Now, therefore, in exercise of the powers conferred by section 154 and 156 of the Code on Social Security, 2020 (Central Act No. 36 of 2020), and in supersession of the previous rules made by the State Government viz (1) The Goa, Daman and Diu Payment of Gratuity Rules, 1977; (2) The Goa, Daman and Diu Employees' State Insurance Rules, 1976; (3) The Goa, Daman and Diu Maternity Benefit Rules, 1976 and (4) The Goa, Daman and Diu Workmen's Compensation Rules, 1965; (5) The Goa Un-organised workers Social Security Rules, 2014; (6) Goa Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2008, except as respects things done or omitted to be done before such supersession, the Government of Goa hereby makes the following rules, namely,—

CHAPTER I

Preliminary

1. *Short title and commencement*.— (1) These rules may be called the Goa Social Security Rules, 2026.

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

2. *Definitions*.— (1) In these rules, unless the context otherwise requires,—

(a) "agency" means any corporation, body or institution, established under an Act of Parliament or State Legislature as notified by the State Government;

(b) "appeal" means an appeal preferred under any applicable section of the Code on Social Security, 2020 (36 of 2020);

(c) "Appellate authority" means the authority specified by the Government under sub-section (8) of section 56 of the Code or an officer, senior in rank to the Assessing Officer for the purposes of section 105 of the code, appointed by the State Government as the case may be;

(d) "Assessing Officer" means a Gazetted officer appointed by the State Government not below the rank of Assistant Labour Commissioner or an officer of a local authority holding an equivalent post to a Gazetted Officer of the State Government not below the rank of Assistant Labour Commissioner appointed by such State Government for assessment of cess under Chapter VIII of the Code;

(e) "Authorised Officer" means an officer designated by the State Government either generally or in respect of any area or class of areas, for the purposes of performing the functions assigned by these rules to the authorized officer;

(f) "authority" means a authority specified by the Government under sub-section (3) of section 72;

(g) "career center (State)" means the career centre as notified by the Government or the Regional Employment Exchange of the Government;

(h) "cess collector" means an officer appointed by the Government for collection of cess under the code;

(i) "Chairperson" means the Chairperson of the Goa Un-organiseed Social Security Board or the Goa Building and Other Construction Workers Welfare Board, as the case may be;

(j) "chartered engineer" means a person having an engineering degree and the corporate membership of Institute of Engineers of India;

(k) "Code" means the Code on Social Security, 2020 (Central Act No. 36 of 2020);

(l) "Court" means Employees State Insurance Court constituted under section 48;

(m) "electronically" means any information maintained, submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;

(n) "excluded vacancies" means those vacancies which have been excluded from the purview of section 139 as per the provisions of sub-section (1) and (2) of section 140;

(o) "Form" means a form appended to these rules;

(p) "fund" means" the Social Security Fund;

(q) "Government Securities" means Government Securities as defined in the Government Securities Act, 2006 (Central Act No. 38 of 2006);

(r) "immovable property" includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;

(s) "movable property" means property of every description except immovable property;

(t) "nominations" means nomination made under section 55 of the Code;

(u) "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;

(v) "register of women employees" means register of employees maintained under rule 86;

(w) "section" means a section of the Code; and

(x) "specified" means specified by an order of the Central Government or by the State Government or any officer so authorized by such Government.

(y) "State Government" means Government of Goa.

(z) "Year" means the financial year, beginning from the 1st day of April and ending with the 31st day of March of the year following.

(2) All other words and expressions used in these rules which are not defined herein, but are defined in the Code shall have the same meaning as are respectively assigned to them under the Code.

CHAPTER II

Social Security Organisations

A. GOA UNORGANISED WORKERS SOCIAL SECURITY BOARD.

3. *Term of office of members of the Board*.— (1) A member, other than an ex-officio member, shall hold office for a period of three years from the date of his appointment, however, when a vacancy is filled in the membership of the Board under rule 7, he shall hold office only for the remainder of the term of office of the member in whose place he is so nominated:

Provided that a member nominated under sub-clause (iii) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board if he ceases to be a member of the Legislative Assembly of Goa:

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

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

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

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

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

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

5. *Removal of member*.— The State Government may remove from office, any member of the Board, if, in its opinion, such a member has ceased to represent the interest which he purports to represent on the Board:

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

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

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

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

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

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

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

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

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

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

Explanation.— The expression "Chairperson" for the purpose of the above proviso shall include a member nominated or chosen under sub-rule (2) of rule 10 to preside over a meeting.

10. *Meetings*.— (1) 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 of the year.

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

11. *Notice of meetings and list of business*.— (1) Ordinarily, at-least twenty one days notice shall be given to the members of the Board of a proposed meeting alongwith the copy of the agenda.

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

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

12. *Quorum*.— (1) No business shall be transacted at any meeting of the Board unless atleast ten members are present in that meeting which shall include at least one non-official member.

Provided that if at a meeting, less than ten 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.

(2) A member, other than ex-officio member, shall cease to be a member of the Board if he remains absent for three consecutive meetings of the Board without the leave of absence from the Chairperson.

13. *Proceedings of the meeting*.— (1) The proceedings of each meeting showing inter alia the names of the members present thereat shall be forwarded to each member of the Board, as soon as possible after the meeting, and in any case not less than seven days before the next meeting.

(2) The minutes of each meeting shall be confirmed with such modifications as may be considered necessary at the next meeting.

14. *Terms and conditions of appointment of the Chairperson and other members of the Board*.— (1) The term of office of Chairperson and other members of the Board other than the Official members shall be three years from the date of their appointment:

Provided that the members may continue in office till their successors are appointed:

Provided further that in no case the members shall continue in office beyond the period of three and half years from the date of their appointment.

(2) The Chairperson and every non-official member of the Board shall be paid a sitting fee and allowances, as may be determined by the State Government from time to time, for attending the meeting of the Board.

(3) A member, nominated to fill a casual vacancy, shall hold office for the remaining period of the term of office of the member in whose place, he is nominated.

15. *Appointment of Secretary and other officers and employees*.— The Board shall appoint a secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions and shall be paid such salary and allowances, as may be determined by the Board from time to time with the approval of the State Government.

B. BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD

16. *Term of Chairperson and other members of Building and Other Construction Workers Welfare Board*.— 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 the members may continue in office till their successors are appointed:

17. *Filling up of casual vacancies*.— A member nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

18. *Meeting of the Board*.— The Board shall ordinarily meet once in three months. Provided that the Chairperson shall, within fifteen days of the receipts of a requisition in writing from not less than one-third of the members of the Board, call a meeting thereof.

19. *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 speed post or by special messenger, to each member fifteen days before the meeting:

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 shall be deemed sufficient.

20. *Chairperson to preside at meetings*.— (1) The Chairperson shall preside over every meeting of the Board in which he is present and if for any reason the Chairperson is unable to attend the meeting any member nominated by the Chairperson in this behalf shall preside over the meeting.

(2) When the Chairperson is absent and no member has been nominated by the Chairperson under sub-rule (1), the members present shall elect one of them to preside over the meeting and the member so elected shall exercise all the powers of the Chairperson in conducting the meeting.

(3) No business shall be transacted at any meeting of the Board unless, atleast six members are present of whom one shall be non-official member.

21. *Absence from the State*.— If any member leaves the State for a period of not less than six months without intimation to the Chairperson, he shall be deemed to have resigned from the Board.

22. *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 any equal votes, the Chairperson shall have and exercise a casting vote.

23. *Minutes of the meeting*.— Every decision taken at a meeting of the Board shall be recorded in a minutes book at the same meeting and signed by the Chairperson. The Minutes Book shall be a permanent record.

24. *Fees and allowances*.— (1) Every non--official member of the Board shall be paid a sitting fee of Five hundred rupees or amount as may be fixed by the State Government from time to time, for attending meeting of the Board. This fee shall not be applicable for meetings of sub-committee appointed by the Board.

