



**GOVERNMENT OF JAMMU AND KASHMIR
LABOUR AND EMPLOYMENT DEPARTMENT
Civil Secretariat, Srinagar**

Notification

Srinagar, the 19th June, 2026.

SO 177 The following draft rules, which the Jammu and Kashmir Government proposes to make in exercise of the powers conferred by sections 154 and 156 of the Code on Social Security, 2020 (36 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the—

- I) Jammu and Kashmir Workmen's Compensation Rules, 1972;
- II) Jammu and Kashmir Payment of Gratuity Rules, 1973;
- III) Jammu and Kashmir Maternity Benefit Rules, 1974;
- IV) Jammu and Kashmir Building and Other Construction Workers Regulation of Employment and Conditions of Service) Rules, 2006; and
- V) Jammu and Kashmir Unorganised Workers' Social Security Rules, 2010;

made by the Government of Jammu and Kashmir in exercise of the powers conferred by The Workmen's Compensation Act, 1923, The Payment of Gratuity Act, 1972, The Maternity Benefit Act, 1961, The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 and The Unorganised Workers' Social Security Act, 2008, and as the case may be, which are repealed by section 164 of the said Code on Social Security, except as respective things done or omitted to be done before such supersession, are hereby notified for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette in which this notification is pre-published are made available to the public.

Objections and suggestions, if any, may be addressed Labour and Employment Department, Civil Secretariat, J&K labour-emp@jk.gov.in.

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the Jammu and Kashmir Government.

Draft Rules

CHAPTER-I

Preliminary

1. **Short title, extent and commencement.** — (1) These rules may be called the **Code on Social Security (Jammu and Kashmir) Rules, 2026**.
 (2) They extend to the territorial Jurisdiction of Jammu and Kashmir.
 (3) They shall come into force after the date of their final publication in the Official Gazette, on the date of the commencement of the Code on Social Security, 2020 (36 of 2020).
2. **Definitions.** — (1) In these rules, unless the subject or context otherwise requires, —
 - (a) **"Agency"** means any corporation, body or institution, established under an Act of Parliament or Legislature of Jammu and Kashmir or Central Public Sector Undertaking or State Public Sector Undertaking or Special Purpose Vehicle as notified by the Central Government or Government of Jammu and Kashmir;
 - (b) **"Appellate authority"** means the Government of Jammu and Kashmir or the authority specified by Government of Jammu and Kashmir under sub-section (8) of section 56;
 - (c) **"Assessing Officer"** means an officer not below the rank of Assistant Labour Commissioner of Jammu and Kashmir Government or any officer of a local authority holding an equivalent post and appointed for assessment of Cess under the Code;
 - (d) **"Authority"** means the Government of Jammu and Kashmir or the authority specified by the Government of Jammu and Kashmir under sub-section (3) of section 72;
 - (e) **"Board"** means Jammu and Kashmir Unorganized Workers Social Security Board and Jammu and Kashmir Building and other Construction Worker's Welfare Board;
 - (f) **"Career Centre"** means the Career Centre as notified by the Government of Jammu and Kashmir;
 - (g) **"Cess Collector"** means an officer appointed by the Government of Jammu and Kashmir for collection of cess under the Code;

- (h) **"Chairperson"** means the Chairperson of the Jammu and Kashmir Building and Other Construction Workers Welfare Board, the Jammu and Kashmir Unorganised Social Security Board for administering the benefits under the Code as the case may be;
- (i) **"Chartered Engineer"** means a person having an engineering degree and the corporate membership of Institute of Engineers (India);
- (j) **"Code"** means the Code on Social Security, 2020 (36 of 2020);
- (k) **"Department"** means Department of Labour and Employment, Government of Jammu and Kashmir.
- (l) **"Electronically"** means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
- (m) **"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;
- (n) **"Form"** means a form appended to these rules;
- (o) **"Fund"** means the Jammu and Kashmir Social Security Fund;
- (p) **"Government Securities"** means Government Securities as defined in the Government Securities Act, 2006 (38 of 2016);
- (q) **"Immovable property"** Includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (r) **"Inspector cum Facilitator"** means the official or officer to be notified by the Government of Jammu and Kashmir.
- (s) **"Movable property"** means property of every description except immovable property;
- (t) **"Nodal Officer"** means a person designated by the Government of Jammu and Kashmir or Building and Other Construction Workers Welfare Board to facilitate the registration, renewal and updation electronically or otherwise or any such other function of Building Workers working in the Private Sector, State Government, Central Government and Public Sector Undertakings of the Central and the State Governments or Local Authority. The Nodal Officer shall also supervise and monitor functions of the Beneficiary Registering Officers designated by Jammu and Kashmir Government;
- (u) **"Nomination"** means nomination made under section 55 of the Code;
- (v) **"Portal"** means any portal as notified by the Government of Jammu and Kashmir.

- (w) **"Registered Medical Practitioner"** means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;
 - (x) **"Register of women employees"** means a register of women employees maintained under rule 66;
 - (y) **"Schedule"** means the schedule of the Code;
 - (z) **"Section"** means a section of the Code;
 - (aa) **"Specified"** means specified by an order of the Central Government or the Government of Jammu and Kashmir or any officer so authorized by such Government;
 - (bb) **"Year"** shall mean the financial year, that is to say, beginning from the first of April and ending with the thirty first of March of the year following.
- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

CHAPTER-II

Social Security Boards

3. **The Manner to exercise the powers conferred on and to perform the functions assign to Jammu and Kashmir Unorganized Worker's Social Security Board, the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies and time, place and rules of procedure relating to the transaction of business as per sub-section (9), (12) and (14) of section 6 of Code on Social Security 2020.—**
1. **The Jammu and Kashmir Unorganized Worker's Social Security Board shall consist of following members:**
- (a) Hon'ble Minister In-Charge, Labour & Employment Department (Ex-Officio) as Chairperson.
 - (b) Administrative Secretary, Labour and Employment Government of Jammu and Kashmir as Vice-Chairperson;
 - (c) One member representing the Central Government in the Ministry of Labour and Employment;
 - (d) Thirty-one members to be nominated by the Chairperson, out of whom—

- i. seven representing the unorganised workers
 - ii. seven representing employers of unorganised workers;
 - iii. two members representing the Legislative Assembly of the Jammu and Kashmir;
 - iv. five members representing eminent persons from civil society;
 - v. ten members representing the concerned Departments of Government of Jammu and Kashmir; and
- (e) Member-Secretary/Chief Executive Officer as notified by the Government of Jammu and Kashmir.

2. Term of Board and Office Members. —

- (i) Every member, other than an ex-officio member, shall hold office for a period of three years from the date of his nomination;
- (ii) Provided the members of the Board shall be deemed to have vacated their office as such on expiration of the period of the Board specified in sub-section (13) of section 6;
- (iii) A member nominated under sub-clause (iii) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board if he/she ceases to be member of Jammu and Kashmir Legislative Assembly by virtue of which he/she was so nominated;
- (iv) A member nominated under sub-clauses (i) and (ii) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board if he/she ceases to represent the category of interest from which he/she was so nominated;
- (v) Out of twelve persons to be nominated under sub-clauses (i) and (iv) of clause (d) of sub-section (10) of section 6 one person each from the Scheduled Caste, the Scheduled Tribe, the Minorities and Women shall be nominated as member;
- (vi) A member shall be eligible for re-nomination.

3. Resignation. —

- (i) A member of the Board, not being an ex-officio member, may resign his office by letter in writing to the Chairperson at any time;
- (ii) A member so resigning shall be deemed to have vacated his office as member with effect from the date his resignation is accepted by the Chairperson or on the expiry of thirty days from

the date of receipt of resignation, whichever is earlier.

4. **Change of Address.** —If a member changes his address, he shall bring it to the notice his new address to the Member-Secretary of the Board about his new address who shall there upon enter his new address in the official records:

Provided that if a member fails to bring it to the notice of the Member-Secretary, his new addresses the address in the official records shall for all purposes be deemed to be the member's correct address.

5. **Manner of filling vacancies.**—When the office of a Member becomes vacant by reason of death, resignation or otherwise the Chairperson shall submit a report to the Jammu and Kashmir Government and on receipt of such report, the Jammu and Kashmir Government may, by notification, fill up the vacancy and the persons so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

6. **Allowance of members.** —

- (i) 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;
- (ii) Every non-official member of the Board shall be paid by the Board a sitting fee of Rupees Two Thousand and travel allowance at the rate of Rupees One Thousand per day subject to a maximum of three days.
- (iii) No daily or travelling allowance, as the case may be, in respect of any day of journey shall be claimed by a trustee or the Social Security Board or any committee thereof, if he has drawn or will draw allowance for the same from his employer or as a member of the committee or any legislature or of any committee or conference constituted or convened by Government and no travelling allowance shall be claimed, if he uses a means of transport provided at the expense of Government or his employer.
- (iv) Payments shall not be made to a non-official member earlier than the last date up to which the allowance is claimed and the travelling allowance for both the onward and return journeys will be included in the travelling allowance bill and the payment made therefor treated as final, irrespective of the date of completion of the journey.

7. **Functions of the Board.** —Every matter which the Board is required to take into consideration shall be considered at a meeting

of the Board, or if the Chairperson so directs, by sending the necessary papers to every Member for opinion, and the matter shall be disposed of in accordance with the decision of the majority:

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

Meetings. —

- (i) The Board shall meet at such places and at such times as may be decided by the Chairperson and it shall meet at least once in a quarter.
- (ii) The Chairperson shall preside over every meeting of the Board in which he is present and, in his absence, the members nominated by him to preside over such a meeting in his place and in the absence of such nomination by the Chairperson, the Members of the Board present in such meeting may choose from amongst themselves Member to preside over the meeting.

8. **Notice of meetings and list of business. —**

- (i) Ordinarily, two weeks' notice shall be given to the Members of the Board of a proposed meeting;
- (ii) No business except which is included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson;
- (iii) The Chairperson may at any time call a special meeting of the Board in case of urgency, after informing the Members in advance about the subject matter of discussion and the reasons of urgency.
- (iv) The minutes of each meeting showing *inter-alia* the names of the members present there, shall be forwarded to each trustee or member of the Social Security Board or any committee thereof, as the case may be, and to the Government, as soon as possible and in any case not later than four weeks after the meeting.
- (v) The minutes of the meeting shall be confirmed with such modification considered necessary at the next meeting
- (vi) The minutes of a meeting of the Social Security Board or any committee thereof shall be kept in separate Books (hereinafter referred to as minute-books) signed by the chairperson of the meeting and a copy of the minutes so confirmed shall be forwarded to the Government within fifteen days from the date of such confirmation.

