contained in these rules, wherein the Andaman and Nicobar Administration is the appropriate Government, but the Central Government has been empowered to prescribe any procedure under the Code, the Andaman and Nicobar Administration shall adopt the same procedure as prescribed by the Central Government.
- 82. Savings and Repeal :** The following rules are hereby repealed;
- (i) The A & N Islands Workmen's Compensation Rules, 1966;
 - (ii) The A & N Islands Maternity Benefit Rules, 1968;
 - (iii) The A & N Islands Payment of Gratuity Rules, 1973;
 - (iv) The A & N Islands Building and Other Construction Workers' (Regulation of Employment & Conditions of Service) Rules, 2003; and
 - (v) The A & N Islands Unorganized Workers' Social Security Rules, 2011:
- Provided that, the said repeal shall not affect, -
- (a) the previous operation of the said rules or anything duly done or suffered there under, or
 - (b) affect any right, liability or obligation acquired, accrued or incurred under the said rules.

FORM-I
[See rule 21 (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 ofin 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 22 (2)]

APPLICATION TO EMPLOYEES' INSURANCE COURT

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 8(2)
.....

Date:

Signature of Applicant

(Verification by the Applicant)

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

Date :

Signature

Form-III

[See sub-rule (4) of rule 22]

List of documents produced by applicant / opposite party

(Title) e.g. Description, Subject, Name of the Court, No., etc.

Sl. No.	Description of document (s)	Date, if any, which the documents bear	Signature of party or pleader or any authorised representative
1	2	3	4

FORM – IV
[See rule 22 (5)]
REGISTER OF APPLICATIONS

Employee's Insurance Court at :

Register of proceedings in the year :

1.	Date of presentation of application	
2.	No of proceedings	
3.	Name	Applicant
4.	Description	
5.	Place of residence	
6.	Particulars	Opposite
7.	Amount of value, if any	
8.	Place of residence	Claim
9.	Particulars	
10.	Amount of value, if any	
11.	When the cause of action accrued	
12.	Day of parties to appear	Appear
13.	Applicant	
14.	Opposite –party	
15.	Date	Final
16.	For whom	
17.	Order	
18.	Date of Decision of appeal, if any	Appeal
19.	Judgment in appeal	
20.	Date of application	Executive
21.	Against whom	
22.	For what, and amount of money	
23.	Amount of costs	
24.	Date of order transferring to another civil court	
25.	Other remarks, if any	

FORM-V**[See rule 25]****NOMINATION / FRESH NOMINATION / MODIFICATION OF NOMINATION***(Strike out the words not applicable)*

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

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

or

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

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

Nominee(s)

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

Manner of acquiring a "Family"

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

Statement

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

Village Post Office Police Station
 Sub- Division District State
 Pin-Code E-mail ID Mobile Number

Place :

Date :

Signature / Thumb-impression of the Employee

Certificate by the Employer

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

Employer's reference No., if any

Signature of the employer / Officer authorized Designation

Name and address of the establishment or rubber stamp thereof.

Date:

Acknowledgement by the Employee

Received the duplicate copy of nomination in **FORM-IV** filed by me and duly certified by the employer.

Date:

Signature of the Employee

FORM-VI

[See rule 26 (2) and (3)]

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), want 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-

1. 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;
2. 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;
3. Death of aforesaid employee of your establishment while in service / superannuation
4. 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 appointment are given in the statement below.

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

Yours faithfully,

Place :

Date :

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

FORM-VII
[See rule 27]
NOTICE FOR PAYMENT / REJECTING CLAIM OF GRATUITY
(Strike out the words / para not applicable)

To,

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

You are hereby informed that;

1. As required under Rule 33 of the Code on Social Security (A & N Islands) Rules, 2026, that your claim for payments of gratuity as indicated on your application in **FORM-V** under the said rules is not admissible for the reasons stated below :

Reasons (Here specify the reasons); or
2. As required under Rule 33 of the Code on Social Security (A & N Islands) Rules, 2026 that a sum of Rs. (Rupees) is payable to you as gratuity / as your share of gratuity in terms of nomination made by on and recorded in this as a legal heir of an employee of this establishment.
3. Please call at on..... (Here specify place) (date) at..... (time) for collecting your payment of gratuity crossed cheque.
4. Amount payable shall be sent to you through demand draft or shall be credited in your bank account as desired by you.
5. Brief statement of calculation
 - (a) Date of appointment.
 - (b) Date of termination / superannuation / resignation /disablement / death.
 - (c) Total period of service of the employee concerned : years months.
 - (d) Wages last drawn :
 - (e) Proportion of the admissible gratuity payable in terms of nomination/as a legal heir:
 - (f) Amount payable :

Place:

Date:

Signature of the Employer / Authorized Officer

Name or description of establishment or rubber stamp thereof.