(2) The Chairperson shall be paid a sitting fee of six hundred rupees or amount as may be fixed by the State Government from time to time, for attending the meeting of the Board.

25. *Constitution of sub-committees*.— (1) The Board may appoint such sub-committees as it may deem fit for the proper discharge of its duties. Non--official members of such sub-committee shall be allowed travelling allowance and daily allowance for attending the meeting of the sub-committee at such rates as are admissible to a Joint Secretary of the Government of Goa and such daily allowance shall be calculated at the maximum rate permissible to such Joint Secretary.

(2) Sub-committee shall consist of the following persons, namely:—

(a) The Chairperson of the Board;

(b) One member representing the employers;

(c) One member representing the building workers;

(d) Two members representing the State Government, not below the rank of a Joint Secretary.

(3) The Chairperson of the Board shall be the Chairperson of the sub-committee also. If the Chairperson is absent at any time the members present shall elect one among them to preside over the meeting.

(4) No business shall be transacted at a meeting of the sub-committee unless at least three members of the committee are present of whom one shall be representing employers and another one shall be representing building workers.

(5) The term of the sub-committee shall be one year from the date of its constitution:

Provided that the sub-committee shall continue in office after expiry of one year until a new sub-committee is constituted:

Provided further that in no case, the sub-committee shall continue beyond a period of two years from the date of its original constitution.

(6) The recommendations of the sub-committee shall be placed before the Board for its decision.

26. *Powers, duties and functions of the Building and Other Construction Workers Welfare Board*.— (1) The Board shall be responsible for,

(a) all matters connected with the administration of the Building and Other Construction Workers Welfare Fund;

(b) laying down policies for the deposits of the amount of the Building and Other Construction Workers Welfare Fund;

(c) submission of annual budget to the State Government for sanction;

(d) submission of annual report to the State Government on the activities of the Board;

(e) proper maintenance of accounts;

(f) annual audit of accounts of the Board, in accordance with provisions of the Code;

(g) collection of contribution to the Building and Other Construction Workers Welfare Fund and other charges;

(h) launching of prosecutions for and on behalf of the Board;

(i) speedy settlement of claims and sanction of advances and other benefits;

(j) proper and timely recovery of any amount due to the Board.

(2) The Board shall furnish information to State Government on such matters as the State Government may refer to it, from time to time.

27. *Secretary of Board*.— (1) The Secretary of the Board shall be the Chief Executive Officer of the Board,

(2) The Secretary shall, with the approval of the Chairperson, issue notice to convene meetings of the Board and keep the record of minutes and shall take necessary steps for carrying out the decisions of the Board.

28. *Appointment of Secretary and other officer*.— The Board shall appoint a secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under the Act.

29. *Administrative and financial powers of the Secretary*.— (1) The Secretary of the Board may, without reference to the Board, sanction expenditure and contingencies, supplies and services, purchase of articles, refund, subject to the limits up to which he may be authorised to sanction expenditure, on any single item, from time to time, by the Board.

(2) The Secretary may also exercise such other administrative and financial powers other than those specified in sub-rule (1), above as may be delegated to him from time to time by the Board.

(3) The Board may, from time to time, delegate, subject to such conditions as it may deem fit, administrative and financial powers to any other officer under its control and supervision to the extent considered necessary for its efficient functioning.

30. *Other Welfare Schemes*.— The Board may formulate or make applicable following scheme(s) for the Building workers

(i) Group Insurance Scheme for Building workers;

(ii) Educational schemes for the benefit of children of Building workers; and

(iii) Treatment of major ailments of Building workers and their dependant.

CHAPTER III

Employees Insurance Court

31. *Procedures to be followed by the Employees State Insurance Court*.— (1) Every proceeding under section 49 shall be instituted by filing 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) An application under sub-rule (1) shall be in Form - I shall be duly stamped 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; 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;

(iii) 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;

(iv) the facts constituting the cause of action and the date when it arose;

(v) the facts showing' that the Court has jurisdiction;

(vi) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and

(vii) the relief which the applicant claim.

(4) The Court may summarily reject an application if it is not in accordance with sub-rule (3).

32. *Production of documents*.— (1) When any application is based upon, a document, the document shall be annexed to the application.

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

(3) Any document which is not produced as specified in sub-rule (1) or (2), 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 Form - II.

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

33. *Register of applications*.— All applications shall be entered in a Register in Form - III called the Register of Proceedings. Entries therein shall be serially numbered for every calendar year according to the order in which the applications are received.

34. *Place of suing*.— For cases falling under sub-section (1) of section 48, proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction,—

(i) the opposite party or each of the opposite parties, where there are more than one, at the time of commencement of the proceedings, actually and voluntarily reside, or carries on business, or personally works for gain; or

(ii) any of the opposite parties, where there are more than one, at the time of the commencement of the proceedings actually and voluntarily resides, or carries on business, personally works for gain, provided that in such case either the leave of the Court is given, or the opposite parties who do not reside, or carry on business or personally work for gain, as aforesaid, acquiesce in such institution; or

(iii) the cause of action, wholly or in part; arose.

35. *Application 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 it to the applicant after endorsing upon it the dates of the presentation and return, the reason 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 subsequent to the presentation of an application, that the application should have been presented to another Court, the Court shall send the application to the' Court empowered to deal with it and shall inform the applicant and the opposite party, accordingly.

(3) The Court to which an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

36. *Issue of Summons*.— (1) On receiving an application, the Court shall, ordinarily within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the "Opposite party"), a summon in Form - IV or Form - V as the case may be, to appear and answer the application on a day, not later than fifteen days from the date of issue 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 the application shall also be sent along with the summons under sub-rule (1).

37. *Service of Summons or notice*.— (1) A summon or notice may, on payment of the required fee, shall be sent by the Court by which it is issued, either by speed post or in such other manner as the Court think 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 the summons or the notice to be reserved by affixing a copy thereof in some conspicuous place in the Court house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and such service shall be as effectual as if it had been made on the opposite party personally.

(3) Where a summon 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.

38. *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 thereof in Form - II.

(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 thereof.

(3) In every written statement submitted under sub-rule (1) the opposite party shall deal specifically with each obligation of fact alleged by the applicant, of which he admits 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, payment performance or facts showing illegality of the transaction.

39. *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 specified by the Court, the Court may pronounce judgement against it or make such order in relation to the proceeding as it thinks fit.

40. *Framing of issues*.— (1) At the first hearing of the application, after the summons is served, the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any persons 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 issues upon which the right decision appears to depend.

(2) In recording the issues, the Court shall distinguish between those issues which in its opinion concerns points of fact and those which concern points of law.

(3) The Court may, in like manner, at any time, before passing its final order add to, strike out from or in any way amend the issues on such terms as it may think fit.

41. *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 of fact the Court may at once pronounce its final order.

42. *Appearance of parties and consequences 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 by their respective legal practitioners and the application shall then be 'heard unless the hearing is adjourned by the Court.

(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 made an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the Court shall make an order against the opposite party upon such admission and where part only of the claim has been admitted, it shall dismiss the case so far as it relates, to the remainder.

(4) Where the applicant appears and the opposite party 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 partly dismissed under sub-rule (2) or (3), the applicant may within thirty days of such dismissal apply in Form - VI 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 - VI 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 - VII 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 serving notice thereof to the applicant in Form - VII make an order setting aside the order upon such terms as it thinks fit and may proceed with, the hearing of the case or appoint a day for proceeding With the same.

43. *Summoning of witnesses*.— (1) At any time, after the framing of the 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 - VIII 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.

44. *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 till the application and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that when the hearing of the evidence has once begun, the hearing of the application shall be, continued 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.

45. *Right to begin proceeding*.— The applicant shall have the right to begin unless the opposite party admits the fact 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 shall have the right to begin.

46. *Statement and production of evidence*.— (1) On the day fixed for the hearing of the application or on any other day to which the 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.