9. **Quorum. —**

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- (i) No business shall be transacted at any meeting of the Board unless at least six members are present in that meeting:

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

- (ii) The Hon'ble Lieutenant Governor may by order remove a member, other than Ex-Officio Members, if he absents himself from three consecutive meetings of the Board without obtaining leave of absence from the Chairperson:

Provided no Member shall be removed from the office unless he has been given reasonable opportunity of being heard.

4. The manner for constitution of the Building and Other Construction Workers Welfare Board, to exercise the powers conferred on and to perform the functions assigned to it, the manner of nomination of Members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies and time, place and rules of procedure relating to the transaction of business as per sub-section (3), sub-section (4), clause (b) and (c) of sub-section (5), clause (c), clause (d) and clause (e) of sub-section (6) of section 7 of Code on Social Security 2020.—

1. The Building Workers' Welfare Board shall consist of
 - a. Hon'ble Minister Incharge Labour and Employment Department or any other officer to be appointed by Hon'ble Lieutenant Governor as Chairperson of the Board.
 - b. one member to be nominated by the Central Government and
 - c. Administrative Secretaries of Finance, PWD(R&B), Jal Shakti, PDD, HuDD, RDD.
 - d. The members to be appointed in the board shall not exceed fifteen.

Provided that the representative of employer/employee shall include an member representing the UT Government, the employers and the building workers and that at least one member of the Board shall be a woman.

2. Terms and Conditions of appointment of Chairperson and Members. —The term of office of the Chairperson and the

Members of the Board other than the Official Members shall be three years from the date of their appointment.

Provided that in no case the Members can continue in the office beyond the period of five years from the date of their appointment.

3. **Filling up of causal vacancies.** —A Member nominated to fill a causal vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.
4. **Meeting of the Board.** —The Board shall ordinarily meet at least twice in year. The Chairperson after receipt of a requisition in writing from the CEO/Secretary call a meeting thereof.
5. **Notice of meeting and list of business.** —Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by electronically or otherwise, to each member at least fifteen days prior to the meeting of the Board:

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice of not less than three days in advance shall be deemed sufficient.

6. **Quorum for the meeting.** —No business shall be transacted at any meeting of the Board unless, at least, six members are present.
7. **Absence of any member from the Government.** —If any Member leaves the Government for a period exceeding six months without intimation to the Chairperson, he shall be deemed to have resigned from the Board and he shall cease to be a Member on the expiry of the said period of six months.
8. **Transaction of business.** —every question considered at a meeting of the Board shall be decided by a majority of the votes of the Members present and voting and in the event of tie, the Chairperson shall have a right to exercise his vote which shall be a casting vote.
9. **Minutes of the Meetings.** —Every decision taken in a meeting of the Board shall be recorded and the decisions taken shall be issued in the shape of minutes by the Secretary after confirmation of the Board.
10. **Fees and Allowances.** —
 - (i) 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;
 - (ii) Every non-official member of the Board shall be paid by the

Board a sitting fee of Rupees Two Thousand and travel allowance at the rate of Rupees One Thousand per day subject to a maximum of three days.

- (iii) The Chairperson shall be paid a sitting fee of Rupees Two Thousand for attending the meetings.
- (iv) No daily or travelling allowance, as the case may be, in respect of any day of journey shall be claimed by a trustee or member of the Board or any committee thereof, if he has drawn or will draw allowance for the same from his employer or as a member of the committee or any legislature or of any committee or conference constituted or convened by Government and no travelling allowance shall be claimed, if he uses a means of transport provided at the expense of Government or his employer.
- (v) Payments shall not be made to a non-official member earlier than the last date up to which the allowance is claimed and the travelling allowance for both the onward and return journeys will be included in the travelling allowance bill and the payment made therefore treated as final, irrespective of the date of completion of the journey.

11. Appointment, Constitution and Functions of Executive Committees. —

- (i) The shall be an Executive Committees,
- (ii) The Executive committee(s) shall consist of the following, namely: —
 - (a) Administrative Secreatry, Labour and Employment as Chaiman of the Committee.
 - (b) Representative of Finance, Law, Housing Urban Development Department, Rural Developmment Department, PWD (R&B), Jal Shakti, PDD not below the rank of Special/ Additional Secretary
 - (c) The CEO/Secretary of the Board as Member Secreatry;
- (iii) No business shall be transacted in the meeting of aExecutive committee unless at least three members of the committee are present of whom one shall be from the members representing employers and another one shall be from the members representing the building and other construction workers;
- (vii) **Functions of the Executive Committee. —** The Executive Committee shall perform the following functions, namely: —

- (a) To supervise, monitor and facilitate the implementation of the decisions, resolutions and directions of the Board and ensure their timely and effective execution;
- (b) To make such recommendations to the Board as may be necessary for improving efficiency, transparency and service delivery;
- (c) To consider and accord concurrence, approval or recommendation, as the case may be, on all financial matters, proposals, expenditures, investments, procurements and other matters having financial implications before the same are placed before the Board or acted upon by the Chief Executive Officer/Secretary and to implement the decisions of Board.
- (d) To monitor the assessment, collection and utilization of Building and Other Construction Workers' Welfare Cess and to suggest measures for improving cess collection and preventing leakage of revenue;
- (e) To review the implementation, coverage, effectiveness and impact of welfare schemes and benefits being provided to registered building and other construction workers and their dependents and recommend suitable modifications, new schemes or corrective measures;
- (f) To review the performance of the officers including CEO/Secretary and employees of the Board and recommend measures for strengthening institutional capacity, accountability and service delivery mechanisms;
- (g) To oversee the registration of beneficiaries and employers, maintenance of records and databases, and adoption of information technology systems for efficient administration of the Board;
- (i) To undertake periodic review of the physical and financial achievements of the Board and monitor progress against approved targets and action plans;
- (k) To perform such other functions as may be assigned by the Board from time to time for the effective administration of the Board and implementation of welfare measures under the Act and the rules made thereunder.

- (viii) Meetings of the Executive Committee. — The Executive Committee shall meet at least once every two months to review the functioning of the Board, collection of cess, implementation of welfare schemes, financial performance,

registration of beneficiaries, performance of officers and employees and such other matters as may be necessary for the effective discharge of its functions.

12. **Information to the Hon'ble Lieutenant Governor.** —The Board shall furnish information to Hon'ble Lieutenant Governor on such matters as the Hon'ble Lieutenant Governor may refer to it, from time to time.

13. **Appointment of CEO/Secretary and other officers.** —

The Hon'ble Lieutenant Governor may appoint, , an officer not below the rank of Special Secretary/Additional Secretary to the Government of Jammu and Kashmir from amongst serving officers of the IAS or JKAS Cadre as the Chief Executive Officer-cum-Secretary of the Board who will also be ex-officio member secretary of the Board.

Besides, at the District level, an officer not below the rank of Under Secretary to the Government of Jammu and Kashmir, in addition to such other officers and staff as may be placed at the disposal of the Board on deputation from the Labour and Employment Department or any other Department of the Government.

Provided also that all such officers and staff shall remain under the administrative control of the Labour and Employment Department, and all matters relating to their service conditions, including submission and processing of official files, performance appraisal reports (APRs/APARs), postings, transfers and disciplinary matters, shall be routed through and regulated by the Administrative Department in accordance with the rules and instructions in force.

14. **The amount in connection with premium for group insurance scheme of the beneficiaries under clause (c) of sub-section (6) of section 7 of Code on Social Security 2020.** — (I) The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall devise a detailed scheme after taking into account all the parameters involved in the Social Security of the beneficiaries.

(II) One Time Registration of Construction Workers:

The Jammu & Kashmir Building and Other Construction Workers Welfare Board Constituted under the Code shall register every Building and other Construction Worker who is eligible to become a beneficiary and who is not a beneficiary of Building and Other Construction Workers Welfare Board in any other State/UT of India. Every building and construction worker shall submit an application in Form to the Registering Officer under the Code notified by the Board from time to time in this behalf and every such

application shall be accompanied by a registration fee of Rs. 150/- and accompanied by the documents;

- A. Any one of the following documents as proof of Age:
 - i) School Records (10th pass Certificate).
 - ii) Certificate from Registrar of Births and Death.
 - iii) Certificate from the register of births and deaths maintained by village Chowkidar and to be certified by Tehsildar.
- B. In Absence of the above certificates, he may produce a certificate from a Medical Officer not below the rank of Assistant Surgeon in a Government Hospital.
- C. Certificate of a minimum 100 Days Employment in Building and Other Construction Activities in preceding 12 months period shall be issued as per the following mechanism:

(1) Competent Authority for Issuance

(a) Rural & Urban Areas: The Assistant Labour Commissioner shall be the Competent Authority for issuance of the minimum 100-days employment certificate, on the recommendation of the Local Recommending authority after due verification.

(2) Constitution of Local Recommending Committee

(A) Rural & Urban Areas: The Local Recommending authority shall comprise the following members. Recommendation by any of the following authority:

1. Panchayat Secretary
2. Labour Officer/Labour Inspector.
3. Employer/AEE/AE/JE of PWD(R&B), Jal Shakti, PDD, BRO, NHAI, RDD, Railway/ Works Department.
4. Labour Procurement Officer of Defence.
5. Officers of Municipal Corporation/ Municipal Council/ Municipal Committee.

- (3) Procedure for Recommendation and Certification: The construction worker shall submit an application in the prescribed format, along with self-attested identity proof and details of employment; duly recommended by any member of the Local Recommending Committee, to the competent certificate-issuing authority in the Form to be decided by the Board. Upon receipt, the Competent Authority shall issue a minimum 100-days employment certificate in the Form to be decided by the Board.

Provided that, after the commencement of these Rules, every registered construction worker shall renew his or her registration annually by submitting proof of employment for not less than one hundred days during the immediately preceding financial year (1st April to 31st March), and such application for registration or renewal shall be made only during the period commencing on 1st April and ending on 31st May of the relevant year.

Provided further that, every application for renewal shall be submitted in such form and manner as may be specified by the Board.

Provided also that, failure to apply for renewal within the prescribed period shall result in the registration lapsing, subject to restoration or revalidation in such manner and on payment of such fee, if any, as may be prescribed by the Board.