Copy to the Competent Authority having jurisdiction.

FORM-VIII
[See rule 29 (1)]
APPLICATION FOR DIRECTION
Before the Competent Authority for Chapter V under the Code on Social Security, 2020

Application No. _____

Date : _____

BETWEEN

(Name in full of the applicant with full address)

AND

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

1. The applicant is an employee of the above-mentioned employer / a nominee of late an employee of the above-mentioned employer / a legal heir of late and employee of the above-mentioned employer, and is entitled to payment of gratuity under Section 53 of the Code on Social Security, 2020 on account of his own / aforesaid employee's superannuation on (date) / his own retirement / aforesaid employee's resignation on completion of years of continuous service / his own / aforesaid employee's total disablement with effect from due to accident / disease death of aforesaid employee on
2. The applicant submitted an application under Rule of the Code on Social Security (A & N Islands) Rules, 2026 on the but the above-mentioned employer refused to entertain it / issued a notice dated the under clause of sub-rule of rule offering an amount of gratuity which is less than my due / issued a notice dated the under clause of sub-rule of rule rejecting the 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.

Place : _____

Date : _____

Signature / Thumb impression of the applicant

ANNEXURE

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

Place :

Date :

Signature / Thumb-impression of the applicant

FORM-IX**[See rules 30 (1) and 33]****NOTICE FOR APPEARANCE BEFORE THE COMPETENT AUTHORITY / SUMMON***(Strike out the words / para not applicable)*

To,

(Name and address of the employer / applicant)

Whereas, Shri..... an employee under you / a nominee(s) / legal heir(s) of Shrian employee under the above-mentioned employer, has / have filed an application under rule 35 of the Code on Social Security (A & N Islands) Rules, 2026 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.

Given under my hand and seal, this day of 20

Competent Authority under the Code on Social Security Code, 2020**Note :**

1. Strike out the words and paragraphs not applicable.
2. The portion not applicable to be deleted.
3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.
4. In case the summons is issued only for producing a document and not to 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-X**[See rules 36 and 37 (8)]****NOTICE FOR PAYMENT OF GRATUITY AS DETERMINED BY COMPETENT / APPELLATE AUTHORITY***(Strike out the words / para not applicable)*

To,

(Name and address of employer)

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

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

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

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

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

Given under my hand and seal, this day of 20

Competent Authority
under the Code on Social Security, 2020

Copy to :

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

FORM-XI
[See rule 38]
APPLICATION FOR RECOVERY OF GRATUITY
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 / Trust / Insurer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/a nominee of late an employee of the above-mentioned employer / a legal heir of late an employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the under sub-rule (1) or sub-rule (2) of rule 35 of the Code on Social Security (A & N Islands) Rules, 2026 for payment of a sum of Rs. as gratuity payable under the Code on Social Security, 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 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-XII

[See rule 39 (3)]

APPLICATION FOR REGISTRATION OF AN ESTABLISHMENT UNDER SUB-SECTION (3) OF SECTION 57 (3).

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 :

Place :

FORM-XIII
[See rule 41(1)]
COMPLAINT TO THE INSPECTOR-CUM-FACILITATOR

To,

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

Sir,

I(Name of woman) employed in(name and full address of the establishment) or I..... (name), a person Nominated under Section 62 by or a legal representative of..... (name of woman) employed in..... (name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security, 2020 and the Rules thereunder, am entitled to Rs. being maternity benefit and / or 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.

Date :

Place :

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

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

Full address of the women / nominee / legal representative

FORM-XIV
[See rule 42(2)]

APPEAL

(Strike out unnecessary portion)

To

The Competent Authority
(Appointed under the Code on Social Security, 2020)
..... (address)

Sir,

I the undersigned, a woman employee of (name and full address of the establishment) Feel aggrieved by the order of Inspector-cum-Facilitator under Sub-section(2) of Section 72 for the reasons attached hereto, prefer this appeal under Sub-section (2) of Section 68 and request that the said employer be ordered to pay the above-mentioned amount to me. A copy of the order of Inspector-cum-Facilitator in this behalf is enclosed ;

or

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

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.