47. *Method of recording evidence*.— The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge, by the Junior Judge in the language of the Court, not ordinarily in the form of question and answer, but in a narrative, and when completed, shall be read over or translated, where necessary, in the presence of such Judge and the witness, and such Judge shall, if necessary, correct the same and sign it.

48. *Recall of a 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.

49. *Inspection by Court*.— The Court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

50. *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.

51. *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.

52. *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 thereof, upon each separate issue, unless the finding upon anyone or more of the issues is insufficient for the decision of the case.

53. *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.

54. *Finality of Order*.— The order of a Court shall be final and binding upon the parties.

55. *Costs*.— (1) The costs 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 which 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 shall state its reasons in writing.

56. *Contents of the decree*.— (1) A decree in Form - IX shall be prepared in conformity with the order made by the Court and shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.

(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 costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

57. *Certified copies of order, decree, 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 expense.

(2) If any party requires 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 forty-eight hours of the submission of an application thereof to the Court, he shall pay fee of two rupees for each such copy.

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, after the expiry of twelve months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of two rupees.

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

(2) On such application being made, the Court shall send the same together with the necessary record ·to a Civil Court, of competent jurisdiction, for the execution and 'such Civil Court shall have the same power in executing such order as if it has been passed by it.

59. *Communication of fact of execution otherwise*.— The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

60. *Fees*.— (1) The fee payable on an application in respect of any matter shall be ten 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 five rupee:

Provided that the fee for an application for obtaining a copy or translation of any document or record or statement, order or decree before the Court, as the case may be shall be two rupee per page;

(3) The fee for filing certified copies of any document in a Court shall be five rupee.

(4) All fees shall be collected by' means of court fee stamps used in ordinary Courts and no document which ought to bear stamp 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.

(5) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

61. *Payment of costs of services of summons, etc*.— (1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the preceding rule shall be such amount as may be specified in each case by the Court, and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefor.

(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 on whose behalf the amount was originally paid to the Court.

(3) The Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

62. *Fees and costs of poor persons*.— The Court may, whenever it thinks fit, receive and register proceedings instituted under the Act and applications 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 the fees and costs.

63. *Provisions in the Code of Civil Procedure, 1908 (V of 1908) etc., to apply*.— In respect of matters relating to powers, procedure or admission of evidence for which no specific provision is made in these rules the provisions of the Code of Civil Procedure 1908 (V of 1908), including the Rules made there under and the Bharatiya Sakshya Adhiniyam, 2023 (Central Act, 47 of 2023) shall, so far as may be, apply to proceedings under the Act.

64. *Manner and time within which second appeal may be filed to the Court*.— The Insured person or the corporation may appeal to the Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

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

CHAPTER IV

Gratuity

65. *Gratuity invested for the benefit of minor*.—In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him by the employer for the benefit of such minor in term deposit with the State Bank of India or any other Nationalised Bank.

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

66. *Nomination, fresh nomination and modification*.— (1) A nomination shall be in Form - XI and submitted in duplicate by the employee either by personal service, after taking proper receipt or by speed post acknowledgement due or electronically to the employer,—

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

(ii) in the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily within ninety days of the completion of one year of service:

Provided that nomination in Form - XI 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 - XI 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 – XI 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 retained by him.

Provided that the details of Aadhaar of the nominee shall be provided by the employee at the time of filling the nomination form.

(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, in duplicate in Form – XI to the employer and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis as if it was made under sub-rule (1).

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

(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 may be and shall be submitted by the employee electronically or by personal service or by speed post (with registration) 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.

67. *Application for payment of gratuity and appeal etc*.— (1) An employee who is eligible for payment of gratuity under the Code, or any person authorized, in writing, to act on his behalf, shall apply, ordinarily within a period of thirty days from the date the gratuity became payable, in Form - XII to the employer:

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

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

Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of at least one year and for subsequent period in excess of six months and more, but less than one year, shall be rounded off to one additional year.

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

(3) A legal heir of an employee who is eligible for payment of gratuity under the third 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 -XII to the employer.

(4) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in sub-rule (1), (2) and (3) shall be deemed to be operative from the date of such commencement.

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

(6) An application for payment of gratuity shall be submitted to the employer either electronically, or by personal service or by speed post (with registration).

68. *Notice for payment of gratuity*.— (1) Within fifteen days of the receipt of an application for payment of gratuity, the employer shall—

(i) if the claim is found admissible on verification, issue a notice in Form - XIII 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 - XIII 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, and the copy of the notice shall be endorsed to the competent authority.

(2) 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 - XIII under sub-clause (i) of sub-rule (1) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

(3) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness(es) or evidence(s) as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be, and in that case, the time limit specified for issuance of notices under sub-rule (1) shall be operative with effect from the date such witness(es) or evidence(s), as the case may be, called for by the employer is furnished to the employer.

(4) A notice in Form - XIII shall be served on the applicant either by personal service after taking receipt or by speed post with acknowledgement due or electronically.

(5) A notice under sub-section (2) of section 56 in Form – XIII.

69. *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:

70. *Application to competent authority for direction*.— (1) If an employer—

(i) refuses to accept a nomination or to entertain an application sought to be filed, or

(ii) issues a notice 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 fails to issue notice as required within the time.

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 - XIV to the Competent Authority for issuing a direction under Clause (c) of sub-section (5) of section 56 with a copy to the opposite party.

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

(2) Application under sub-rule (1) and other documents relevant to such an application shall be presented in person to the competent authority or shall be sent by speed post acknowledgement due or electronically.

71. *Procedure for dealing with application for direction*.— (1) On receipt of an application under rule 70 the Competent Authority shall, by issuing a notice in Form - XV electronically or speed post or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorized representative together with all relevant documents and witnesses, if any.

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

(3) A party appearing by an authorized representative shall be bound by the acts of the representative.

(4) After completion of hearing on the date fixed under sub-rule (1), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code and a copy of the finding shall be given to each of the parties.

Provided that the Competent Authority shall dispose of the application for gratuity within six months from the date of receipt of the application.

Provided further that the competent Authority may, for reasons to be recorded in writing, extend the said period for a further period not exceeding three months.

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

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

(6) 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 electronically or in such manner as he thinks fit.

(7) The competent authority may authorize a clerk of his office to administer oaths for the purpose of giving evidence or producing documents.

(8) 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 - XV either to give evidence or to produce documents or for both purposes on a specified date, time and place.

(9) Any notice, summons, process or order issued by the competent authority may be served either personally or by speed post acknowledgement due or electronically or in any other manner as specified under the Code of Civil Procedure, 1908 (5 of 1908).

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

(11) (a) The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and date the particulars so recorded.

(b) The competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet.

(c) Any record, other than a record of any order or direction, which is required 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.

(12) If a finding is recorded 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 - XVI electronically or by speed post acknowledgment due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within a period of thirty days from the date of the receipt of the notice by the employer and a copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

(13) (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 speed post acknowledgement due or electronically.

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

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

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

(e) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments on 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 speed post or in person and a copy thereof shall be sent to the competent authority returning his records of the case sent by him.

Provided that the Appellate Authority shall dispose of the application for gratuity within six months from the date of receipt of the application.

Provided further that the Appellate Authority may, for reasons to be recorded in writing, extend the said period for a further period not exceeding three months.

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

(h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in Form - XVI specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer and a copy of the notice be endorsed to the appellant/employee, nominee or legal heir, as the case may be, and to the appellate authority.

(14) 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 - XVII for recovery thereof under section 129 of the Code.

(15) The person to be appointed as a competent authority for the purposes of chapter V of the Code shall be an officer not below the rank of Deputy Labour Commissioner of the Labour Department, having degree in law or diploma in labour laws of a university established by law in any part of India and at least seven years experience as conciliation officer in the Department.