- (4) **Time-Bound Disposal:**
The entire process of issuance of the 100-days employment certificate shall be completed within a period of fifteen (15) days from the date of receipt of the recommended application by the competent authority.
- (5) **Validity and Use:** The certificate issued under this mechanism shall be treated as valid proof of employment for the purposes of:
 - Registration with the Building and Other Construction Workers Welfare Board.
 - Availing benefits under welfare schemes
 - Any other purpose as prescribed under the Act and rules framed there under
 - Seeking any kind of monetary benefit from the Welfare Schemes of the Board.
- (6) Any false recommendation, of a certificate shall render the /officers/officials designated as the competent authority under Section 5(1), and the recommending committee constituted under Section 5(2), liable to action under the provisions of the Code, relevant rules, and other applicable disciplinary provisions.

5. The Functions of the Board is to make such schemes for construction workers which will include to. —

- (a) provide death and disability benefits to a beneficiary or his dependants;

- (b) make payment of pension to the beneficiaries who have completed the age of sixty years.
- (c) pay such amount in connection with premium for Group Insurance Scheme of the beneficiary as may be prescribed by the appropriate Government.
- (d) frame educational schemes for the benefit of children of the beneficiaries as may be prescribed by the appropriate Government;
- (e) meet such medical expenses for treatment of major ailments of beneficiaries or, such dependant, as may be prescribed by the appropriate Government;
- (f) make payment of maternity benefit to the beneficiaries;
- (g) frame skill development and awareness schemes for the beneficiaries;
- (h) provide transit accommodation or hostel facility to the beneficiaries;
- (i) establish and maintain a digital database of registered beneficiaries and issue Smart Cards or other digital identification instruments to such beneficiaries for ensuring transparency, accountability, and efficient delivery of welfare benefits; and
- (j) Provide or facilitate the provision of safety and security equipment and other protective gear to beneficiaries for ensuring occupational safety and health at workplaces.
- (k) Formulation of any other welfare schemes for the building worker beneficiaries by State Government in concurrence with the Central Government; and
- (l) Make provision and improvement of such other welfare measures and facilities as may be prescribed by the Central Government.

CHAPTER-III

Employees Insurance Court

6. **Manner and time within which second appeal may be filed to the Employees Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of section 37 of the code, the procedure to be followed by the Employees Insurance Court under sub-section (2) and the rules under sub-section (3) of section 50 and the manner of commencement of proceedings before the Employees Insurance Court, fees and procedure thereof under sub-section (1) of section 51 of the Code on Social Security 2020:—**
7. **Constitution of the Presiding Officer of Industrial Tribunal as an**

Employees Insurance Court. — (1) Hon'ble Lieutenant Governor may constitute the Presiding Officer of the Industrial Tribunal constituted under Industrial Relations Code as an Employees Insurance Court for the Territorial Jurisdiction of Jammu and Kashmir. And such presiding officer shall thereupon discharge the functions of the Employees Insurance Court in addition to his own duties.

(2) **Fixing of time of sitting.** —

- (i) The Court shall appoint the time at which it shall sit at Srinagar and Jammu for holding proceedings under the provisions of this Code;
- (ii) The Court shall publicize the timing so fixed well in advance for the convenience of stake holders.

(3) A Court shall be subject to the administrative control and superintendence of the High Court and shall—

- (a) Keep such registers, books and accounts as the High Court may, from time to time, direct;
- (b) Comply with such requisitions as may be made by the High Court or the Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs; and
- (c) A Court shall keep a seal of such size, dimensions and design as the Government may direct.

8. Right to File Second Appeal. — The Insured person or the Corporation may appeal to the Employees Insurance Court by presenting an application within 90 days of the date of communication of decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

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

9. Application. — (1) Every proceeding under section 49 of the Code shall be instituted by the presentation of an application to the court.

- (2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.
- (3) (a) the proceedings before an Employees Insurance Court shall commenced by an application;
- (b) Such application shall be presented in Form-III, shall be duly stamped in accordance with these rules, and shall contain the

following particulars: —

- (i) The name of the Court in which the application is brought;
- (ii) The full name including the father's name, description including age, occupation and place of residence of the applicant;
- (iii) The full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;
- (iv) Where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;
- (v) The facts constituting the cause of action and the date when it arose;
- (vi) The facts showing that the court has jurisdiction;
- (vii) Particulars giving the address within the jurisdiction of the court at which notice or summons may be served on the applicant; and
- (viii) The relief which the applicant claims.

10. The court may summarily reject an application, if it is not in accordance with sub-rule (2) of Rule 10.

11. Production of Documents. — (1) When any application is based upon a document, the document shall be appended to the application.

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

12. Register of Applications. — All applications shall be entered in a register in Form V called the Register of Proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.

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

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

14. Limitations. — (1) Every application to the court shall be brought within three years from the date on which the cause of action arose, or as the case may be, the claim be came due:

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

- (2) Subject as aforesaid, the provisions of Part-ii& iii of the Indian Limitation Act,1908(CentralAct-IXof1908), shall, so far as may be apply to every such applications.

15. Applications presented to Wrong Court. — (1) Where, on receiving an application, it appears to the court that it should be presented to another court, it shall return to the applicant after endorsed upon it the dates of presentation and return, there as on for returning it and the name of the court to which it should be presented.

- (2) Where it appears to the court at any stage subsequently to the presentation of an application, that the application should have been presented to another court in the same state, the first mentioned court shall send the application to the court empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of application under rule-17) accordingly.
- (3) The court to which an application is transferred under sub-rule (2) may continue the proceeding as if the previous proceeding or any partofit had been taken before it, if itissatisfiedthatthe interests of the parties will not there by be prejudiced.

16. Issue of Summons.—(1) On receiving an application, the court shall ordinarily with in three days¹⁸ there of, cause to be send to the party from whom the applicant claims relief (here in after referred to as the "opposite

party"), a summon in Form-VI and Form-VII, electronically or otherwise, as the case may be, to appear and answer the application on a day, not later than fifteen days from the date of issuance of such summons:

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

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

17. Service of Summons or Notice. — (1) A summon or notice may, on payment of the required fee, be sent by the court by which it is issued, either by registered post or in such other manner as the court thinks fit.

(2) Where the court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the court shall order summons or the notice to which served by publication in the leading newspapers or in any other mode as may court think proper.

(3) Where a summons or notice is served under sub-rule (2) the court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

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

19. Written Statement. — (1) The opposite party may, and, if so, required by the court, shall, at or before the first hearing or within such time as the court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list there of in Form-IV.

(2) Every such written statement shall be verified in the same manner as a pleading in a civil court and shall be accompanied by two copies there of.

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

- 20. Failure to present Written Statement called for by the Court. —**
Where any party from whom a written statement is required fails to present the same within the time prescribed by the court, the court may pronounce judgement against it or make such order in relation to the proceeding as it thinks fit.
- 21. Framing of issues.—**(1) At the first hearing of the application, after the summons is served, the court shall, after considering the application and written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issue upon which the right decision appears to depend.
- (2) In recording the issues, the court shall distinguish between those issues which in its opinion concern points of facts and those which concern points of law.
- (3) The court may, in like manner, at any time before passing its final order, strike out from or amend the issues on such terms as it may think fit.
- 22. Order where parties are not at issue. —**Where at any hearing of the case it appears that the parties are not at issue on any question of law or a fact, the court may at once pronounce its final order.
- 23. Appearance of parties and consequence of non-appearance. —**
- (1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the court in person or as prescribed in sub-section (2) of section 51 of the Code.
- (2) When neither party appears when the application is called on for hearing, the court may make an order that the application be dismissed.
- (3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the court shall make an order that the application be dismissed. However, if the opposite party admits the claim or part thereof in which case the court shall make an order against the opposite party upon such admissions and where part only of the claim has been admitted, it shall dismiss the case as it relates to the remainder.
- (4) Where the applicant appears and the opposite party after receiving the summons fails to appear when the application is called on for hearing, the court may proceed *ex parte*.
- (5) Where the application is wholly or partially dismissed under sub-rule (2) or (3) the applicant may within thirty days of such dismissal apply in Form-VIII for an order to set the dismissal aside and the court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient

cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same:

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

- (6) In any application in which an *ex parte* order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form-VIII to the court which passed the order to set it aside and if the court is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, it shall after servicing notice there of to the applicant in Form-IX make an order setting aside the order upon such terms as to costs or otherwise as it thinks fits or may proceed within the hearing of the case or appoint any for proceeding within the same.

24. Summoning of Witnesses. — (1) At any time after the framing of issues, the court may call upon the parties to produce their evidence in support of the issues.

- (2) The court may, on the application of either party, issue a summons in Form-X to any witness directing him to attend or to produce any document.
- (3) The court may, before summoning any witness on application under sub-rule (2) require that his reasonable expenses to be incurred in attending the court, be deposited with it.

25. Grant of time and adjournment of hearing. — (1) The court may, if sufficient cause is shown, at any stage of the application, grant Time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application.

- (2) In every such adjournment, the court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the cost occasioned by the adjournment:

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

26. Right to begin into proceeding. — The applicant has the right to begin unless the opposite party admits the facts alleged by the applicant and

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

27. **Statement and Production of Evidence.** — (1) On the day fixed for the hearing of the application or on any other day to which hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.
 (2) The other party shall then state his case and produce his evidence, if any, and may then address the court generally on the whole case.
 (3) The party beginning may then reply generally on the whole case.
28. **Method of Recording Evidence.** —The evidence of each Witness shall be taken down in writing in the language of the court, not ordinarily in the form of question and answer, but in that of `narrating, and when completed, shall be read over or translated, where necessary, in the presence of the judge to the witness, and such judge, shall, if necessary, correct the same and sign it.
29. **Recall of witness.** —The court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to him as the court thinks fit.
30. **Inspections by Court.** —The court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.
31. **Pronouncement of Order.** —The court, after the application has been heard, shall pronounce its final order in open court, either at once or on some future day, of which due notice shall be given to the parties.
32. **Signing of Order.** —The final order shall be dated and signed in open court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.
33. **Statement of decision on each issue.** —In cases in which issues have been framed the court shall state its finding or decision, with the reason therefore, upon each separate issue, unless the findings on any one or more of the issues is sufficient for the decision of the case.
34. **Compromise of Suit.** —Where it is proved to the satisfaction of the court that a case has been adjusted wholly or in part by any lawful agreement or compromise or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.
35. **Finality of Order.** —Save as provided in section 52; the order of a court shall be final and binding upon the parties.
36. **Costs.** — (1) The cost of and incidental to the application shall be in the

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

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

37. Contents of the Decree. — (1) A decree in Form-XI shall be prepared in conformity with the order made by the court; it shall contain the number of applications, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceedings.