Date :

Place :

Signature or thumb impression of the Women / Aggrieved person

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

[See rule 47]

Nature of Business :

Date of opening :

Registration No. (if any) :

Name of the employer / occupier :

	Date of Accidents
	Short details of Accident
	Name of the Injured person
	Whether Accident result in death
	Whether Accident result in partial disablement
	Whether Accident result in partial disablement
	Whether Accident result in Temporary disablement
	Amount of Compensation paid to employee or his dependent
	Amount of Compensation deposited to Competent Authority
	Date of payment or deposit of Compensation

FORM-XVI

[SEE SUB-RULE (1) RULE 49]

NOTICE BY COMPETENT AUTHORITY

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

.....
Competent Authority For Employee's Compensation

FORM-XVII
[See sub-rule (2) rule 49]
STATEMENT OF FATAL ACCIDENTS

To

The 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. Place where the accident occurred.
 - c. Manner in which deceased was/ were employed at the time.
 - d. Cause of the accident.
 - e. Any other relevant particulars.
3. I am responsible for payment of compensation.
4. Details of employee
 - a. Name of the employee
 - b. Age of the employee
 - c. Wages of the employee
5. The establishment is not responsible for payment of compensation due to reasons mentioned below
.....

(Signature and Designation
of person making the statement)

FORM-XVIII
[See rule 50 (1)]
MEMORANDUM OF AGREEMENT

It is here by 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. 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, he 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.....

Witness

Signature of employer

Witness

Signature or 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.....

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

Employee

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

Witness

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

FORM-XIX
[See rule 50 (1)]
MEMORANDUM OF AGREEMENT

It is here by submitted that on the.....day of.....20.....personal injury was caused to.....residing at.....by accident arising out of said in the course of employment inThe 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 Code on Social Security, 2020 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 Code are unaffected by this agreement it is therefore requested that this memorandum be duly recorded.

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

Witness

Signature of employer

Witness

Signature of employee

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.

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, etc.

FORM-XX
[See Rule 50 (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..... on..... Rs..... 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.

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

Witness

Signature of employer

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.

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

Dependent(s)

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

Witness

FORM-XXI**[See rule 50(2)]****REGISTER OF MEMORANDUM OF AGREEMENT**

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.....20.....

Competent Authority

FORM -XXII**[See sub-rule (4) of rule 50 and sub-rule (1) (d) of rule 51]**

Notice for refusal of registration of agreement by Competent Authority

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 sub-section (1) of Section 89 of the Code on Social Security, 2020, and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely :-

.....
 an opportunity will be afforded to you of showing cause on why the said agreement should be registered. If no adequate cause is shown on that date registration of the agreement will be refused.

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

.....
 Competent Authority

FORM - XXIII

[SEE SUB-RULE (1) (B) OF RULE 51]

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 SUB-SECTION (1) OF SECTION 89 OF THE CODE ON SOCIAL SECURITY, 2020,
AND WHEREAS IT APPEARS TO ME THAT THE SAID AGREEMENT OUGHT NOT TO BE REGISTERED
FOR THE FOLLOWING REASONS, NAMELY:-

.....
..... AN OPPORTUNITY WILL
BE AFFORDED TO THE SAID..... OF SHOWING CAUSE ON.....
20..... WHY THE SAID AGREEMENT SHOULD BE REGISTERED. IF NO ADEQUATE CAUSE IS
SHOWN ON THAT DATE, REGISTRATION OF THE AGREEMENT WILL BE REFUSED.

DATE.....20.....

.....
COMPETENT AUTHORITY

FORM-XXIV
[SEE SUB-RULE (1) (B) OF RULE 51]

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 SUB-SECTION (1) OF SECTION 89 OF THE CODE ON SOCIAL SECURITY, 2020, AND WHEREAS IT APPEARS TO ME THAT THE SAID AGREEMENT OUGHT NOT TO BE REGISTERED FOR THE FOLLOWING REASONS, NAMELY :-

.....
..... AN OPPORTUNITY WILL BE AFFORDED TO THE SAID OF SHOWING CAUSE ON..... 20....., WHY THE SAID STATEMENT SHOULD BE REGISTERED. ANY REPRESENTATION WHICH YOU HAVE TO MAKE WITH REGARD TO THE SAID AGREEMENT SHOULD BE MADE ON THAT DATE. IF ADEQUATE CAUSE IS THEN SHOWN, THE AGREEMENT MAY BE REGISTERED.

