

UT Administration of Dadra and Nagar Haveli and Daman & Diu
Department of Labour & Employment
Daman

No. LE/LI/DMN/SSR/385/2023/ ~~567~~

Dated:-24-11-2023

NOTIFICATION

The following rules, which the Administrator of Union Territory of Dadra & Nagar Haveli and Daman & Diu proposes to make in exercise of the powers conferred by sections 154 and 156 of the Code on Social Security, 2020 (Central Act No. 36 of 2020) and all other powers enabling him in this behalf, are published as required by section 158 of the said Code for the information of the persons likely to be affected thereby.

Notice is hereby given that the draft of rules will be taken into consideration by the Administration of Dadra & Nagar Haveli and Daman & Diu on or after the expiry of a period of thirty days from the date of publication of this notification in the Official Gazette, together with any objection or suggestion, which may be received by the Commissioner-cum-Secretary (Labour), Dadra and Nagar Haveli and Daman and Diu, Secretariat, Vidhyut Bhawan, Kachigam, Nani Daman – 396 210 from any person before the expiry of the period so specified with respect to the said draft, namely:-

DRAFT RULES CHAPTER-I
PRELIMINARY

1. Short title, extent and commencement. - (1) These rules may be called the Dadra & Nagar Haveli and Daman & Diu) Social Security Rules, 2023.
(2) They shall extend to the whole of Union Territory of Dadra & Nagar Haveli and Daman & Diu.

(3) They shall come into force from such date on which the Code on Social Security, 2020 comes into force.

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

(a) "Board" means the Dadra & Nagar Haveli and Daman & Diu Unorganized Workers Social Security Board and the Dadra & Nagar Haveli and Daman & Diu Building and Other Construction Workers Welfare Board constituted under sub-section (9) of section 6 of the Code and under sub-section (1) of section 7 of the Code respectively.

(b) "Cess Collector" means an officer appointed by the Administration of Dadra & Nagar Haveli and Daman & Diu for collection of cess under the Code.

(c) "Chairperson" means the Chairperson of the Board;

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

(e) "Form" means a Form appended to these rules;

(f) "Government" means the Administrator, Union Territory of Dadra & Nagar Haveli and Daman & Diu

(g) "member" means a member of the Board;

(h) "nominations" means nomination made under section 55;

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

(j) "specified" means specified by the Government by an order published in the Official Gazette.

(2) All other words and expressions used in these rules which are not defined herein, but are defined in the Code shall have their respective meanings assigned to them in the Code.

CHAPTER – II
SOCIAL SECURITY ORGANISATIONS
PART – I
Dadra & Nagar Haveli and Daman & Diu
UNORGANIZED WORKERS SOCIAL SECURITY BOARD

3. Term of office of members. - (1) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.

(2) A member nominated under sub-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/she ceases to represent the category of interest from which he/she was so nominated:

Provided that out of seven persons nominated under sub-clause (i) of clause (d) of sub-section (10) of section 6, one member each shall be from the Scheduled Castes, Scheduled Tribes, 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 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 on completion of the term of the member in the membership of the Board, the Chairperson shall submit a report to the Government and on receipt of such report, the Government may, by notification, nominate a person to fill the vacancy:

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

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 Group 'A' Officers of the Dadra & Nagar Haveli and Daman & Diu Administration.

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 time 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, two weeks' notice shall be given to the members of the Board of a proposed meeting:

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

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

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

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

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

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

(a) he absents himself from three consecutive meetings of the Board without written information and consent of the Chairperson; or

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

PART II

DADRA AND NAGAR HAVELI AND DAMAN AND DIU BUILDING AND OTHER CONSTRUCTION WORKERS' WELFARE BOARD

13. Terms and conditions of appointment of the Chairperson and other members of the Board.—(1) The term of office of Chairperson and other members of the Board shall be three years.

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

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

15. Terms and conditions of appointment of Secretary, other officers and employees of the Board.— The Secretary, other officers and employees of the Board shall be appointed on such terms and conditions and shall be paid such salary and allowances, as may be determined by the Board from time to time with the approval of the Government.