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

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

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

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

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished by the court, as the case may be, after the expiry of the 12 months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of 5 Rupees per page.

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

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

40. Fees. — (1) The fee payable on an application in respect of any matter referred in Section 49 shall be 50 Rupees.

(2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the court under these rules shall be 50

Rupees:

Provided that the fee for an application for obtaining a copy of translation of any document or record or statement order or decree presented to or made before or by the court, as the case may be, shall be 10 Rupees per page.

- (3) The fee for copies of any document or record, or statement or order or decree shall be 2 Rupees per page.
- (4) The fee for any authorisation for the appearance of any person under sub-section (2) Section 51 on behalf of any of the parties in a case shall be 10 Rupees.
- (5) The fee for filling certified copies of any document in the court shall be 10 Rupees.
- (6) All fees referred to in this rule and in rule (39) shall be collected by means of court fees stamps used in ordinary courts and no document which ought to bear stamp under these rules shall be of any validity unless and until it is properly stamped:

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

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

41. Payment of Costs of Services of Summons etc.—(1) The cost of services of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in rule (41) shall be such amount as may be specified in each case by the court and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify herefor.

- (2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the court to the party by whom or whose behalf the amount was originally paid into the court.
- (3) The court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

42. Fees and Costs of Pauper Person. —The court may, whenever it thinks fit, receive and register proceedings instituted under this Act on an application made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of fees and costs mentioned in rules (41) and (42).

CHAPTER-IV

Gratuity

- 43. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of Section 53.**—In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the Jammu and Kashmir Bank.
- 44. Time, form and manner of nomination by an employee under sub-section (1), the time to make fresh nomination under sub-section (4), the form and manner of modification of a nomination under sub-section (5) and the form for fresh nomination under sub-section (6) of section 55.**—(1) A nomination shall be in Form-(XIII) and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer,—
- (i) In the case of an employee who is already in employment for a year or more on the date of commencement of these rules but not submitted the nomination, ordinarily, within ninety days from such date; and In the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily within thirty days of the completion of one year of service:

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

- (2) Within thirty days of the receipt of nomination in Form-XIII under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in Form-XIII duly attested either by the employer or an officer authorised in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.
- (3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of Section 55, duplicate in Form-XIII to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

nominee pre deceases an employee, shall be submitted in duplicate in Form-XIII to the employer in the manners specified in sub-rule (1), and there after the provisions of sub-rule (2) shall apply *mutatis mutandis*.

- (5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression 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 be and shall be submitted by the employee electronically or by registered post acknowledgement due to the employer.
- (6) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

45. Time within which and the form in which a written application shall be made under sub-section (1) and the form of Application to the competent authority under clause (b) of sub-section (5) of Section 56.— (1) Application for Gratuity: —

- (a) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in Form-XIV to the employer:

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

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

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

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

- (c) A legal heir of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within one year from the date of gratuity became payable to him, in Form-XIV to the employer;
- (d) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (a), (b) and (c) of sub-rule (1) shall be deemed to be operative from the date of such commencement;
- (e) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant deduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision;
- (f) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

(2) **Notice for payment of gratuity. —**

- (A) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall—
 - (i) if the claim is found admissible on verification, issue a notice in Form-XV 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-XV to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible.

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

- (b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form-XV under sub-clause (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not

possible for him to be present in person on the date specified;

- (c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintain ability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (a) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer;
- (d) A notice in Form-XV shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically;
- (e) A notice under sub-section (2) of Section 56 shall be in Form-XV.

(3) **Mode of payment of gratuity.** —The gratuity payable under the Code shall be paid through Demand Draft or by crediting in the bank account of the eligible employee, nominee or legal heir, as the case may be: Provided that intimation about the details of payment shall also be given by the employer to the competent authority of the area.

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

- (a) If an employer—
 - (i) refuses to accept a nomination under rule 34 or to entertain an application sought to be filed under sub-rule (1); or
 - (ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity; or
 - (iii) having received an application under sub-rule (1) fails to issue notices required under sub-rule (2) within the time specified there in, 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-XVI 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;

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Provided that the competent authority may accept any application

under this sub-rule, on sufficient cause being shown by the applicant, after the expiry of the specified period;

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

(5) **Procedure for dealing with application for direction. —**

- (a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in Form-XVII, by electronically or registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any;
- (b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The competent authority shall record there on an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reason for the refusal;
- (c) A party appearing by an authorised representative shall be bound by the acts of the representative;
- (d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties;
- (e) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the competent authority may proceed to hear and determine the application *ex parte*. If the applicant fails to appear on the specified date of hearing without sufficient cause, the competent authority may dismiss the application:

Provided that an order under clause (e) of sub-rule (5) may, on good cause being shown within thirty days of the said order, be reviewed and the application reheard after giving not less than fourteen days' notice to the opposite party of the date fixed for

rehearing of the application.

- (6) **Place and time of hearing.** —The sittings of the competent authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same in such manner as he thinks fit.
- (7) **Administration of oath.** —The competent authority may authorise a clerk of his office to administer oaths for the purpose of making affidavits.
- (8) **Summoning and attendance of witnesses.**—The competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the competent authority just, issue summons to any person in Form-XVII either to give evidence or to produce documents or for both purposes on a specified date, time and place.
- (9) **Service of summons or notice.** —
 - (a) Subject to the provisions of clause (b) any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908);
 - (b) Where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any trade union or association or are represented by an 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 authorised person shall be deemed to be service on such persons.
- (10) **Maintenance of records of cases by the competent authority.** —
 - (a) The competent authority shall record the particulars of each case under Section 56 and at the time of passing orders shall sign and date the particulars so recorded;
 - (b) The competent authority shall, while passing orders in each case, also record the finding on the merits of the case and file it together with the memorandum of evidence with the order sheet;
 - (c) Any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under

the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

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

(12) **Appeal. —**

- (a) The Memorandum of appeal under sub-section (8) of Section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgment due or electronically;
- (b) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought;
- (c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity;
- (d) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority;
- (e) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the Memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant;
- (f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent authority returning his records of the case.
- (g) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him;

- (h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision,
 - (i) modify his direction for payment of gratuity and issue a notice to the employer concerned in Form-XVIII specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer. A copy of the notice be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.
- (13) **Application for recovery of gratuity.** —Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (11) or sub-rule (12), as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in Form XIX for recovery thereof under Section 129 of the Code.

46. Qualification and experience of the officer appointed as the competent authority under sub-section (1) of section 58 of the Code on Social Security 2020.—The Hon'ble Lieutenant Governor may by notification appoint an officer not below the rank of Assistant Labour Commissioner to be a competent authority for implementation of any provisions of Chapter-V of Social Security Code, 2020 for such area as may be specified in the said notification.

CHAPTER V

Maternity Benefit

47. Authority to which an appeal may be preferred under sub-section (3) of section 72 of the Code on Social Security 2020. —

- (1) Complaint under section 72 of the Code on Social Security 2020, —
 - (a) A complaint under sub-section (1) of section 72 shall be made in writing in Form-(XXIII) as the case may be;
 - (b) When a complaint referred to in section 72 is received by an Inspector-cum-Facilitator, he shall examine the relevant records maintained by the employer in this behalf, examine any person employed in the establishment and take down necessary statement for the purpose of the enquiry and if he is satisfied that the maternity benefit or the amount has been improperly withheld, he shall direct the employer to make the payment to the woman or to the person claiming the payment under section 72, as the case may be, immediately or within a

specified period.

(2) **Appeal under section 72 of the Code on Social Security 2020.**

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

CHAPTER-VI

Employees Compensation

48. The amount to be deposited towards expenditure of the funeral of the employee with the Competent Authority by the employer under sub-section (7) of section 76 of the Code on Social Security 2020.—If the injury of the employee results in his death, the employer shall, in addition to the compensation under sub-section (1), deposit with the competent authority a sum of not less than fifteen thousand rupees for payment of the same to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee or where the employee 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.

49. Conditions when application for review is made without certificate of a medical practitioner under sub-section (1) of section 79 of the Code on Social Security 2020.— (1) Application for review of a half monthly payment under sub-section (1) of section 79 may be made without being accompanied by a medical certificate—

- (a) by the employer on the ground that since the right to compensation was determined the Employee's wages have increased;

- (b) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;
 - (c) by the Employee's, on the ground that employer, having commenced to the pay compensation, has ceased to pay the same, notwithstanding, the fact that there has been no change in the employee's condition such as to warrant such cessation;
 - (d) either by the employer, or by the employee, on the ground that in the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;
 - (e) Either by the employer or by the employee on the ground that in the determination of compensation there is a mistake or error apparent on the fact of the record.
- (2) **Procedure on application for review.** —If, on examining an application for review by an employer in which the reduction or discontinuation of half monthly payments is sought it appears to the Competent Authority

that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance he may at any time issue an order withholding the half monthly payments in whole or in part pending his decision on the application.

- (3) **Certain Provisions of the Code of Civil Procedure, 1908:** Save as otherwise expressly provided in the Act or these rules the following provisions of the First Schedule to the Code of Civil Procedure, 1908, namely those contained in Order-V Rule 3-9 and 15-30, Order-IX shall apply before any Competent Authority in so far as they may be applicable thereto:

Provided that an order may, on good cause being shown within a period of thirty days of receipt of the said order, be reviewed and the application re-heard after giving not less than fourteen days notice to the opposite party of the date fixed for hearing of the application.

- 50. Procedure on application for commutation.**—(1) Where application is made to the Competent Authority under section 80 for the redemption of a right to receive half monthly payments the payment of a lump sum, the Competent Authority shall for man estimate of the probable jurisdiction of the disablement, and shall award a sum equivalent to the total of the half monthly payments which would be payable for the period during which the estimates that the disablement will continue, less one half per cent, of the total for each month comprised in that period:

Provided that fraction of a rupee including in the sum so computed shall be

disregarded.

- (2) When, any case to which sub-rule (1) applies to Competent Authority is enable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

51. Class of employer sand the form of notice book under sub-section (4) of section 82 of the Code on Social Security 2020. —Every employer of an establishment dealing with hazardous nature of work shall maintain at his premises where employees are employed a notice book in Form-XXV.