DATE.....20.....

.....
COMPETENT AUTHORITY

FORM-XXV**[See rule 51 (2)]****REGISTER OF AGREEMENT FOR YEAR 20.....**

Sl. No.	Date of Agreement	Date of Registration	Employer	Employee	Initial of Competent Authority	Reference to orders rectifying the register
1	2	3	4	5	6	7

Form XXVI**[See sub-rule (2) of rule 53]****Application for compensation by Employee**

To,

The Competent Authority for Employee's Compensation

.....

.....

..... Residing

at.....

Applicant

Vs

.....Residing

at.....

Opposite Party.

It is hereby submitted that :-

(1) The applicant, an employee employed by (as contractor with) the opposite party on the day of 20 received personal injury by accident arising out of and in the course of his employment.

The cause of the injury was (here insert briefly in ordinary languages the cause of the injury).....

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

(3) The monthly wages of the applicant amount to Rs.....

The applicant is over/under the age of 15 years.

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

(b) Notice was served as soon as practicable.

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

(5) The applicant is accordingly entitled to receive-

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

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

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

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

(a) Whether the applicant is an employee within the meaning of the Code;

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

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

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

(e) etc., (as required).

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

.....

Applicant

*Strike out of the clauses which are not applicable.

Form-XXVII
[See sub-rule (2) of rule 53]
Application for Order to deposit compensation

To,
 The Competent Authority for Employee's Compensation

.....

Residing at.....

Applicant

Vs

.....Residing at.....

Opposite Party.

It is hereby submitted that :-

- (1) The applicant, an employee employed by (a contractor with) the opposite party on the day of20..... received personal injury by accident arising out of and in the course of his employment resulting in his death on theday of, 20.....
 The cause of the injury was (here insert briefly in ordinary languages the cause of the injury).....
- (2) The applicant(s) is/ are dependant(s) of the deceased employee being his:-
 The monthly wages of the deceased amount to Rs.....
- (3) The deceased was over/ under the age of 15 years at the time of his death.
- *(4) (a) Notice of the accident was served on the day of.....
 (b) Notice was served as soon as practicable.
 (c) Notice of the accident was not served (on due time) by reason of.....
- (5) The deceased before his death received as compensation, the total sum of Rs.....
 The applicant(s) is/ are accordingly entitled to receive a lump sum payment of Rs.....

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

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

.....
 Applicant

*Strike out of the clauses which are not applicable.

Form-XXVIII
[See sub-rule (2) of rule 53]
Application for Communication

To,

The Competent Authority for Employee's Compensation

.....
.....Residing at.....

Applicant

Vs

.....Residing at.....

Opposite Party.

It is hereby submitted that :-

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

You are, therefore, requested to pass orders:-

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

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

.....

Applicant

Form-XXIX

[See sub rule (1) of rule 57]

Notice

Whereas, a claim for compensation has been made by.....applicant,
against and the said has claim that you
are liable under Sub-section (3) and (4) of Section 93 of the , Code on Social Security, 2020, to indemnify
him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are
hereby informed that you may appear before me on.....and contest the claim for compensation
made by the said applicant or the claim for indemnity made by the opposite party. In default of your
appearance you would be deemed to admit the validity of any award made against the opposite party and
your liability to indemnify the opposite party for any compensation recovered from him.

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

.....
Competent Authority

Form-XXX
[See sub-rules (3) and (4) of rule 57]
Notice

Whereas a claim for compensation has been made by.....applicant, against and the said.....has claimed, that.....is liable under Section 93 (3)(4) of the Code on Social Security, 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said.....on notice served has claimed that you.....stated to him in the relation of a contractor from whom the applicant could have recovered compensation you are hereby informed that you may appear before me on.....and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party.....in default of your appearance you will be deemed to admit the validity of any award made against the opposite party.and your liability to indemnify the opposite party..... for any compensation recovered from him :-
Date.....20.....