CHAPTER V

Maternity Benefit

72. *Complaint before Inspector-cum-Facilitator and appeal.*— (1) (a) A complaint under sub-section (1) of section 72 shall be made in writing in Form - XVIII A to the Inspector-cum-Facilitator having jurisdiction.

(b) When a complaint referred to in sub-rule (1) 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 or discharged or dismissed, he shall direct the employer to make the payment to the complainant or to the person claiming the payment under section 63, and pass such order as he deems fit, immediately but not exceeding period of 45 days.

(2) (a) An appeal against the decision of the Inspector-cum-Facilitator, shall lie to the competent authority.

(b) The aggrieved person shall prefer an appeal in writing to the competent authority in Form - XVIII B and file other supporting documents.

(c) When an appeal is received, the competent authority shall call from the Inspector-cum-Facilitator before a fixed date, the record of the case. The competent authority shall, if necessary, also record the statements of the aggrieved person, and of the Inspector-cum-Facilitator and seek clarification, if any is required.

(d) Taking into account the document(s), the evidence produced before him and the facts presented to him or ascertained by him, the competent authority shall give his decision.

Provided that the Competent Authority shall dispose of the appeal within three months from the date of receipt of the appeal:

Provided further that the Competent Authority may, for reasons to be recorded in writing extend the said period for a further period not exceeding three months.

CHAPTER VI

Employees Compensation

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

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

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

(b) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;

(c) by the employee, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the employee's condition such as to warrant such cessation;

(d) either by the employer or by the employee, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;

(e) either by the employer or by the employee on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record.

75. *Procedure on application for review*.— If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought it appears to the Competent Authority that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

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

Provided that fraction of a rupee included in the sum so computed shall be disregarded.

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

77. *Class of employers and the form of notice-book*.— Every employer to which the Code applies, shall maintain a notice book in accordance with sub-section (4) of section 82 in Form - XIX, which shall be readily accessible at all reasonable times to any injured employee employed on the premises, and to any person acting bona-fide on his behalf.

78. *The frequent for medical examination under the proviso to sub-section (1) of section 84*.— A 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.

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

(ii) Examination in other cases.— The employer may,—

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

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

Provided that—

(i) the time so specified shall not, save with the express consent of the employee, be between the hours of 7.00 p.m. and 6.00 a.m; and

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

(iii) Restriction on number of examinations.— A employee who is in receipt of a half-monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.

(vi) Examination after suspension of right to compensation.— If a employee whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 84 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity 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, more than 72 hours after the workman has so offered himself.

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

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

79. *Form of statement to be submitted by the employer*.— The statement for fatal accident required under sub-section (1) of section 88, shall be in Form - XX.

80. *Record of Memorandum of Agreement*.— Memorandum of agreement sent to the competent authority under sub-section (1) of section 89 shall unless the competent authority otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with, in Form - XXI, or Form - XXII, or Form – XXIII, as the case may be.

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

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

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

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

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

(5) If, on receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned of the date so fixed, and of the ground on which he considers that the memorandum should not be recorded.

(6) If the parties to be informed are not present a written notice shall be sent to them in Form - XXVI, as the case may be, and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(7) If, on the date so fixed, 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 applicable provisions.

(8) If, on the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in Form – XXVII to any party who did not receive information.

(9) If, in any case, the Competent Authority refuses to record a memorandum of agreement, he shall briefly record his reason for such refusal.

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

(11) Where in case of the agreement for the redemption of half-monthly payments by the payments of a lump sum, the Competent Authority considers the memorandum of agreement should not be recorded by reason of the inadequacy of the amount of such sum as filed in the agreement, he shall record his estimate of the probable duration of the disablement of the employee.

(12) In recording a memorandum of agreement, the competent authority shall cause the same to be entered in a register in Form - XXVIII and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following terms, namely: -

"The memorandum of agreement bearing Serial No. _____of _____20 in the register has been recorded this _____day _____of.

81. *Experience and qualification for appointment as a competent authority under sub-section (1) of section 91.*— The State Government may, by notification, appoint any person who is or has been—

(a) Member of State Judicial service for a period of not less than five years; or

(b) Advocate with atleast five years of practice; or

(c) Gazetted officer with service not less than five years and having law degree and experience either in personnel management or human resource development or Industrial relations or legal affairs Department.

82. *Manner in which matters may be dealt with by or before a competent authority*.—

(1) Application.— (1) Any application under section 93 may be filed before to the competent authority electronically or by speed post or may be presented to him or to any of his subordinates authorized by him in this behalf, and , if so sent or presented, shall, unless the Competent Authority otherwise directs, be made in duplicate in appropriate Form, if any, and shall be signed by the applicant.

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

(3) When the application for relief is based upon a document, the document shall be accompanied with the application.

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

(5) Any document which is not produced shall not, without the sanction of the Competent Authority, be admissible in evidence on behalf of the party who should have produced it.

(6) Nothing in this sub-rules applies to any document which is produced for the purpose of cross–examining a witness or is handed to a witness to refresh his memory.

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

(8) If it appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application), accordingly.

(9) The Competent Authority to whom an application is transferred under sub-rule (8) may continue the proceedings as if the previous proceedings or any part of them has been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudice.

(10) Upon receiving application under section 93, the Competent Authority may examine the applicant on oath, or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority.

The substance of any examination made shall be recorded in the manner provided for the recording of evidence in section 97.

(11) The Competent Authority may, after considering application and the result of any examination of the applicant, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon. The dismissal of the application shall not be itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

(12) If the application is not dismissed under sub-rule (ii), the Competent Authority may for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon

any other party, and, if upon considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

(13) The Competent Authority does not dismiss the application under sub-rule (12), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender. The opposite party may, and if so required by the Competent Authority, at or before the first hearing or within such time as the Competent Authority may permit, file a written statement dealing with the claim, raised in the application, and any such written statement shall form part of the record. If the opposite party contests the claim, the Competent Authority may, and, if no written statement has been filed, shall proceed to examine him upon the claim and shall reduce the result of examination to writing.

(14) After considering any written statement and the result of any examination of the parties, the Competent Authority shall ascertain upon what material propositions of fact or of law the parties are at variance and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend. In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion concern point of facts and those which concern point of law.

(15) When issues both of law and of fact arise in the same case, and the Competent Authority is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issue of fact until the issues of law have been determined.

(16) The Competent Authority shall maintain under his hand a brief diary of the proceedings on an application.

(17) If the competent Authority finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.

(18) The Competent Authority, in passing orders, shall record concisely a judgment, his finding on each of the issues framed and his reasons for such finding. The Competent Authority, at the time of signing and dating his judgment, shall pronounce, his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

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

(20) A Competent Authority before whom any proceeding relating to injury by accident is pending may, at any time, enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any person likely to be able to give information relevant to the proceedings:

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

(21) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention of conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable. Such notice may be given orally or in writing and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 88, or the representative of any such person.

Any party, or the representative of any party, may accompany the Competent Authority at a local inspection.

The Competent Authority, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the fee of Rs.500/-, shall supply any party with a copy thereof.

The memorandum shall form part of the record.

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

(b) No oath shall be administered to a person to be examined under clause (a).

(c) Statements made by persons examined under clause (a), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilized by the Competent Authority for the purpose of arriving at a decision in the case.

(d) If a witness who has been examined under clause (a) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Competent Authority may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the propose of cross examining the witness.

(e) Any statements or part of a statement which is furnished to the parties under clause (d) shall be incorporated in the record.

(f) Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under clause (a) and may utilize such statement for the purpose of justifying his acceptance of or refusal to accept the agreement reached.

(23) (a) If a party states in writing his willingness to abide by the decision of the Competent Authority, the Competent Authority shall inquire whether the other party is willing to abide by his decision.

(b) If the other party agrees to abide by the Competent Authorities' decision, the fact of his agreement shall be recorded in writing and signed by him.

(c) If the other party does not agree to abide by the Competent Authorities decision the first party shall not remain under an obligation so to abide.