52. Medical Examination under sub-section (1) of section 84 and the frequent interval for medical examination under the proviso to sub-section (1) of section 84 of the Code on Social Security 2020.

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

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

- (3) **Examination in other cases.** —In cases to which sub-rule Does not apply the employer may—

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

Provided that—

- (i) The time so specified shall not, save with the express consent with the employee, be between the hours of 7 P.M. and 6 A.M.; and

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- (ii) In case where the employee's condition renders it

impossible or in advisable that he should leave the place where he is residing the time being, he shall not be Required to submit himself for medical examination save at such place.

- (4) **Restriction on Number of Examinations.** —An employee who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.
- (5) **Examination after suspension of right to compensation.** —If an employee whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 84 subsequently offers him self for medical examination, his examination shall take place on the employer's premises or not such other places in the vicinity as may be fixed by the employer and at a time to be fixed by the employer not being save with the express consent of the employee, or more than 2 hours after the employee has so offered himself.
- (6) **Examination of Women.** —
 - (a) No women shall with out her consent medical examined by a male practitioner, save in the presence of another women;
 - (b) No women shall be required to be medically examined by a male practitioner if she deposited a sum sufficient to cover the expenses of examination by a female practitioner.

53. The form of statement to be submitted by the employer under sub-section (1) of section 88 of the Code on Social Security 2020.—The employer within 30 days from the date of receiving notice from the competent authority will furnish the statement in Form-XXVI.

54. The manner of recording the memorandum in a register by the competent authority under sub-section (1) of section 89 of the Code on Social Security 2020. —

- (1) **Form of Memorandum.** —Memorandum of agreement sent to the Competent Authority under sub-section (1) of section 89 shall unless the Competent Authority otherwise directs be in duplicate, and shall be in as close conformity as the circumstance of the case admitted with Form-XXVII or Form-XXVIII or Form-XXIX or as the case may be.
- (2) **Procedure where competent authority does not consider that he should refuse to record memorandum. —**

- (i) On receiving a memorandum of agreement, the competent authority shall unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording

the same, and shall issue a notice in writing in Form-XXX to the parties concerned that in default of objection he proposed to record the memorandum on the date so fixed:

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

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

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

- (iii) If on such date the competent authority besides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reason therefore and if any party desiring the memorandum to be recorded, if not present, he shall send information to that party in Form-XXXI.

(3) Procedure when competent authority considers that he should refuse to record memorandum. —

- (i) If, on receiving a memorandum of agreement, the Competent Authority considers that are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring a memorandum to be recorded, and shall inform such party or parties and if he thinks fit, any other party concerned of the dates fixed and of the ground on which he considers that the memorandum should not be recorded;
- (ii) If, the parties to be informed are not present, a written notice shall be sent to them in Form-XXXII or Form-XXXIII as the case may be, and the date fixed in such notice shall be not less than 7 days after the date of the issue of the same;
- (iii) If, on the date so fixed under clause (i) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the competent authority may if information has already been given to all the parties concerned record the agreement. If information has not been given to all such parties he shall proceed in accordance with the sub-rule (2);
- (iv) If, on the date so fixed the competent authority refuses to record the memorandum he shall send notice in Form-XXXI to

any party who did not received information under clause (i).

(4) **Procedure on refusal to record memorandum. —**

- (i) If, in any case the competent authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal;
- (ii) 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 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. Where the agreement is for the redemption of half monthly payments by the payment of a lump sump, and the competent authority considers that the memorandum of agreement should not be recorded by reasons of the inadequacy of the amount of such sum has fixed in the agreement he shall record his estimates of the probable duration of the disablement of the employee.

55. Such other experience and qualifications for appointment as a competent authority under sub-section (1) of section 91 of the Code on Social Security 2020. — The Hon'ble Lieutenant Governor may by notification appoint competent authority from the officers of the Government not below the rank of Assistant Labour Commissioner for the purposes of Chapter-VII.

56. The manner in which matters may be dealt with by or before a competent authority under sub-section (1) of section 92 of the Code on Social Security 2020.—A competent authority under section 92 (1) (b) or (c) may initiate proceeding afresh or he may continue the previous proceeding initiated under section 92(1)(a) as if the same or any of its part had been taken before him if he is satisfied that the interest of the parties shall not there by be prejudiced.

57. Time limit for disposal of application and costs incidental to the proceedings under sub-section (4) of section 93 of the Code on Social Security 2020.—The time limit for the disposal of application under section 93 shall not be more than six months. Provided that in the cases where disability is required to be proved is such cases the time limit "not more than six months" can exceed with the consent of both the parties but for not more than one year.

58. The manner of authentication of memorandum under section 97 of the Code on Social Security 2020. —In recording a memorandum of agreement, the competent authority shall cause the same to be entered in a registering Form-XXXIV and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in

the following term, namely: —

"This memorandum of agreement, bearing
SerialNo.....of
20.....In the register has been recorded
this.....day of

CHAPTER-VII

Social Security and Cess in respect of Building and other Construction Workers

59. Total cess and Time limit to pay the amount of cess under section 100 and 101 of the Code on Social Security 2020. —

- a) The date of payment of cess under section 100 shall be the date on which the amount is deposited with the cess collector, or the date of Deduction at source or the date on which the amount has been deposited with the local authority respectively as per the rules framed by the Central Government.
- b) In pursuance of section 100 (1) of the Code on Social Security, 2020, there shall be levied and collected a cess for the purpose of social security and welfare of building workers at one percent 1%. The rate can be revised by the Board as and when required. The revision of the cess shall not exceed more than 2% of project cost.
- c) The proceeds of the cess shall continue to be deposited with the Building and Other Construction Workers Welfare Board.
- d) **The Finance Department, Union Territory of Jammu and Kashmir, shall issue appropriate instructions to all Drawing and Disbursing Officers and other concerned authorities to ensure deduction, collection and timely remittance of cess in respect of building or other construction work. The Finance Department shall also establish such mechanism as may be necessary to ensure compliance with the provisions of section 100 read with section 2(6) of the Code on Social Security, 2020, before release of payments relating to such works.**
- e) **All Government Departments, Government Agencies, Local Authorities, Development Authorities, Public Sector Undertakings and other establishments undertaking building or other construction work, including the Srinagar Development Authority (SDA), Jammu Development Authority (JDA),**

Srinagar Municipal Corporation (SMC), Jammu Municipal Corporation (JMC), Housing and Urban Development Department (HUDD), Power Development Department (PDD), Public Works (R&B) Department and Jal Shakti Department, Rural Development Departments, shall ensure deduction, collection and deposit of cess in accordance with the provisions of the Code and the rules made thereunder.

60. **Fees for appeal under sub-section (2) of section 105 of the Code on Social Security 2020.**— An appeal preferred under sub-section (1) shall be accompanied by non-refundable fee equivalent to half per cent, but not exceeding rupees twenty-five thousand of the amount indispute or penalty or both, as the case may be, under such appeal.

CHAPTER VIII

FINANCE AND ACCOUNTS

61. **Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-investor 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 of the Code on Social Security 2020.**—*The Jammu and Kashmir Unorganised Workers' Social Security Board and the Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate and notify, with the prior approval of the Hon'ble Lieutenant Governor, such policies, schemes or guidelines as may be necessary for carrying out the purposes of the Code and these Rules.*
62. **Conditions and manner of writing off irrecoverable dues under section 121 of the Code on Social Security 2020.**—(1) Where the Jammu and Kashmir Unorganised Social Security Board and the Jammu and Kashmir Building and Other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to these boards has become irrecoverable, the said Boards or any other officer authorised by them in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely:—
- (i) Establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
 - (ii) Decree obtained by the said Boards could not be executed

successfully for want of sufficient assets of the defaulting employer; or

- (iii) Claim for contribution is not fully met by—
 - (a) The Official Liquidator in the event of factories/ establishments having gone into liquidation; or
 - (b) The Competent Authority of payments in the event of it being nationalised or taken over by the Government.

CHAPTER-IX

Authorities, Assessment, Compliance and Recovery

- 63. Other powers of Inspector-cum-Facilitator under clause (e) of sub-section (6) of section 122 of the Code on Social Security 2020. —** *In addition to the powers specified under the Code and these Rules, the Inspector-cum-Facilitator shall exercise such other powers as may be delegated to him by the Hon'ble Lieutenant Governor from time to time under clause (e) of sub-section (6) of section 122 of the Code on Social Security, 2020.*
- 64. 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 workplaces 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 of the Code on Social Security 2020.—** (1) Register of Women Employees—
- (a) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in Form (XXXV) electronically or in hard copy and shall enter therein particulars of all women workers in the establishment.
- Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum- Facilitator;
- (b) The employer may enter in the register of women employees such other particulars as may be required for any other purpose of the Code.
- (2) **Records.** —Records kept under the provisions of the Code and the rules framed there under shall be preserved for a period of two years from the date of their preparation.
- (3) **Annual returns. —**
- (a) The employer to which the provisions of Chapter V of the Code applies, ⁴¹ on or before the 1st day of February in each

year, upload a unified annual return in Form-XXXVI online on the web portal of the Government or otherwise giving information as to the particulars specified, in respect of the preceding year:

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

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

- (b) If the employer to which the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of Government a further unified return in Form-XXXVI referred to in clause (a) in respect of the period between the end of the preceding year and the date of the sale, abandon mentor discontinuance.

CHAPTER X

Offences and Penalties

- 65. Manner of compounding of offences by the authorised officer specified under sub-section (4) of section 138 and the form and manner of making application for the compounding of an offence under sub-section (4) of section 138 of the Code on Social Security 2020.**—(1) The officer authorized by the Hon'ble Lieutenant Governor by notification for the purposes of compounding of offences under sub-section (4) of section 138 shall issue electronically or otherwise a compounding notice in Form-XXXVII for the offences which are compoundable under section 138.
- (2) The person so noticed may apply in Part-III of the Form-XXXVII to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.
- (3) The Compounding Officer shall issue a composition certificate in Part-IV of Form-XXXVII within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- (4) If a person so noticed fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the Competent Court or the offence in respect of which the compounding

notice was issued, against such person.

(5) **Composition after institution of prosecution. —**

- (a) The Court may compound any compoundable offence at any time after filing of a complaint under section 138 of the Code;
- (b) The provisions of section 359 of the Bharatiya Nagarik Suraksha Sanhita, 2023 shall apply to such compositions.