.....
Competent Authority

FORM-XXXI
[See rule 70 (1)]
EMPLOYEE REGISTER

(The register can also be maintained electronically capturing, inter-alia the following details)

Name of Establishment:		
Name of the Employer / Owner:		
Labour Identification Number (LIN) / Registration Number of Establishment		
To be maintained for all employees of the establishments		
1.	Employee Code	
2.	Name	
3.	Surname	
4.	Gender	
5.	Father's / Spouse's Name	
6.	Date of Birth	
7.	Place of Birth	
8.	Nationality	
9.	Education level	
10.	Date of Joining	
11.	Designation	
12.	Category (unskilled, semi-skilled, skilled or highly skilled)	
13.	Type of employees / worker	
14.	Mobile Number	
15.	Universal Account Number (UAN)	
16.	PAN	
17.	PPF No.	
18.	Nominee	
19.	EPS / NPS	
20.	Details of Family	
21.	Details of Posting	
22.	Scale of Pay	
23.	Promotion	
24.	ESIC IP Insurance No.	
25.	Aadhaar Number	
26.	Bank A/c No.	
27.	Bank	
28.	Branch (IFSC)	
29.	Present address	
30.	Permanent address	
31.	Service Book No.	
32.	Date of Exit	
33.	Reason for Exit	
34.	Mark of Identification	
35.	Photo	
36.	Specimen Signature / Thumb Impression	
37.	Remarks	

FORM-XXXII**[See rule 70(1)]****ATTENDANCE REGISTER-CUM-MUSTER ROLL**

(The attendance register-cum-muster roll can also be maintained electronically capturing,
inter-alia the following details)

For the Month of Year 20.....																
Name of Establishment :																
Name of the Employer / Owner :																
Labour Identification Number(LIN) / Registration Number of Establishment																
1.	Serial Number															
2.	Employee Code															
3.	Name															
4.	Designation															
5.	Shift or relay															
6.	Place of work / department / section															
7.	Date and timings of In and Out															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	
	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
8.	Total number of days worked															
9.	Total number of extra hours worked															
10.	In case of tour or assignments outside the workplace suitable entries may be made															
11.	Signature of Register keeper															

FORM-XXXIII**[See rule 70(1)]****REGISTER FOR WAGES, OVERTIME AND DEDUCTIONS**

(The register can also be maintained in electronically capturing, inter-alia the following details)

Name of Establishment:		
Name of the Employer / Owner:		
Labour Identification Number(LIN) / Registration Number of Establishment		
Wage Period from dd/ mm/ yyyy to dd/mm/yyyy (Monthly / Fortnightly / Weekly / Daily / Piece Rated)		
1.	Serial Number	
2.	Employee Code Number	
3.	Name	
4.	Designation	
5.	Rate of Wage	
	a) Basic	
	b) DA	
	c) Other allowance	
	d) Total	
6.	No. of days worked	
7.	Overtime hours worked	
8.	Amount of Wages Earned	
	a) Basic	
	b) DA	
	c) Other allowance	
	d) Payment of overtime	
	e) Total wages earned	
9.	Deductions	
	a) EPF	
	b) ESIC	
	c) Society	
	d) Income Tax	
	e) Insurance	
	f) Others	
	g) Recovery of Fine	
	h) Recovery of Damaged / Losses	
	Total Deductions	
10.	Net Payment	
11.	Receipt by Employees / Bank Transaction ID	
12.	Date of Payment	
13.	Initials of Employer / Representative	
14.	Remarks	

FORM-XXXIV
[See rule 70 (1)]
REGISTER OF WOMEN EMPLOYEES

1. Name of woman and her father's (or, if married, husband's) name.
2. Date of appointment.
3. Nature of work.
4. 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

5. Date on which the woman gives notice under Section 62.
6. Date of discharge / dismissal, if any.
7. Date of production of proof of pregnancy under Section 62.
8. Date of birth of child.
9. Date of production of proof of delivery / miscarriage / Medical Termination of pregnancy / tubectomy operation / death / adoption of child.
10. Date of production of proof of illness referred to in Section 65.
11. Date with the amount of maternity benefit paid in advance of expected delivery.
12. Date with the amount of subsequent payment of maternity benefit.
13. Date with the amount of bonus, if paid, under Section 64.
14. Date with the amount of wages paid on account of leave under Section 65 (1) & 65 (3).
15. Date with the amount of wages paid on account of leave under Section 65(2) and period of leave granted.
16. Name of the person nominated by the woman under Section 62.
17. 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.
18. 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.
19. Signature of the employer of the establishment authenticating the entries in the register of women employees.
20. Remarks column for the use of the Inspector-cum-Facilitator.