(24) (a) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 85 to be indemnified by a person not being a party to the case, he shall, when first called upon answer the application, present a notice of such claim to the Competent Authority accompanied by the fee of Rs.500/-, and the Competent Authority shall thereupon issue notice to such person in Form - XXIX.

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

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

(c) If any person served with a notice under clause (a) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under clause (a) present a notice of such claim to the Competent Authority accompanied by the fee or Rupees five hundred only and the Competent Authority shall thereupon issue notice to such person in Form - XXX.

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

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

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

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

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

(26) Save as otherwise expressly provided in the Code or these Rules the following provision of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, rules 9 to 13 and 15 to 30; Order IX; Order XIII rules 3 to 10; Order XVI rules 2 to 21; Order XVII; and Order XXIII rules 1 and 2; shall apply to proceedings before Competent Authority, in so far as they may be applicable thereto:

Provided that—

(a) For the purpose of facilitating the application of the said provisions, the Competent Authority may construe them with such alterations not affecting the substance as may be necessary or propose to adapt them to the matter before him;

(b) The Competent Authority may for sufficient reasons, proceed otherwise than in accordance with the said provisions if he is satisfied that the interests of the parties will not thereby be prejudiced.

(27) Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner (Labour and Employment) may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

(28) The provisions of this Part shall, a far as may be, apply in the case of any proceedings relating to the apportionment of compensation among the dependants of a deceased workman.

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

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

(i) the cost for a copy of any document or record or statement or order or decree shall be rupees ten per copy.

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

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

(d) Any person who is not a party to dispute, may get the certified copy of decision, decree or other document except the confidential document, on payment of fee as specified above.

(30) (a) Upon receiving the application under section 93, the competent authority may examine the applicant on oath or may send the application to any officer authorised by notification in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the competent authority.

(b) The substance of any examination made under clause (a) shall be recorded in the manner provided for the recording of evidence in section 97.

83. *Time limit to pay amount of cess*.— The cess levied under Section 100 of the code shall be paid by an employer, within sixty days of completion of the construction project or within sixty days of the date on which assessment of cess payable is finalized, whichever is earlier, to the cess collector.

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

85. *Conditions and manner of writing off irrecoverable dues*.— Where the Goa Unorganized Workers Social Security Board or the Goa Building and other Construction Workers Welfare Board as the case may be is of the opinion that the amount of contribution, cess, interest and damages due to the Board has become irrecoverable, the Board or any other officer authorised by it in this behalf, may sanction the writing off of the said amount, subject to the following conditions, namely:—

(1) if the establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts; or

(2) decree obtained by the Board could not be executed successfully for want of sufficient assets of the defaulting employer; or

(3) claim for contribution is not fully complied with by —

(a) the Official Liquidator in the event of factories or establishments having gone into liquidation;

or

(c) in the event of factories or establishment being Nationalized or taken over by the Government.

CHAPTER VII

Maintainance of Records, Registers, Returns, Etc.

86. *Maintenance of records, registers, returns, etc*.— (1) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in Form - XXXI electronically or in hard copy and shall enter therein particulars of all women workers in the establishment and the same shall always be available for inspection by the authority notified or by the Inspector- cum-Facilitator.

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

(3) The records shall be preserved for a period of three years from the date of their preparation.

(4) The employer of every establishment in which employees are employed, shall prepare and maintain record and registers as per the record and registers to be maintained under the Code on Wages 2019 (Central Act 29 of 2019) and the rules framed there-under.

(5) The employer to which the provisions of the Code applies, on or before the 28th/29th February of every year, upload a unified annual return in Form - XXXII online on the web portal of the Labour Department of the Government of Goa, 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 records, register and other documents maintained in electronic form or otherwise.

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

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

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

(1) Acquisition of property.— Subject to the conditions, as may, from time to time, be laid down by the Welfare Board or Social Security Board, the Secretary or Member-Secretary may for the purpose of this code, acquire , movable or immovable property on behalf of the Welfare Board or the Social Security Board:

Provided that sanction of the Board shall be required for the exchange of any immovable property for taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened by an obligation.

(2) Disposal of Property.— Subject to the conditions as may be laid down by the Welfare Board or the Social Security Board from time to time, the Secretary or the Member-Secretary may—

(a) dispose of, by sale or exchange, any movable property belonging to the Welfare Board or the Social Security Board, the value of which does not exceed ten thousand rupees in each case, or grant any term not exceeding twelve months a lease of any immovable property belonging to the Welfare Board or the Social Security Board.

(b) With the prior sanction of the Board, lease, sell or otherwise dispose of any movable or immovable property belonging to the Welfare Board or the Social Security Board.

(3) Investment, transfer or realization of the fund.— (a) All money belonging to the fund which are not immediately required for expenses properly defrayable under the code, may, subject to the approval of the Board, be invested by the Secretary in case of Welfare Board or by Member-Secretary in case of the Social Security Board as fixed deposit in the Reserve Bank of India or the State Bank of India or any Nationalized Bank.

(b) Money belonging to the fund shall not be invested in any other manner except with the prior approval of the State Government.

(c) Any investment made under this rule may, subject to the provisions of sub-rules (a) and (b), be varied, transposed or realised from time to time.

Provided, however, that if such variation, transposition or realisation is likely to result in a loss, the prior approval of the State Government shall be obtained.

Explanation: The approval of the State Government shall not be required merely on the ground that the value of the security on its maturity is less than the price at which it was purchased.

(d) All interest or other sums received in respect of any investments shall, as soon as possible after receipt, be paid into or credited to the account of the fund.

(e) The expenses of or the loss, if any, arising from any investment shall be charged to the fund and the profit, if any, from the sale of any investment shall also accrue to the fund.

(f) The approval of the Board or State Government under sub-rules (a) and (b), as the case may be, may be given with or without any conditions either generally or in any particular case.

(4) Raising and repayment of loan.- (a) (i) The Welfare Board or the Social Security Board may, in pursuance of a resolution passed at a meeting of the Board, and with the prior approval of the State Government, raise loans for the purpose of the code.

(ii) In particular and without prejudice to the generality of the foregoing power, the Welfare Board or the Social Security Board may raise loans-

(iii) for the acquisition of land and/or raising of buildings thereon; or

(iv) for any other purpose approved by the State Government.

(b) All loans under this rule shall be obtained—

i) from the State Government on such rates of interest and such terms as to the time and method of repayment as the State Government may specify; or

ii) with the approval of the State Government, from the Reserve Bank of India or the State Bank of India or any of Nationalized Bank.

(c) Where a loan is obtained from the Reserve Bank of India or State Bank of India or any Nationalized Bank as provided in clause (b) of sub-rule (4), the Welfare Board or the Social Security Board may, with the approval of the State Government, grant mortgages of all or any of the properties vested in it for securing the repayment of the sums so advanced, with interest.

(d) All payments due from the Welfare Board or the Social Security Board for interest on and repayment of loans shall be made in such manner and at such time as may have been agreed upon:

Provided that the Welfare Board or the Social Security Board may apply any sums which can be so applied, in repaying any amount due in respect of the principal of any loan although the repayment of the same may not be due.

(e) No expenditure incurred out of loan shall be charged by the Welfare Board or the Social Security Board to capital, except the previous sanction (or under the direction) of the State Government.

(f) The Welfare Board or the Social Security Board shall submit to the State Government alongwith annual report each year showing the loans raised and repayment made during the preceding year.

(5) Provident or other benefit funds for officers and staff or any class of them-: The Welfare Board or the Social Security Board shall establish, maintain and contribute to a fund called The Goa Building and Other Construction Workers Welfare Board Provident Fund or The Goa Un-organsied Workers Social

Security Board Provident Fund in respect of its employees other than those whose services are placed at the disposal of the Welfare Board or the Social Security Board by the State Government. The said funds shall be administered by the Welfare Board or the Social Security Board as the case may be and subject to such conditions as it may deem fit to impose. The Welfare Board or the Social Security Board may, subject to the previous approval of the State Government, make regulations to provide for all other matters incidental to or necessary for the provident fund.