CHAPTER-XI

Employment Information and Monitoring

66. 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 of the Code on Social Security 2020.—

(1) Reporting of Vacancies to Career Centres—

- (a) After the commencement of this Code in Jammu and Kashmir, the employer in every establishment in public sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be Reported to such Career Centre as may be specified in the notification by the Government;
- (b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre (Regional) from such date as may be specified in the notification by the Government;
- (c) The Labour & Employment Department, Jammu & Kashmir shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case, not later than three working days from the date of receipt of reporting of vacancies.

Explanation: — (1) Establishment in "public sector" means an Establishment owned, controlled or managed by—

- (i) the Government or a Department of the Government;
- (ii) a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (No. 18 of 2013);
- (iii) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established

by or under a Central or State Act, which is owned, controlled or managed by the Government; and

- (iv) a local authority.
- (2) **"Establishment in private sector"** means an establishment which is not an establishment in public sector and with ordinarily 50 Or more employees or such number of employees as may be notified by the Government.
- (3) **Type of vacancies and respective Career Centre for reporting of vacancies. —**
 - (a) The following vacancies, namely: —
 - (i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the Central Government, occurring in establishments in respect of which the Central Government is the appropriate Government under the Code; and
 - (ii) Vacancies which an employer may desire to be circulated to the Career Centers outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre (Central) as may be specified by the Central Government by notification;
 - (b) Vacancies other than those specified in clause (a) of sub-rule (2) above, shall be reported to the Career Centre (Regional) concerned;
 - (c) Vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Labour & Employment Department, Jammu & Kashmir by notification.
- (4) **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 Labour & Employment Department, Jammu & Kashmir;
 - (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.

(5) Time limit in the reporting of vacancies. —

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

(6) Maintenance of records. —

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

every year;

- (iv) Vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - (v) Approximate number of vacancies likely to occur during the next financial year.
- (7) **Submission of returns.** —An employer shall furnish to the concerned Career Centre (Regional) yearly returns in form EIR (Employment Information Return) as given at Form-XXXIX. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective Departments in notification, with in thirty days of the due date namely 31st March of the year.
- (8) **Declaration of Executive Officer.** —
- (a) The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of the respective Departments, will declare in writing an officer looking after the work of Career Centres (Regional) as "Executive Officer" for each district for the purpose of enforcement/implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties;
 - (b) The Labour & Employment will declare in writing an officer looking after the work of Career Centres as "Executive Officer" For the purpose of enforcement/implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code.
- (9) **Levy of penalty under the Chapter XIII of the Code.** — The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the Jammu and Kashmir 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.
- (10) **Issue of guidelines.** — For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII and rules thereof, the Jammu and Kashmir Government may issue detailed guidelines as per local needs.

CHAPTER-XII- Miscellaneous

Social Security for Un-organized Workers, Gig Workers and Platform

Workers

67. Framing of schemes for Un-organized Workers, Gig Workers and Platform Workers as per Chapter-IX of the Code on Social Security 2020.

- (1) The Labour & Employment Department, Government of Jammu & Kashmir shall frame and notify, from time to time, suitable welfare schemes for unorganized workers, Gig Workers and Platform Workers including schemes relating to-
 - (i) provident fund;
 - (ii) employment injury benefit;
 - (iii) housing;
 - (iv) education schemes for children;
 - (v) skill upgradation of workers
 - (vi) funeral assistance; and
 - (vii) old age homes
- (2) Any scheme notified by the Labour & Employment Department, Government of Jammu & Kashmir under sub-section (2) of section 109 may be-
 - (a) wholly funded by the UT of J&K.
 - (b) partly funded by the Government of UT of J&K, partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be specified in the scheme by the Labour & Employment Department, Jammu & Kashmir.
 - (c) funded from any source including corporate social responsibility fund referred to in clause (iv) of sub-section (3) of section 109 or any other such source as may be specified in the scheme.
 - (d) The Labour & Employment Department, Jammu & Kashmir may seek financial assistance from the Central Government for the schemes framed by it.
 - (e) The Central Government may provide such financial assistance to the UT of Jammu & Kashmir for the purpose of schemes for such period and on such terms and conditions as it may deem fit.
 - (f) The contribution to be paid by the aggregators for the funding referred to in clause (2) of section 69, shall be at such rate not exceeding two percent but not less than one percent as may be notified by the central Government of the annual turnover of every such aggregator who falls within the category of

aggregators.

68. Manner of establishment and administration of the Social Security Fund under sub-section (5) of section 141 of the Code on Social Security 2020.—(1) All the following funds received shall be credited to separate account(s) and called as Jammu and Kashmir Social Security Fund and all expenses towards the scheme(s) notified under sections 109 and 114 for the Unorganised Workers, Gig Workers and Platform Workers shall be met out of this fund:—

- (a) under sub-section (1) of section 141 of the Code on Social Security, 2020 (36 of 2020); and
 - (b) under sub-section (1) of section 115 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).
- (2) The Labour & Employment Department shall identify the source(s) for initial funding/replenishing the Jammu and Kashmir Social Security Fund from time to time.
 - (3) The fund shall be administered by the Labour & Employment Department through an agency designated by Hon'ble Lieutenant Governor in the manner, as notified by the Central Government.
 - (4) Directions of the Hon'ble Lieutenant Governor, if any shall be complied by the agency designated for the administration of the Jammu and Kashmir Social Security Fund.
 - (5) The statement of accounts of Jammu and Kashmir Social Security Fund shall be maintained by the agency, in the form(s) and manner as specified by the Hon'ble Lieutenant Governor and shall be submitted to the Labour & Employment Department from time to time.
 - (6) The accounts of the Jammu and Kashmir Social Security Fund shall be audited by Comptroller and Auditor General of India and Local Fund Office of Jammu and Kashmir Government.

69. 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 of the Code on Social Security 2020.— (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; 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.

- (2) For the purposes of Chapter III, the establishment and/or employer, after the grant of exemption, shall comply with all such terms and conditions as may be specified in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be, framed under section 15 of the Code.

70. Conditions for management of the trust under sub-section (5) of section 143, which has been granted exemption under sub-section (1) of section 143 of the Code on Social Security 2020.—(1) A Board of Trustees shall be established for the management of the Provident Fund or the Pension Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time.

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

Regional Provident Fund Commissioner in the matter shall be final and binding.

- 71. Manner of determining the misuse of any benefit by an establishment or by any other person under section 148 of the Code on Social Security 2020.**—If any Establishment or any other person to which the provisions of this Code applies, found misusing any benefit granted to it or him under this Code or rules, regulations, schemes made or framed thereunder then, the Labour & Employment Department may by notification deprive such establishment or other person as the case may be from such benefit for such time as may be specified in the notification:

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

- 72. Submission of a copy of the Form to the office of Director General, Labour Bureau under section 156 of the Code on Social Security 2020.** —A copy of Form-XV (notice for Payment/Rejecting claim of Gratuity) shall be shared electronically with the designated authority of the Government.

- 73. ESIC Society** — In pursuance of section 5 read with Chapter IV of the Code on Social Security, 2020, the ESIC Society constituted vide Administrative Council Decision No. 23/4/2020 dated 05.02.2020, read with Government Order No. 18-L&E of 2020 dated 12.02.2020 and Government Order No. 35-L&E of 2023 dated 27.06.2023, shall continued to perform such functions as are assigned to it under section 5 read with Chapter IV of the said Code.

By Order of the Lieutenant Governor.

Sd/-

**(Kr. Rajeev Ranjan) IAS
Secretary to the Government**

No LE-LAB/04/2026-11-L&E (e-7720443)

Dated:- 19 06.2026

Copy to the: -

1. Secretary to the Government of India, MoLE, Shram "Shakti Bhawan, New Delhi.
2. All Administrative Secretaries, J&K.
3. Financial Commissioner (Additional Chief Secretary) to the Hon'ble Chief Minister, J&K
4. Principal Secretary to the Hon'ble Lieutenant Governor, J&K
5. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
6. Divisional Commissioner, Jammu/Kashmir.
7. Secretary, Legislative Assembly, J&K
8. All Deputy Commissioners.
9. All Heads of Department.
10. Director, Information, J&K, (with request to publish notification in leading English dailies of each division).

11. Labour commissioner, J&K.
12. Director, Archives, Archaeology & Museums, J&K.
13. OSD to Hon'ble Chief Minister, J&K.
14. OSD to Hon'ble Deputy Chief Minister (Minister In-charge Labour and Employment Department).
15. General Manager, Government Press, Jammu/Srinagar (for publication in next issue of Government Gazette).
16. Private Secretary to Chief Secretary, J&K.
17. Private Secretary to Secretary to the Government, Labour & Employment Department.
18. I/C Website, Labour & Employment Department.
19. SO File/Stock File.


(Waheed Ahmed) JKAS
Under Secretary to the Government
19.06.2026

Declaration by the Applicant

I hereby declare that the particulars furnished above are correct and true to the best of my knowledge. In the event of any information given above is ultimately found to be false, I will refund the amount received as assistance and I shall be personally liable for legal implications thereof. I further declare that I have not availed any similar assistance from any other Welfare Board or Board constituted by the Government of Jammu and Kashmir or Government of India.

Dated :

Place :

Signature of the Registered
Construction Worker.

Certificate from the Principal/Head of the Institution/ Authorized Officer of the concerned College/University

Photograph of the
students to be
attested by the
Principal/Student

Photograph of the
students to be
attested by the
Principal/Student

I hereby certify that

and _____ S/o, D/o _____
R/o _____ is/are reading in the _____
class and _____ Class under Roll
No. _____ and _____ respectively
and the information furnished by the applicant at
Column A is Correct.

Further, I certify that our school is College/
University recognized bearing recognition No. _____
dated _____ issued by the _____

Signature of Principal/
Head of the Institution/Authorized Officer.
For Office Use

After thorough examination of the application of the applicant with respect to the records available with this office following observations made :—

1. That the applicant is registered manual workers under Reg. No. _____ dated _____.
2. That the applicant has already availed Educational Assistance for his children namely _____ and _____ for an amount of Rs. _____ for the year _____ hence he is not entitled again for the year _____ for the same purpose.



3. That the applicant has not availed Educational Assistance for the children namely _____ and _____ for the year _____ hence entitled for Educational Assistance for the year _____.
4. That the children are students of Class _____ and _____ hence entitled for Rs. _____ as per guidelines of the Building and Other Construction Workers Welfare Board as Educational Assistance for the year _____.

Scrutiny Officer/DEO.

Recommendations

I hereby recommended, after due verification a sum of Rs. _____ (Rupees _____) as Educational Assistance in favour of Sh./Smt. _____ a registered worker under registration No. _____ dated _____.