FORM-XXXV
[See rule 70(2)]
Wageslip

Name of the Establishment :			
Address :		Wage Period :	
1.	Name of the Employee :		
2.	Father's / Spouse's Name :		
3.	Designation :		
4.	UAN :		
5.	Bank Account Number :		
6.	Total attendance days / unit of work done :		
7.	Overtime Hours :		
8.	Gross Wages	Earned Wages	Deductions
	a) Basic	a) Basic	a) EPF
	b) DA	b) DA	b) ESIC
	c) Other allowance (specify each)	c) Other allowance (specify each)	c) Society
	Total	d) Payment of overtime	d) Income Tax
		Total	e) Insurance
			g) Others (specify each)
			h) Recovery of Fine
			i) Recovery of Damages / Losses
		Total	
9.	Net payable :		

Authorized Signature

FORM-XXXVI
[See rule 70(5)]
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.....E-mail ID.....
 Telephone Number.....Mobile number.....
- (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
 AddressHouse No./
 Flat No. Street No./Plot No. Town
 District State PIN Code E-mail ID
 Telephone Number Mobile Number

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

Sl. No.	Name	Whether Registration obtained (Yes/No)		If yes (Registration No.)
(1)	(2)	(3)		(4)
1.	The Code on Occupational Safety Health and working condition code 2020.			
2.	The Code on Social Security 2020.			
3.	Any other State Labour Law i.e. A & N Islands Shops and Establishment Regulation, 2004 for the time being in force that requires registration.			

C. Details of Employer, Contractor and Contract Labour :

1.	Name of the employer in the case of a contractor's establishment.	
2.	Date of commencement of the establishment.	
3.	Number of Contractors engaged in the establishment during the year.	
4.	Total Number of days during the year on which Contract Labour was employed.	
5.	Total number of man-days worked by Contract Labour during the year.	
6.	Name of the Manager or Agent (in case of mines).	
7.	Address House No./Flat No. Street No./ Plot No. Town District State PIN Code E-mail ID Telephone Number Mobile number	

D. Working hours and weekly rest day : (if there are more than one establishment we may provide option in the form).

1.	Number of days worked during the year.	
2.	Number of man-days worked during the year.	
3.	Daily hours of work.	
4.	Weekly day of rest.	

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

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

F. Wage rates (Category Wise) :

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

G. (a) Details of Payments :

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

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

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

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

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

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

1.	Date of opening of establishment	
2.	Date of closing, if closed	
3.	Name of Medical Officer	

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

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

1.	Total number of female employees in the establishment	
2.	Total number days of leave granted	
3.	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.

Date :

Place :

Signature of the employer / authorised person

FORM-XXXVII**[See rule 71]****Notice to the Employer for an offence committed under the provisions of the Code for the first time for compounding of offences under Sub-section (1) of Section 138****Notice No. :****Date :**

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

PART-I

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

PART-II

In view of the above, you have an option to pay the entire amount mentioned in column 6 in Part-I within fifteen days from the date of issue of this notice and return the application duly filled in Part – III of this notice.

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

Date :

(Signature)

Place :

(Name and designate on of Officer)

To:

..... (Employer / Establishment)
 (Name and registration number)
 (Address)

PART-III**Application under Sub-section(4) of Section 138 for compounding of offence****Ref: Notice No. :****Date :**

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

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

Date :

(Signature of the applicant)

Place :

(Name and designation)

To :

Authorized Officer

Office of Labour Commissioner

PART-IV
Composition Certificate

Ref: Notice No. :

Date :

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

Date :

Place :

(Signature)
(Name and designation of Officer)

To,

..... (Employer / Establishment)
..... (Name and Registration Number)
..... (Address)

FORM-XXXVIII**[See Rule 73 (4)]****Form for Reporting Vacancies to Career Centres**