CHAPTER VIII

Employment Exchange

88. *Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre*.— (1) The employer in every establishment in public sector in the State of Goa 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 State Government.

(2) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported, to such Career Centre from such date as may be specified in the notification by the State Government.

(c) The State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

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

(i) the State Government or a Departments of the State 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 a local authority.

(2) "Establishment in private sector" means an establishment which is not an establishment in public sector and with ordinarily 20 or more employees or such number of employees as may be notified by the Central Government.

(4) Appropriate Government would be Central Government for Career Centre (Central) and Government of Goa for Career Centre (Regional).

(5) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the State Government.

(6) The vacancies shall be reported in Form - XXXIII furnishing as many details as practicable, separately in respect of each type of vacancy.

(7) Any change in the particulars already furnished to the Career Centre shall be reported in writing or through official email or digitally, as the case may be, to the specified Career Centre.

(8) (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.

(c) The employer shall furnish the information relating to the result of selection to the concerned career centre against the vacancies reported within thirty days from the date of selection.

(9) (a) After commencement of this Code the employers in every establishment in the public sector shall maintain records manually or electronically or digitally about,—

(i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;

(ii) Persons recruited during the year ending on 31st March;

(iii) Persons recruited from the sponsored list by carrier centre during the year ending 31st March;

(iv) Occupational details of its employees on 31st March of every year;

(v) Vacancies for which suitable candidates were not available during the year ending on 31st March; and

(vi) Approximate number of vacancies likely to occur during the next financial year.

(b) The State Government may, by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about :-

(i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;

(ii) Persons recruited during the year ending on 31st March;

(iii) Persons recruited from the sponsored list by carrier centre during the year ending 31st March;

(iv) Occupational details of its employees on 31st March of every year;

(v) Vacancies for which suitable candidates were not available during the year ending on 31st March; and

(vi) Approximate number of vacancies likely to occur during the next financial year.

(10) An employer shall furnish to the concerned Career Centre (Regional) yearly return in Form - XXXIV manually or electronically or digitally, as the case may be, within thirty days of the due date, namely, 31st March of the year.

(11) 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 State, 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 perform duties referred to in section 139 of the Code, or authorize any person in writing to perform those duties.

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

CHAPTER IX

Offences And Penalties

89. *Form and manner of application for compounding of an offence*.— (1) The officer authorized by the State Government (hereinafter in this rule referred to as the "Compounding Officer") by notification for

the purposes of compounding of offence under sub-section (1) of section 138 shall issue electronically or otherwise by speed post a notice in Form - XXXV for the offences which are compoundable under section 138.

(2) The person who receives notice under sub-rule (1) may apply in Part III of Form - XXXV to the officer electronically or otherwise 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 - XXXV within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the notice.

(4) If a person fails to deposit the composition amount within the time, the prosecution shall be instituted before the competent court for the offence in respect of which the compounding notice was issued, against such person.

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

CHAPTER X

Miscellaneous

90. *Social Security Fund*.— (1) Subject to the provisions of sub-section (5) of section 141 of the code, the other sources of the Social Security Fund for the welfare of the Un-organised Workers may include,-

(a) Any grants from the Central or State Government, as the case may be;

(b) Any contribution from the Un-organised Workers towards Registration or Membership; and

(c) Any donations from Private Organizations or Bodies.

(d) any other source as may be decided by the Board and as notified by the State Government.

(2) The funds of the Board shall be expended for implementing the various schemes of the Un-organized Workers and such other salaries, allowances and administrative expenses as determined by the Board.

91. *Time within which the State Board, shall forward its view to the appropriate Government*.— The State Board, or the Corporation, as the case may be, shall forward its views on the application seeking exemption under section 143 of the Code to the State Government within six months of receipt of proposal for exemption. If the State Board or the Corporation, as the case may be, is unable to provide its views within the said period, the State Government may extend the time limit or take action on the application of exemption, as it may deem fit.

92. *Conditions for 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*.— (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 and the State Government as may be specified in the Regulation; and

(b) in case of change in 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 State 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.

93. *Manner of determining misuse of any benefit by an establishment or by any other person under section 148*.— On the recommendations of the authority or the competent authority or social security

organization, if the State Government is satisfied that nay establishment or any person has misused any benefit provided under the Code or these rules, the State Government may be notification, deprive such establishments or such person, as the case may be, from such benefit for such time as may be specified in the notification;

Provided that no such order shall be passed unless as opportunity of being heard is given to such establishment or such person, as the case may be.

By order and in the name of the Governor of Goa.

Manesh Hari Kedar, Under Secretary, Labour.

Porvorim.

FORM-I

[*See* rule 31(3)]

In the Employees' Insurance Court at .....

A.B. (add description and residence) ……Applicant;

against

C.D. (add description and residence) ……..Opposite Party.

Other particulars of the application specified in rule 6

Date ...

Signature of the applicant

…

(Verification by the applicant)

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

Signature

Date…

FORM - II

[*See* rule 32 (4)]

Applicant

List of documents produced by ----------

Opposite party

(Title) e. g. Description, subject, name of the Court, No.

Sr. No.	Description of Document	Date if any, which the document Bear:	Signature of party or pleader or any authorized representative
1	**2**	**3**	**4**

FORM III

[*See* rule 33]

Register of Proceedings

Employee's Insurance Court at...

Register of Proceedings in year 20…

| | | |

FORM - IV

(*See* rule 36)

Summons for disposal of proceedings

(Title)"

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 authorised 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 ah 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 relay 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……..

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 the 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 - V

[*See* rule 36]

Summons for settlement of Issues

To,

(Name, Description and Place of residence).

Whereas ……. has instituted proceedings against you for ……. you are hereby summoned to appear in the Court in person, or by an authorised agent duly instructed and able to answer all material questions relating to the proceedings or who shall be accompanied by some person able to answer such question at ……. O'clock in the ……. noon. On the ……. day of ……. to answer the claim and you are directed to produce that day 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…….

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 cost of the suit, to avoid execution of the decree which may be against your person or property or both.

FORM - VI
[*See* rule 42(5)]

(Title)

Subject:— Application for setting aside Ex-parte order. The …….. above named states as follows:—

(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

Signature

Place…

FORM - VII
[*See* rule 42(*6*)]

General Form

(Title)

To

Whereas the above named …… has made application on this Court that …… You are hereby warned to appear in this Court in person or by a pleader only 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 seal of the Court, this …… day of …… 20……

FORM - VIII
[*See* rule 43(*2*)]

Summons to Witness

(Title)

To,

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 morning, 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 fall to comply

with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908 (V of 1908).

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

Notice:— 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.

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 - IX

[*See* rule 56]

Decree in case

(Title)

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 Rs. …… be 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 realisation.

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

Court.

Cost of Suit

Rs. a. p.	Rs. a. p.
1. Stamp for application- … … …	Stamp for Power-… … …
2. Stamp for Power- … … …	Stamp for written-… … … Statement
3. Stamp for exhtbits- … … …	Pleader's fee- … … …
4. Pleader's fee- … … …	
5. Subsistence for witnesses-… … …	Subsistence for- … … … witnesses
6. Commissioner's fee- … … …	
7. Service of summons and notices- … … …	Commissioner's fee- … …
Total … … …	Total … … …

Form X
(*See* Rule 58)

Application for the execution of degree
In the court of …… decree holder, hereby a[apply for the execution of the degree here in below set forth:-

Number of proceedings	Name/s of the party/fees	Date of Decree	Weather 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	Amount of costs, if any awarded	Against whom to be executed	Mode in which the assistance of the court is required
1	2	3	4	5	6	7	8	9	10
III OF 1949	A.B- Applicant C.D.- Opposite party	November 11th, 1949	No	None	Rs. 72-4*0 recorded On application, dated the 9th April, 1949	Rs. 314-8-2 principal, X (Interest at 6% per annum from date of order till payment	As Awarded in the decree..Rs. a.p. Subsequently incurred….. Total..	Again the opposite party C.D	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 and Paid top me. (When attachment and sale 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 immovable-property specified at the foot of this application and paid to me.