Labour Officer/Labour Inspector.

Upon the recommendation of the Labour Officer/Labour Inspector, Circle _____ I approve an amount of Rs. _____ in favour of the registered manual worker applied for and the incharge of the B. C. Section is directed to prepared the applicants case accordingly for release of payment.

**Assistant Labour Commissioner,
.....District.**

An amount of Rs. _____ paid to the applicant vide payees Account Cheque No. _____ dated _____ or online credit to his Account through J&K Bank _____ vide authority letter No. _____ dated _____.

Scrutiny Officer/Incharge BOC Section/DEO.

FORM-III*(See Rule 10)*

In the Employees Insurance Court at

1. Name with full address Applicant
Against
2. Name with full address Opposite party.
- Other particulars of the application specified in rule-10.

Date

Signature of the Applicant.

(Verification by the Applicant)

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

Date

Signature.



FORM-IV

(See Rule 12)

List of documents produced by applicant/opposite party.

1. In the case titled .			
2. Name of the court :			
3. Number, etc.			
Number of application	Description	Date, if any, which the documents bear	Signature of party or pleader or any authorized representative
1		3	
Date of presentation of application			
Number of Proceeding			
Name	Description		Particulars
Description	Place of residence		Amount of value, if any
			When the cause of action occurred

FORM-V (See Rule 13) Register of Proceedings			
Employees Insurance Court at.....			
Applicant	Opposite Party		Claim
Day for parties to appear Applicant Opposite party	Date For whom For what, or amount	Date of decision of appeal, if any Judgment in appeal	Date of application Against whom For what, and amount of money Amount of costs Date of order transferring to another civil court of at Other remarks, if any

Appearance

Final order

Appeal

Execution

✓

W. S. J.

W. H. R.

FORM-VI

(See Rule 17)

Summons for disposal of proceedings

1. Title of the Case :

To

(Name, description and place of residence)

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

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

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

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



FORM-VII

(See Rule 17)

Summons for settlement of issues

Case Titled:

To

(Name, description and place of residence)

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

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

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

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



FORM-VIII

[See Rule 24(5)]

Subject :—Application for setting aside the..... order dated

.....
(the grounds of application should be stated)

Date

Signature of the Applicant.

Verification by the applicant

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

Date :

Place :

Signature

W aj Jz

FORM-IX

[See Rule 24(5) & (6)]

General Form

Case Titled:

To

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

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



FORM-X

(See Rule 25)

Summons to witness

Titled :

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

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

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

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

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




FORM-XI

(See Rule 38)

Decree in Case**Claim for**

This case coming on this day for final disposal before.....
in the presence of.....for the applicant and of.....for
the opposite party, it is ordered AND DECREED that.....and that
the sum of Rsbe paid by the to the.....on account
of the costs of this suit, with interest thereon at the rate of *per cent*
per annum from this date to the date of realization.

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

Costs of Suits

	Rs. P.		Rs. P.
1. Stamp for application		Stamp for power	
2. Stamp for power		Stamp for written statement	
3. Stamp for exhibits		Pleader's fee...	
4. Pleader's fee		Subsistence for witnesses	
5. Subsistence for witnesses		Service of summons and notice	
6. Commissioner's fee		Commissioner's fee	
7. Service of summons and notice			
Total :-		Total :-	

W. K. J.

FORM-XII

(See Rule 40)

Application for the execution of a decree

In the Court of.....

I, Decree holder, hereby apply for execution of the decree herein below set forth —

Number of proceeding	Name/s of party/ies	Date of decree	Whether any appeal preferred from decree	Payment or adjustment made, if any	Previous application, if any, with date and result	Amount with interest due upon the decree or other relief granted thereby together with particulars of any cross decree	Amount of costs, if any, awarded	Against whom to be executed	Mode in which the assistance of the court is required

Applicant:

Opposite party:

Dated:

No.

Rs. recorded on application, dated

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

As awarded in the decree subsequently incurred Total :.....

Against the opposite party :

W

Signature

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

(when attachment and sale of immovable property is sought)

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

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

Signed

Decree holder

Date.....

W. K. J.

FORM-XIII

(See Rule 45)

Nomination/Fresh Nomination/Modification of Nomination*(Strike out the words not applicable)*

To.....

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

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

or

I, Shri/Shrimati/Kumari..... (Name in full here) whose particulars are given in the statement below, hereby give notice that the nomination filled by me on date and recorded under your reference

No..... dated..... shall stand modified in the following manner :—

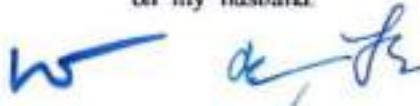
*Strike out unnecessary portion.

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

3. I hereby declare that I have no family within the meaning of clause (33) of section 2 of the said Code.

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

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



5. I have excluded my husband from my family by a notice dated the..... to the competent authority in terms of clause (33) of section 2 of the said Code.

6. Nomination made herein invalidates my previous nomination.
Nominee(s)

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

Manner of acquiring a "Family"

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

Statement

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

Village.....Thana.....

Sub-division.....Post Office.....

PIN Code.....District.....State.....

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

Place:

Date:

Signature/Thumb-impression of the
Employee.

Certificate by the Employer

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

Signature of the employer/Officer authorised.

Designation

Date :

Name and address of the establishment or rubber stamp thereof.

Acknowledgement by the Employee

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

Date:

Signature of the Employee

W

Signature

FORM-XIV

[See Rule 46(1) (a), (b) & (c)]

Application for gratuity by an Employee/Nominee/Legal Heir

(Strike out the words not applicable)

To

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

Sir/Madam,

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

- (a) my superannuation/retirement/resignation after completion of
not less than five years of continuous service/total disablement
due to accident/total disablement due to disease/on termination
of contract period under fixed term employment with effect
from the..... ; or
- (b) death of the aforesaid employee while in service/
superannuation on..... after completion
of..... years of service/total disablement of the
aforesaid employee due to accident or disease while in
service with effect from the..... ; or
- (c) death of aforesaid employee of your establishment while in
service/superannuation on..... (date)
without making any nomination after completion of
..... years of service/total disablement of the
aforesaid employee due to accident or disease while in
service with effect from.....

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

1. Name of employee in full (if, the gratuity is claimed
by an employee)—

a. Marital status of employee (unmarried/married/
widow/widower) ;

10-2/1-JR

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

Yours faithfully,

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

Place :

Date :



FORM-XV

[See Rule 46(2) (a) (i), (ii), (b) (d) & (e)]

Notice for payment/rejecting claim of Gratuity

(Strike out the words not applicable)

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

1. You are hereby informed that—

- (a) *as required under rule 46 of the Code on Social Security, Jammu and Kashmir Rules, 2020, that your claim for payments of gratuity as indicated on your application in Form-XIV under the said rules is not admissible for the reasons stated below :—

Reasons (Here specify the reasons) ; or

- (b) *as required under rule 46 of the Code on Social Security, Jammu and Kashmir, Rules, 2020 that a sum of Rs. (Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made by..... on and..... recorded in this as a legal heir of..... an employee of this establishment.

2. *Please call at..... on (Here specify place)..... (date) at..... (time) for collecting your payment of gratuity by crossed cheque.

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

4. Brief statement of calculation—

- (a) Date of appointment ;
 (b) Date of termination/superannuation/resignation/disablement/death ;
 (c) Total period of service of the employee concerned years..... months..... ;
 (d) Wages last drawn ;
 (e) Proportion of the admissible gratuity payable in terms of nomination/as a legal heir ;
 (f) Amount payable: *strike out para, if, not applicable.

Place:

Date:

Signature of the Employer/authorised officer.

Name or description of establishment or
 rubber stamp thereof.

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



FORM-XVI

[See Rule 46(4) (a) (iii)]

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..... (date) completion of..... years of continuous service/his own/aforesaid employee's total disablement with effect from..... (date) due to accident/disease death of aforesaid employee on.....
2. The applicant submitted an application under Rule..... of the Code on Social Security, Jammu and Kashmir Rules, 2020 on the..... but the above-mentioned employer refused to entertain it/issued a notice dated the..... under clause of sub-rule of rule..... offering an amount of gratuity which is less than my due/issued a notice dated..... the under clause..... of sub-rule..... of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.
3. The applicant submits that there is a dispute on the matter (specify the dispute).
4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.

W
a/s to

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

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

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

Place:

Date:

Signature/Thumb impression of the applicant



FORM-XVII

[See Rule 46(5) (a) (8)]

Notice for Apperance before the Competent Authority/Summon*(Strike out the words not applicable)*

To,

(Name and address of the employee/applicant)

Whereas, Shrian employee under you/
a nominee(s)/legal heir(s) of Shri.....an
employee under the above-mentioned employer, has/have filed an
application under rule 46 of the Code on Social Security, Jammu and
Kashmir Rules, 2020 alleging that---

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

Now, therefore, you are hereby called upon/summoned to appear
before the Competent Authority at(place) either
personally or through a person duly authorized in this behalf for the
purpose of answering all material questions relating to the application
on the day of20..... at 'O' clock in the
forenoon/afternoon in support of/to answer the allegation; and as the
day fixed for your appearance is appointed for final disposal of the
application, you must be prepared to produce on that day all the
witnesses upon whose evidence, and the documents upon which you
intend to rely in support of your allegation/defence.

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

Whereas, your attendance is required to give evidence/you are
required to produce the documents mentioned in this list below, on behalf
of in the case arising out of the claim for gratuity by.....
Form..... and referred to this Authority by an application under
section 56 of the Code on Social Security, 2020, you are hereby
summoned to appear personally before this Authority on the day
of20..... at 'O'clock in the forenoon/
afternoon and to bring with you for to send to this Authority) the
said documents. List of documents-

- 1.
- 2.
3. so on



Given under my hand and seal, thisday of
.....20.....