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

1.	Particulars of the employer : Name : Address with PIN code : Telephone No. : Mobile No. : Email address : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No. of establishment Under Code: Economic activity details:		
2.	Particulars of the indenting Officer: Name: Designation: Telephone No. : Mobile No.: Email address :		
3.	Particulars of vacancy (ies) : (a) Designation / no menclature of the vacancy (ies) to be filled (b) Description of duties of The post (job role / functional role)		
	(c) Qualifications / Skills required (educational, technical, experience)	Essential	Desirable / Preferable
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience		
	(d) Age Limits, if any (Age as on last date of application)		
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc) if any		
	(f) duration of employment (i) 3-6 months (ii) 6-12 months (iii) 12 months and more	Number of posts	
4.	Whether there is any obligation for arrangement for giving reservation / preference to any category of persons such as Scheduled Caste(SC), Scheduled Tribe (ST), Economically Weaker Sections (EWS), Other Backward Classes(OBC), Ex-serviceman and Persons With Disabilities (PWD), etc, in filling up the vacancies: Yes / No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		

5.	Category	Number of vacancies to be filled			
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (PWD) (g) women (h) Others(specify)	Total	*By Priority candidates *(Applicable for Central Government vacancies)		
6.	Pay and Allowances : For Government vacancies : Mention pay level / pay scale of the post with basic pay / pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.				
7.	Place of work (Name of the town / village and district, PIN code ,etc. in which it is situated)				
8.	Mode of Application (email, online, in writing, etc) and Last date for receipt of applications.				
9.	Particulars of officer to whom the applications be sent / candidates should approach (Mention Name, designation, email id, address, telephone No., website address in case of (online)				
10.	Mode of Recruitment {Through Career Centre, Placement Agency ,self-management, any other mode(specify) }				
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes / No			
12.	Any other relevant information				
Signature, Name and Designation of authorised signatory of establishment / employer with seal and date					
(For Official Use- to be filled by Career Centre)					
13.	Name, address, email id of the Career Centre				
14.	Date of receipt of Vacancies				
15.	NIC Code of the establishment				
16.	NCO Code of the post				
17.	Unique Vacancy ID(number)				

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

NOTE :

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

FORM-XXXIX**[Rule 73(4)]****FORM FOR REPORTING OF RESULT TO REGIONAL CAREER CENTRE**

Establishment / Company Name :

Address :

Phone No. :

Email ID :

Unique Vacancy Reporting No. :

Name of the Post :

Date of Submission of Vacancy :

Concerned Career Centre Name :

Part -1 : Number of Candidates Participated and selected

Number of candidates Sponsored by career centre	Number of candidates invited for interview / test	Number of candidates participated in interview / test invited for interview / test		No. of finally selected candidates	Remark
	From Career Centre	From other source	From Career Centre	From other source	

Part -2 : Number of Candidates Participated and selected

Sl. No.	Candidate Name	Registration No. of the career centre	Mobile No.	Date of Joining	Remark

Signature of the Employer (with Seal) :

Designation :

Place :

Date :

FORM-XL
[Rule 73(4) (6)]
EMPLOYMENT INFORMATION RETURN (EIR)

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 and 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 or out-sourced workers excluding part – time workers and apprentices. (The figures should include every person whose wage, salary or remuneration is paid).

Category	On the last working day of the previous Half Year	On the last working day of the Half Year under report
MEN		
WOMEN		
Others (Transgender)		
Total :		
PWD (Persons With disabilities) Out of above total		

2. Number of Vacancies* occurred and reported to regional / local Career Centre During the Half Year and the number of Vacancy filled during the Half year

Occurred	Reported		Filled	Source (Career Centre / NCS Portal / Govt. Recruiting Agencies / Private Placement Organizations / 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 / Qualification (Educational / Technical /	Essential	Desirable
Experience Prescribed			
1	2	3	4

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

4. Estimated Manpower Requirement by Occupational Classification during the next Half 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 half year due to retirement / expansion or reorganization.				
Description	Men	Women	Others (transgender)	Total	PWD (Persons With Disabilities out of total)
1	2	3	4	5	6
Total :					

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

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

To,

The Career Centre In- charge,

.....

Note :-

1. This return is to be rendered to the Career Centre Regional / Local within 30 days after the end of the half year concerned by establishments / employers vide their obligation under the Code on Social Security, 2020.
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 will also get suitable candidates from the list of the candidates forwarded by concerned career centre.

**By Order and in the name of the Lt. Governor (Administrator)
of Andaman and Nicobar Islands**

**Sd./-
Additional Secretary (Labour)**