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

Dated the …. day of ……..… 20 ……

Signed ……

Decree Holder

FORM - XI

[*See* rule 66]

Nomination/Fresh Nomination/Modification of Nomination

(Strike out the words not applicable)

To ……..……..

……..……..…...

……..……..……

(Give her 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 the Code on Social Security, 2020 (Central Act No. 36 of 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 (Central Act No. 36 of 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)

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

Place:

Date: Signature/Thumb-impression of Employee.

Certificate by the Employer

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

Signature of the employer/officer authorized/Designation

Name and address of the Establishment or rubber stamp thereof.

Acknowledgement by the Employee

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

Date : Signature of the Employee

FORM - XII
[*See* rule 67]

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 (Central Act No. 36 of 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 which in service/superannuation on …….…….…….…….. (date) without making any nomination after completion of …….……... years of service/total disablement of the said 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 the employee in full (if the gratuity is claimed by an employee)

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

b. Address in full of employee

Or

(2) Name of nominee/legal heir (if the gratuity is claimed by nominee/legal heir)

a. Name of Employee

b. Marital status of nominee/legal heir (unmarried/married/widow/widower)

c. Relationship of nominee/legal heir with the employee

d. Address in full of nominee/legal heir

e. Date of death and proof of death of the employee

f. Reference No. of recorded nomination if available

(3) Department/Branch/Section where last employed

(4) Post held by employee.

(5) Date of appointment.

(6) Date and cause of termination of service

(7) Date of Death

(8) Total period of service of the employee

(9) Total wages last drawn by the employee

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

(11) Payment may please be made by demand draft/credit in my bank account No……..

Yours faithfully,

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

Place:

Date:

FORM - XIII
[*See* rule 68]

Notice for Payment/Rejecting claim of Gratuity
(Strike out the words not applicable)

To,

……

……

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

You are hereby informed that

(a) *as required under clause (b) of sub-rule (1) of rule 22 of the Code on Social Security (Goa) Rules, 2026, that your claim for payments of gratuity as indicated on your application in Form-II under the said rules is not admissible for the reasons stated below:

Reasons (Here specify the reasons); or

(b) * as required under clause (a) of sub-rule (1) of rule 22 the Code on Social Security (Goa) Rules, 2026 that a sum of Rs……..(Rupees …….) is payable to you as gratuity/as your share of gratuity in terms of nomination made by ……..…….. on ……..…… and …..…….…… …… recorded in this …….. as a legal heir of ……..…..… an employee of this establishment.

2. * Please call at ……..……..…….. on …….(Here specify place) ……..(date) at ……..……..(time) for collecting your payment of gratuity demand draft.

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/
Authorized officer

Name or description of establishment or
rubber stamp thereof.

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

FORM - XIV
[*See* rule 70]

Application for Direction before the Competent Authority for Chapter-V under the Code on Social Security, 2020

Application No. Date:

BETWEEN

(Name in full of the applicant with full address)

AND

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

The applicant is an employee of the above-mentioned employer/a nominee of late …… an employee of the above-mentioned employer/a legal heir of late …… and employee of the abovementioned employer, and is entitled to payment of gratuity under Section 53 of the Code on Social Security, 2020 on account of his own/aforesaid employee' superannuation on ……(date)/his own retirement/aforesaid employees' resignation on ……..(date) completion of …….. years of continuous service/his own/aforesaid employees' total disablement with effect from ……(date) due to accident/disease death of aforesaid employee on ……..

2. The applicant submitted an application under Rule ……. of the Code on Social Security (Goa) Rules, 2026 on the …….. but the above-mentioned employer refused to entertain it/issued a notice dated the ……. under clause ……... of sub rule of rule …….. offering an amount of gratuity which is less than my due /issued a notice dated ……the under clause ……. of sub-rule …….. of rule ……. rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

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

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

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

Date:

Place: 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 service by the employee
11. Wages last down 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 of 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 - XV
[*See* rule 71]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

…….

(Name and address of the employer/applicant)

Whereas Shri ……. an employee under you/a nominee(s) /legal heir(s) of Shri ……..an employee under the above –mentioned employer, has/have filed an application under sub-rule(1) of rule 16 of the Code on Social Security (Goa) Rules, 2026 alleging that …….

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

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at …….. (place) either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the …….. day of …….. 20…… 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 and Social Security, 2020, you are hereby summoned to appear personally before this Authority on the ……. day of ……20……. at 'O'clock in the forenoon/afternoon and to bring with you (or to send to this Authority) the said documents.

List of documents-

1.

2.

3. so on

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

Competent Authority

Under the Code on Social Security Code, 2020

Note:

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

FORM - XVI

[*See* rule 71(*12*)]

Notice of Order 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 required)

FORM - XVII
[*See* rule 71(*14*)]

Application for Recovery of Gratuity
Before the Competent Authority 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 ……... and employee of the abovementioned employer, and you were pleased to direct the said employer in your notice dated the ……..…….. under rule 10 (13) of Social Security (Goa) Rules, 2026 for payment of a sum of Rs. …….. as gratuity payable under the Code on Social Security, 2020.

2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.

3. The applicant therefore prays that a certificate may be issued under section 129 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 – XVIII-A
[*See* rule 72]

Complaint to the Inspector-cum-Facilitator

To,

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

Sir,

I…… (Name of woman employee) 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 employee) employed in……. (name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security, 2020 (36 of 2020) and the rules framed 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 my/her absence f rom work in accordance with the provisions of Chapter VI of Code on Social Security, 2020 (36 of 2020).

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

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

Place ……

Date ……

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

FORM – XVIII-B
[*See* rule 72(*b*)]

Appeal

To,

The Appellate Authority,

(Appointed under the Code on Social Security, 2020)

…….……..…….(Address)

Sir,

I……, the undersigned, woman employee/her legal heir/her representative or employer/his representative of……. (name and full address of the establishment) aggrieved by the order of Inspector-cum-Facilitator Shri…….. hereby prefer this Appeal under sub-section (*3*) of Section 72 in view of the facts mentioned in the memorandum and other documents filed herewith.

*Denial by his order under sub-section (*2*) of Section 72, the maternity benefit or other amount …… (Nature of amount) to which…..…… (Name of woman employee) is entitled and/or refused to set aside discharge or dismissal of …….. (Name of woman employee) during or on account of absence from work in accordance with the provisions of Chapter VI of the Code on Social Security, 2020 (36 of 2020)*(Strike out unnecessary portion)*.

*It is submitted that the …….. (Name of woman employee) is not entitled to the maternity benefit or the said amount and/or rightly discharged or dismissed hence the order of the Inspector-cum-Facilitator may be set aside.

**Strike out unnecessary portion.*

Signature or thumb impression of the Woman
employee/Aggrieved person/Employer

Place……

Date……

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

FORM – XIX
[*See* rule 77]

(Notice Book of the Accidents)

(1) Name of the Establishment …….…….……

(2) Address of the Establishment …….……..

(3) Nature of Business …….…….…….…….

(4) Date of Opening …….……..

(5) Registration number if any …….…….…….…

(6) Name of the Employer/Occupier …….…….……

Sr. No.	Date of accident	Short details of accident	Name of the injured person	Whether accident resulted in death	Whether accident resulted in total disablement	Whether accident resulted in impartial disablement	Whether accident resulted in temporary disablement	Amount of compensation paid to employee or his dependent	Amount of compensation deposited to Competent Authority	Date of payment or deposit of Compensation
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FORM – XX
[*See* rule 79]

Statement of Fatal Accidents

To,

Competent Authority,

.....