15A. Social security schemes and welfare measures under sub-section (6) of Section 7.

(i) Board with the prior approval of the "Administration of Dadra & Nagar Haveli and Daman & Diu" shall notify social security schemes and welfare measures prescribed in Clause (c), (d) and (e) of sub-section (6) of Section 7.

(ii) Board shall formulate social security schemes and welfare measures in which eligibility limit, detail of various benefits; application form procedure, determination of competent authority for sanction of benefit and manner of payment and other incidental matters thereto shall be clearly mentioned.

CHAPTER III EMPLOYEES INSURANCE COURT

16. Appeal.- The Insured Person or the Corporation may file a second appeal to the Employees' Insurance Court by presenting an application within ninety days from the date of receipt of the copy of order of the Medical Appeal Tribunal and other cases related to Insured Person;

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

17. Procedure and fees.- (1) The procedure for filing appeal to the Employee Insurance Court,-

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

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

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

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

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

(e) the facts showing that court has jurisdiction;

(f) the relief which the applicant claims;

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

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

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

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

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

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

Explanation. — For the purpose of this sub-rule, —

(a) the cause of action in respect of a claim for benefit shall not be deemed to arise unless the insured person or in the case of dependents' benefit, the dependents of the insured person claims or claim that benefit in accordance with the regulations made in that behalf within a period of twelve months after the claim became due or within such further period as the Employees' Insurance Court may allow on grounds which appear to it to be reasonable;

(b) the cause of action in respect of a claim by the Corporation for recovering contributions (including interest and damages) from the principal employer shall be deemed to have arisen on the date on which such claim is made by the Corporation for the first time:

Provided that no claim shall be made by the Corporation after five years of the period to which the claim relates;

(c) the cause of action in respect of a claim by the principal employer for recovering contributions from an immediate employer shall not be deemed to arise till the date by which the evidence of contributions having been paid is due to be received by the Corporation under the regulations.

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

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

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

CHAPTER IV GRATUITY

18. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor.—In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or any other Nationalized Bank.

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

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

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

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

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

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

(3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of section 55, in duplicate in Form V to the employer and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis as if it was made under sub-rule (1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) if an employer-

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

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

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

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

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

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

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

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

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

(d) after completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record

his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.

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

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

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

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

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

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

(9) Service of summons or notice.—

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

(b) where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any trade union or association or are represented by an authorized person, the service of notice

on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association, or on the authorized person shall be deemed to be service on such persons.

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

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

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

(c) any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

(11) Direction for payment of gratuity.—If a finding is recorded under clause(d) of sub rule (5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form XI electronically or registered post acknowledgment due or in person specifying the amount payable (including interest due, if any, under sub-section (4) of section 56 of the Code) and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

(12) Appeal.—

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

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

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

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

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

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

(i) 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.

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

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

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

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

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

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

22. Qualifications and experience of the officer appointed as the competent authority .— The person to be appointed as the competent authority for the purpose of this Chapter shall be appointed by the Government by notification as per section 58(1) of the code.

CHAPTER V MATERNITY BENEFIT

23. (1) Complaint and Appeal.- (1) Complaint,-

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

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

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

(2) Appeal.-

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

(b) The aggrieved person shall prefer an appeal in writing to the prescribed authority in Form XV and file other supporting documents.

(c) When an appeal is received, the prescribed authority shall call from the Inspector- cum-Facilitator before a fixed date, the record of the case. The prescribed authority shall, if necessary, also record the statements of the

aggrieved person and of the Inspector-cum- Facilitator and seek clarification if any is required.

(d) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the prescribed authority shall give his decision within a period of ninety days from filing of the application before him. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.

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

A person aggrieved by the order of Inspector-cum Facilitator under sub- section (2) of section 72 may appeal the authority appointed by the Administration of Dadra & Nagar Haveli and Daman & Diu by way of notification for the said purpose.

CHAPTER VI EMPLOYEE'S COMPENSATION

24. 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 Government through Gazette notification, for payment of the same to the eldest surviving dependents of the employee towards the expenditure of the funeral of such employee or where the employee does not have any dependent or was not living with his dependent at the time of his death to the person who actually incurred such expenditure.