Competent Authority
under the Code on Social Security Code, 2020

- Note** :—1. Strike out the words and paragraphs not applicable.
2. The portion not applicable to be deleted.
 3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.
 4. In case the summons is issued only for producing a document and not to give evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent Authority on the day and hour fixed for the purpose.
-



FORM-XVIII

[See Rule 46(11) (12) (h)]

**Notice for Payment of Gratuity as Determined by Competent/
Appellate Authority***(Strike out the words not applicable)*

To,

(Name and address of employer)

1. Whereas Shri/Smt./Kumari..... of
an employee.....
(address) under you/a nominee(s)/legal heir(s) of 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 Code, 2020

Copy to :—

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

Note :—(Strike out paragraphs if not applicable)



FORM-XIX

[See Rule 46(13)]

Application for Recovery of Gratuity

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

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

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

1. The applicant is an employee of the above-mentioned employer/ a nominee of late..... an employee of the above-mentioned employer/a legal heir of late an employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated theunder sub-rule (11) or sub-rule (12) of rule 46 of Code on Social Security (Central) Rules, 2020 for payment of a sum of Rs..... as gratuity payable under the Code on Social Security, 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs..... due to me as gratuity in terms of your direction.

Signature/Thumb impression of applicant.

Place:

Date:

Note :—Strike out the words not applicable.


FORM-XX

[See Rule 47(3) (i)]

**Application for Registration of an Establishment with the
Controlling Authority under section 57**

01. Name of the Establishment
02. Address of the Establishment
03. Name of the Employer
04. Address of the Employer
05. No. of Employees Insured
06. Details of the Insurance Company—
 - (a) No. of Insurance Policy ;
 - (b) Date of Commencement of Insurance Policy ;
 - (c) terms of Insurance Policy (copy of the Insurance Policy to be enclosed ;
 - (d) details of employees insured details for employees shall be furnished in Form-III.
07. If the employer had already established an Approved Gratuity Fund before notification of the rules, details of board of trustees of the gratuity fund may be furnished—
 - (a) Date of constitution of the Board of Trustees ;
 - (b) Names and Addresses of the Board of Trustees.

Station :

Date :

Signature of the Employer

Name:

Designation and Address



FORM-XXI

[See Rule 47(4)]

**Option to continue under the Existing Insurance
under section 57**

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

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

Station :

Date :

Signature of the Employer

Name :

Designation and Address



FORM-XXII

[See Rule 47(3) (i) & (ii)]

Details of Employees of the Establishment covered under the Compulsory Insurance under section 57 of the Code

- (a) Name of the employee :
- (b) Name of Father/Husband :
- (c) Designation/Category :
- (d) Date of Joining/appointment :
- (e) Wages of the Employees :
- (f) Date of Admission to Compulsory Insurance :
- (g) Date of Retirement :

Station :

Date :

Signature of the Employer

Name :

Designation and Address



FORM-XXIII*(See Rule 49)***Complaint to the Inspector-cum-Facilitator**

To,

The Inspector-cum-Facilitator

(Under The Code on Social Security, 2020)

Sir,

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

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

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

Date,.....

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

 — 

FORM-XXIV
[See Rule 49(2) (b)]

Appeal

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

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

*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 (*Strike out unnecessary portion*).

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

*Strike out unnecessary portion.

Signature or thumb impression of the women/aggrieved person.

Date.....

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

FORM-XXV

(See Rule 53)

Notice Book

1. Name of the Establishment :

2. Postal Address :

3. Name of the Employer/Manager/Occupier :
(with full Particulars)

S. No.	Name of the Employee	Employee Code/No.	Time/ date of Injury/ accident	Place of Injury	Cause of Injury	Any other relevant information	Sign. of Employee/ a person acting <i>bona fide</i>



FORM-XXVI

(See Rule 55)

REPORT OF FATAL ACCIDENTS

To,

.....

Sir,

I have the honour to submit the following report of an Accident which occurred.....(date), at.....(here enter details of the premises).....and which resulted in the death of the employee/employees of whose particulars are given in the statement annexed.

The circumstances attending the death of the employee/employees were as under :—

- (a) Time of the accident :
- (b) Place where the accident occurred :
- (c) Manner in which deceased was/were employed at the time :
- (d) Cause of the accident :
- (e) Any other relevant particulars (I have etc.)

Signature and designation of person
Making the report.

STATEMENT

Name	Sex	Age	Name of Employment	Full Postal Address
1	2	3	4	5

FORM XXVII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of _____ previous for period of _____ months. The said employee has in receipt of half-monthly payments which have continued from the _____ day of 20____ until the day 20____ amounting to Rs _____ in all. The said employee's monthly wages are estimated at Rs _____. The employee is over the age of 15 years/will reach the age of 15 years on _____

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

Dated _____ 20 _____

Signature of the employer _____

Witness _____

Signature of the employee _____

Witness _____

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

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

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

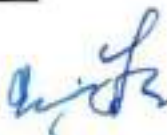
Employee

Dated _____ 20 _____

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

_____ Witness.

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

FORM -XXVIII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

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

The said employee monthly wages are estimated at 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 this agreement, received the following payment, namely :—

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

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

Dated _____ 20_____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

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

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

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

Employee

Dated _____ 20_____

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

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



FORM-XXIX

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of 20____ personal injury was caused to _____ residing at _____ by accident arising out of and in the course of his employment in _____. The said injury has resulted in temporary disablement to the said employee—

Who is at present in receipt of wages amounting to Rs. _____ on wages per month.

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

It is further submitted that _____ the employers of the employee, has agreed to pay and _____ on the behalf of the said employee, has agreed to accept half monthly payments @ of Rs. _____ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half monthly payments may be varied in accordance with the provision of the Chapter VII of the Code on Social Security, 2020, on account of an alternation in the earning of the said employee during disablement. It is further, stipulated that all rights of communication under section 80 of the code are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded. Dated _____ 20_____

Signature of the employer _____

Signature of the employee _____

Witness _____

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

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

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

Employee

Dated _____ 20_____

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

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

W as L

FORM -XXX*[See Rule 56 (2) (i)]*

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

Dated _____ 20____

Competent Authority



FORM -XXXI

[See Rule 56 (2)(iii) & (3) (iv)]

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

Dated _____ 20____

Competent Authority

FORM (XXXII)

[See Rule 56 (3) (ii)]

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

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

Competent Authority



FORM (XXXIII)

[See Rule 56 (3) (ii)]

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

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

Dated _____ 20 _____

Competent Authority

W. air. Jz

FORM (XXXIV)

(See Rule 60)

Register of agreements for the year _____ 20 _____

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



FORM – XXXV

[See Rule 66 (1) (a)]

REGISTER OF WOMEN EMPLOYEES

Name of establishment

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

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

6. Date on which the woman gives notice under section 62.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under section 62.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/tubectomy operation/death/adoption of child.
11. Date of production of proof of illness referred to in section 65.



12. Date with the amount of maternity benefit paid in advance of expected delivery.
13. Date with the amount of subsequent payment of maternity benefit.
14. Date with the amount of bonus, if paid, under section 64.
15. Date with the amount of wages paid on account of leave under section 65(1) and 65(3).
16. Date with the amount of wages paid on account of leave under section 65(2) and period of leave granted.
17. Name of the person nominated by the woman under section 62.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
21. Remarks column for the use of the Inspector-cum-Facilitator.



FORM XXXVI

[See Rule 66 (3) (a) & (b)]

Unified Annual Return A. General Part :

- (a) Name of the establishment.....
 Address of the establishment: House No./Flat No.
 Street No./Plot No. t4321
 Town..... District..... State..... PIN code.....
- (b) Name of the employer.....
 Address of the employer :
 House No./Flat No. Street No./Plot No.
 Town..... District..... State..... PIN code.....
 E-mail ID..... Telephone Number..... Mobile number.....
- (c) Name of the manager or person responsible for supervision and control of establishment.....
 Address:
 House No./Flat No. Street No./Plot No.
 Town..... District..... State..... PIN code.....
 E-mail ID..... Telephone Number..... Mobile number.....

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

S. No.	Name	Registration	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Code on Occupational Safety Health and working condition code 2020.		
02.	The Code on Social Security 2020.		
03.	Any other Law for the time being in force.		



C. Details of Employer, Contractor and Contract Labour:

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

D. Working hours and weekly rest day:

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

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

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



Wage rates (Category-Wise):

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

F. (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)

W. A. J.

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

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

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

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

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

Declaration

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

Place

Date

Sign. Here



FORM-XXXVII

(See Rule 67)

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

Notice No.....

Date:

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

PART - I

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

PART -II

In view of the above, you have an option to pay the above-mentioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part-III of this notice. In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

(Signature of the Compounding Officer)

Date:

Place:



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.

Signature of the applicant
(Name and Designation)

Dated:**Place:****PART - IV****Composition Certificate****Ref: Notice No.....****Date:**

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

(Signature)**Name and Designation of the Officer****Date:****Place:**


FORM-XXXVIII

[See Rule 68 (4) (b)]

Form for Reporting Vacancies to Career Centres

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

1	Particulars of the employer: Name: Address with pin code: Telephone No. : Mobile No. : Email address : Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment under Code: Economic activity details:	
2	Particulars of the indenting Officer: Name: Designation: Telephone No. : Mobile No. : Email address :	
3	Particulars of vacancy(ies): (a) Designation/nomenclature of the vacancy(ies) to be filled (b) Description of duties of the post (job role/functional role)	



(c) Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/Preferable
(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience		
(d) Age Limits, if any (Age as on last date of application)		
(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc.) if any		
(f) duration of employment (i) 3-6 months	Number of posts	
(ii) 6-12 months		
(iii) 12 months and more		
4. Whether there is any obligation for arrangement for giving reservation/preference to any category of persons such as Scheduled Caste(SC), ScheduledTribe(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)		
Category	Number of vacancies to be filled	
(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others (specify)		*By Priority candidates *(Applicable for Jammu and Kashmir Government vacancies)
	Total	

W. A. L.

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 and 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

[See Rule 68 (7)]

Form EIR (Employment Information Return)**Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....**

The following information is required to be submitted under the Code on Social Security (Chapter XIII – Employment Information and 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 <i>manpower of establishment</i> including working proprietors/partners/contingent paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid).		
Category	On the last working day of the previous Year	On the last working day of the Year under report
MEN		
WOMEN		
Other (Transgender)		
TOTAL :		
PWD (persons with disabilities) out of above total		



EIR-continued

2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year				
Occurred	Reported		Filled	Source (Career Centre/NCS Portal/Govt. Recruiting Agencies/Private Placement Organisations/other
	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 thereunder,

3. MANPOWER SHORTAGES:

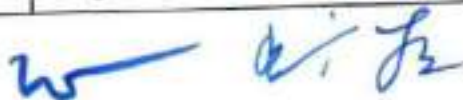
Vacancies/posts remained unfilled because of shortage of suitable applicants.

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

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

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

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



Description	Men	Women	Others (transgender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
*					
Total :					

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

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

To

The Career Centre,

Note :—

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