Sir,

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

2. The circumstances relating to the death of the employee/employees were as under:-

a. Time of accident.

b. Brief History of Accident

c. Place where the accident occurred.

d. Manner in which deceased was/were employed at the time.

e. Cause of the accident.

f. Any Other Relevant Information

3. I am responsible for payment of compensation.

4. Details of employee.

a. Name of the employee…….……..

b. Full postal address

c. Sex ……..

d. Age of the employee…….……...

e. Wages of the employee…..…….……

5. I am not responsible for payment of compensation (Reason)

(Signature and designation of person making the statement)

Name:

Address:

Mobile No.:

FORM – XXI

[*See* rule 80]

Memorandum of Agreement

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

…….

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

The employee is over the age of 15 years/will reach the age of 15 years on ..... The said employee has, prior to the date of the agreement, received the following payments, namely:-

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

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

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

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

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

Signature of employer ……

Witness ……

Signature of employee …….

Witness …….

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

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

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

Dated .....20.. ……. Employee

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

Witness…….

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

FORM – XXII

[*See* rule 80]

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 employment in …….. The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs. …….. per month/no wages. The said employee's monthly wages prior to the accident are estimated at Rs. ……. The employee is subject to a legal disability by reason of…….

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

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

Signature of employer

Witness

Signature of employee

Witness

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

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

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

Dated .....20 . Employee

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

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

FORM – XXIII

[*See* rule 80]

Memorandum of Agreement

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

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

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

Rs. .....on .....……Rs. ..... on .....

Rs. .....on .....……Rs. ..... on .....

Rs. .....on .....……Rs. ..... on .....

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

Dated.....20..... Signature of employer

Witness ……..

Witness Signature of dependant(s)

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

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

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

Dated ..... 20.... . Dependant(s)

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

Witness …….

FORM – XXIV
[*See* rule 80(*2*)]

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

Dated..... 20…….. Competent Authority

FORM – XXV
[*See* rule 80(*4*)]

Take notice that registration of the agreement to pay compensation is said to have been reached between you ……. And ……..…….…….. On the ……..…… 20 …….. has been refused for the following reasons, namely:—

……

……

……

Dated: …… 20 ……. Competent Authority.

FORM – XXVI

[*See* rule 80(*6*)]

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 89 of the Code on Social Security 2020 (Central Act 36 of 2020), and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

…….…….…….…….…….…….…….…….…….. an opportunity will be afforded to your showing of cause on …… 20 ……. , why the said agreement should be registered. If no adequate cause is shown on that date registration of the agreement will be refused.

Dated: …… 20 ……. Competent Authority.

FORM – XXVII

[*See* rule 80(*8*)]

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 89 of the Code on Social Security 2020 (Central Act 36 of 2020), and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:-

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

Dated: …… 20 ……. Competent Authority.

FORM – XXVIII

[*See* rule 80(*12*)]

REGISTER FOR AGREEMENT FOR THE YEAR 20……..

Serial number	Date of agreement	Date of Registration	Employer	Employee	Initial of Competent Authority	Reference to order rectifying the register.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM – XXIX

[*See* rule 82(*24*)]

NOTICE

Where a claim for compensation has been made by …….. applicant/employer against …….. and the said…….. has claimed that you are liable under section 85(2) of the Code on Social Security 2020 (Central Act 36 of 2020), to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim,

you are hereby informed that you may appear before me on …….. and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of you appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Dated: ……. 20 ……. Competent Authority.

FORM – XXX

[*See* rule 82(*24*)(*c*)]

NOTICE

Whereas a claim for compensation has been made by …….. applicant, against …….. and the said ……. . has claimed that …….. is liable under Section 85(*2*) of the Code on Social Security, 2020 (Central Act 36 of 2020), to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said …….. on notice served has claimed that you ……. Stand to him in the relation of a contractor form whom the applicant …….. could have recovered compensation. You are hereby informed that you may appear before me on …….. on contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party …….. In default of your appearance you will be deemed to admit the validity of any award made against the opposite party ……. and your liability to indemnify the opposite party ……. for any compensation recovered from him.

Dated: ……. 20 ……. Competent Authority.

FORM – XXXI

[*See* rule 86]

REGISTER OF WOMEN EMPLOYEES

Name and address of establishment

1. Registration Number if any of the establishment
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	D

6. Date on which the woman gives notice under Section 62.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under Section 62.
9. Date of birth of child.

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

FORM – XXXII

[*See* rule 86(*5*)]

Unified Annual Return

A. General Part:

(a) Name of the establishment ……

Address of the establishment:

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

……

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

(b) Name of the employer ……..…

Address of the employer:

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

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

Email ID……Telephone Number…….…….Mobile No…….……

(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…..…….

Email ID……Telephone Number…….…….Mobile No…….…….

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

Sr. 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:

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

F. Wage rates (Category Wise):

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

Clerical									

G. (a) Details of Payments:

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

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

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

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

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

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

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

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

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

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

Declaration

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

Dated: Sign. Here

Place :

FORM – XXXIII
[*See* rule 88(*6*)]

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 and the number 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)		
	(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		
	(e) Duration of employment (i) 3-6 months (ii) 6-12months (iii) 12 months and more	Number of posts	

4.	Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Caste(SC), Scheduled Tribe(ST), Economically Weaker Sections(EWS),Other Backward Classes(OBC), Ex-serviceman and Persons With Disabilities (PWD) , etc, in filling up the Vacancies : Yes/No		
5.	(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 Central Government vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.		
7.	Place of work(Name of the town/village and district, Pin Code ,etc. in which it is situated)		
8.	Mode of Application (email, online, in writing, etc) and Last date for receipt of applications.		
9.	Particulars of officer to whom the applications be sent/candidates should approach(Mention Name, designation, email id, address, Telephone No., website address in case of online)		
10.	Mode of Recruitment {Through Career Centre, Placement Agency, self-management, any other mode(specify) }		
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No	
12.	Any other relevant information		

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

Note:

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

FORM – XXXIV
[*See* rule 88(*10*)]

FORM for EIR (EMPLOYMENT IN FORMATION 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 II – Employment Information &Monitoring) 2020.

Name & Address of the Employer	
Whether–Head Office	
Branch Office Type of Establishment (Public/Private Sector)	
Nature of business/Principal activity	
Establishment Registration No. Under the Code	

1. (a) EMPLOYMENT
Total number of *manpower of establishment* including working *proprietors/partners/contingent employees* 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
	Career Centre (Regional)	Career Centre (Central)		Centre/NCS Portal/ Govt. Recruiting Agencies/ Private Placement Organizations/others)
1	2	3	4	5

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

3. MAN POWER 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-organization.				
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 Authorized 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 II-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 job seekers 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.

FORM – XXXV

[*See* rule 89]

Notice to the Employer who committed an offence for the first time for compounding of offence under sub-section (*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/Rule/Regulations under which the offence is committed.	
6.	Compounding amount required to be paid towards composition of the offence.	
7.	Name and details	

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

[*See* Rule 49 (*2*)]

Application under sub-section (4) of section 138 of the 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 or otherwise 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

Dated: (Name and Designation)

Place :

To,

……. (compounding officer)

…….. (name of the officer)

…….. (address)

PART-IV

Composition Certificate

[*See* Rule 49 (3)]

Ref: Notice No. …….…….…… Date:……..

This is to certify that the offence under sub-section …….. of section 133 of the Code in respect of which Notice No…….. dated ….. was issued to Shri …….. (Applicant), the employer of …….. (name and registration number of establishment) has been compounded on account of remission of full amount of Rs…….. (Rupees ……..…) towards the composition of offence to the satisfaction of the said Notice.

(Signature)
Name and Designation of the Officer.

Date:

Place:

To,

……. (Employer/Establishment)

……. (Name and Registration number)

……. (Address).

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