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

- (a) by the employer, on the ground that since the right to compensation was determined, the employee's wages have increased;
- (b) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;
- (c) by the employee, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact

that there has been no change in the employee's condition such as to warrant such cessation;

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

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

26. Class of employers and the form of notice-book.— Every employer to which the Code applies, shall maintain a notice book in accordance with sub-section (4) of section 82 in Form XVI.

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

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

29. Manner of Recording Memorandum.—

(1) Form of Memorandum- Memorandum of agreement sent to the competent authority under sub-section (1) of section 89 shall unless the competent authority otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with, Form XVIII, or Form XVIII A, or Form XVIII B as the case may be.

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

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

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

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

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

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

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

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

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

(Signature) Competent Authority

30. Qualifications and experience for competent authority.— The person to be appointed as the competent authority for the purpose of this Chapter shall be appointed by the Administration of Dadra & Nagar Haveli and Daman & Diu by notification as per section 91(1) of the code.

31. Manner in which matters may be dealt with by or before a competent authority-
(1) On receipt of the application in Form XX (i) under section 93(3) of the code the competent authority shall verify the jurisdiction as per the parameters specified in clause (a), (b) and (c) of sub- section (1) of section 92.

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

(3) If at any stage of the case it appears to the competent authority the application should be entertained by another competent authority, he shall send file of the case

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

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

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

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

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

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

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

33. Manner of authentication of memorandum. (i) After framing of issues, parties may submit their evidence on affidavit, on which the opposite party shall have right to cross examination.

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

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

CHAPTER VII

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

34. Time limit to pay the amount of cess .— (1) The cess levied under the` sub-section (1) of section 100 shall be paid by an employer, within thirty days of the

completion of the construction project or within thirty days of the date on which assessment of cess payable is finished; whichever is earlier, to the Cess Collector.

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

35. Fees for appeal. An appeal preferred under sub-section (1) of Section 105 shall be accompanied by non-refundable fee equivalent to half per cent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal which shall be paid on portal and shall be credited to the treasury in the head of the account as may be specified by the Administration of Dadra & Nagar Haveli and Daman & Diu from time to time.

CHAPTER VIII FINANCE AND ACCOUNTS

36. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property. — Government shall in consultation with the Dadra & Nagar Haveli and Daman & Diu Unorganised Social Security Board and the Dadra & Nagar Haveli and Daman & Diu Building and Other Construction Workers Welfare Board frame a detailed policy for the purposes specified in Section 120 of the Code.

37. Conditions and manner of writing off irrecoverable dues.— Where Dadra & Nagar Haveli and Daman & Diu Unorganized Workers Social Security Board or The Dadra & Nagar Haveli and Daman & Diu Building and other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to the Board has become irrecoverable, the Board or any other officer authorized by it in this behalf, may sanction the writing off of the said amount, subject to the following conditions, namely: —

- (i) if the establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts; or
- (ii) decree obtained by the Board could not be executed successfully for want of sufficient assets of the defaulting employer; or
- (iii) claim for contribution is not fully complied with by —

- (a) the Official Liquidator in the event of factories or establishments having gone into liquidation; or
- (b) in the event of factories or establishment being nationalized or taken over by the Government.

CHAPTER IX AUTHORITIES ASSESSMENT COMPLIANCE AND RECOVERY

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

CHAPTER X (RECORDS)

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

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

(2)(a) The records to be maintained for the purposes of Chapter V of the Code and the rules framed there under shall be preserved for a period of three years from the date of their preparation.

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

(3)(a) The employer to which the provisions of Chapter V of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in Form XXII online on the web portal of the Government, giving information as to the particulars specified, in respect of the preceding year:

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

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

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

CHAPTER XI OFFENCES AND PENALTIES

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

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

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

(3) The Compounding Officer shall issue a composition certificate in Part IV of Form XXIII within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.

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

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

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

CHAPTER XII

EMPLOYMENT INFORMATION AND MONITORING

41. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centers.—

(1) Reporting of Vacancies to Career Centers: (a) After the commencement of this Code in U.T. of Dadra & Nagar Haveli and Daman & Diu, the employer in every establishment in public sector, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the Government.

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

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

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

(i) the Government;

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

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

(iv) a local authority.

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

Dadra & Nagar Haveli and Daman & Diu.

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

(a) The following are the types of vacancies, namely-

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

(ii) Vacancies which an employer may desire to be circulated to the Career Centres outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre as may be specified by the State Government by notification.

(b) Vacancies which have been reported to the Career Centre and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre(Central) or uploaded on a digital portal as specified by the Central Government by notification.

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

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

(b) The vacancies shall be reported in the format given at Form XXIV, furnishing as many details as practicable, separately in respect of each type of vacancy.

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

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

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

- (i) total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
 - (ii) persons recruited during the year ending on 31st March;
 - (iii) occupational details of its employees on 31st March of every year;
 - (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - (v) approximate number of vacancies likely to occur during the next financial year.
- (b) The Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about

- (i) total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
- (ii) persons recruited during the year ending on 31st March;
- (iii) occupational details of its employees on 31st March of every year;
- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) approximate number of vacancies likely to occur during the next financial year.

(6) Submission of returns.—An employer shall furnish to the concerned Career Centre yearly returns in Form XXV, the yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the Government in notification, within thirty days of the due date i.e. 31st March of the year.

(7) Declaration of Executive Officer.—The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres of the Government, shall declare in writing an officer looking after the work of Career Centres as Executive Officer for the purpose of enforcement and implementation of Chapter XIII of the Code. He shall be the officer who shall exercise the rights and perform duties

referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.

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

CHAPTER XIII MISCELLANEOUS

42. Constitution of Fund.— (1) The Fund shall be known as the Dadra & Nagar Haveli and Daman & Diu Social Security Fund and all the expenses towards the scheme(s) notified under sub-sections (2) of section 109 for the Unorganised Workers, shall be met out of this fund. In addition to the source of fund mentioned in clause (i) sub- section(5) of section 141, the amount received from the following sources shall be credited to the Fund namely:-

- (i) amount given by the Administration of Dadra & Nagar Haveli and Daman & Diu for the establishment of the fund;
- (ii) the amount of grant given by the Government of India, Administration of Dadra & Nagar Haveli and Daman & Diu and other authorities and other statutory bodies;
- (iii) amount received for registration or renewal of beneficiaries and their contribution;
- (iv) amount received for implementation of the scheme notified by the Government of India;
- (v) amount received for implementation of the scheme notified by the Administration of Dadra & Nagar Haveli and Daman & Diu.
- (vi) contribution or donation or any other financial support from employer, their association or from Corporate Social responsibility (CSR) Fund as determined by the Administration of Dadra & Nagar Haveli and Daman & Diu by general or special order;
- (vii) any other source which is approved by Government by notification in Official Gazette.

(2) The fund shall be administered by the Administration of Dadra & Nagar Haveli and Daman & Diu through an agency designated by Government in the manner, as notified by the Government.

(3) The directions of Government, if any shall be complied with by the agency designated for the administration of the Dadra & Nagar Haveli and Daman & Diu Social Security Fund.

(4) The statement of accounts of the Dadra & Nagar Haveli and Daman & Diu Social Security Fund shall be maintained by the agency, in the form(s) and manner as specified by the Government and shall be submitted to the Administration of Dadra & Nagar Haveli and Daman & Diu from time to time.

(5) The accounts of the Dadra & Nagar Haveli and Daman & Diu Social Security Fund shall be audited by the Comptroller and Auditor General of India or any other agency as the Government may notify.

43. Submission of a copy of the Form to the office of the Director General, Labour Bureau.—A copy of Form VIII (notice for Payment or Rejecting claim of Gratuity) shall be shared electronically with the designated authority of Administration of Dadra & Nagar Haveli and Daman & Diu and the Director General, Labour Bureau.

44. The following rules are hereby repealed :-

- a) The Goa, Daman & Diu Workmen's Compensation Rules, 1965 as applicable in the Daman and Diu
- b) The Dadra and Nagar Haveli Workmen's Compensation Rules, 1977
- c) The Goa, Daman and Diu Maternity Benefit Rules, 1967 as applicable in the Daman and Diu;
- d) The Goa, Daman & Diu Payment of Gratuity Rules, 1973, as applicable in the Daman and Diu;
- e) The Payment of Gratuity (Dadra and Nagar Haveli) Rules, 1985
- f) The Daman & Diu Unorganized Workers' Social Security Rules, 2015,
- g) The Goa, Daman and Diu Employee's State Insurance (Medical Benefit), Rules, 1975
- h) The Dadra and Nagar Haveli Employee's State Insurance (Medical Benefit) Rules, 2004
- i) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service), Dadra and Nagar Haveli Rules, 2003
- j) Notification No. LE/LI/DMN/EST-2(3)/2006/147 dated 29-08-2007 adopting the Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Central Rules, 1998 in the erstwhile Union Territory of Daman & Diu

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

By Order and in the name of the Administrator
of Dadra and Nagar Havel and Daman & Diu



(Priyanshu Singh)
Director-cum-Deputy Secretary (Labour)
DNH & DD

Copy to:-

- (1) The Director (IT), Daman for uploading on the Website
- (2) The Joint Secretary (Planning & Statistics), DNH & DD, Daman with request to publish the above notification in the Official Gazette of the UT Administration
- (3) The Assistant Director (OL), Secretariat, Daman with request to translate the above notification into Hindi, so as to publish the same in bilingual.

FORM I
[See rule 16 (2)]
Appeal to Employees' Insurance Court

To

Sir,

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

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

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

.....

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

Date

Signature or thumb impression of the Aggrieved person

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

Form II

[See rule 17 (2)(i)]

In the Employees, Insurance Court at

.....

.....

Applicant

(add description and residence) Against

.....

..... Opposite Party (add description and residence)

Other Particulars of Application specified in rule 6(2)

.....

.....

Signature of Applicant

Date (verification by the applicant)

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

Date

Signature

FORM III
See Rule 17 (2) (iv)

Employee's Insurance Court at
Register of proceedings in the year 20

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

FORM IV

[See rule 19 (1) (2)]

Nomination

To

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

I, Shri/Shrimati/Kumari whose particulars are given in the statement below, hereby nominate the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name (s) of the nominee(s).

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

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

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

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

NOMINEE(S)

Name of full with Full address	Relationship with the Employee	Age of Nominee	Proportion by Which the gratuity will be shared
1	2	3	4
1.			
2.			
3.			
4.			

STATEMENT

1. Name of the employee in full.
2. Sex.
3. Religion.
4. Whether unmarried/married/widow/widower.
5. Department/branch/section where employed.
6. Post held with ticket no., or serial no., if any
7. Date of appointment
8. Permanent address

Village, Police Station, sub-division
Post office, district, State Place
Date signature/thumb-impression
of the employee.

Declaration by witness

Nomination signed/thumb-impressed
before me Name in full and full address

Of witness	signature of witness
1.	1.
2.	2.

Certificate by the employer

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

Employer's reference no., If any.

Signature of the employer/officer authorized

Designation

Date

name and the address of the
Establishment Or rubber stamp
thereof.

Acknowledgment by the employee

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

Date

signature of the employee.

Note-Strike out the words and paragraphs not applicable.

FORM V

[See rule 19 (2)(3)]

Fresh Nomination

To

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

I, sri/srimati.....(name in full here) whose particulars are given in the statement below, have acquired a family within the meaning of sub-section (33) of section 2 of the code with effect from the.....
..... (date here)... in the matter indicated below and therefore nominate a fresh person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable or having become payable has not been paid, direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

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

3. (a) my father/mother/parents is/are not dependent on me.

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

4. I have excluded my husband from my family by a notice, dated the to the controlling authority in terms of the proviso to sub-section (33) of section 2 of the code.

NOMINEE(S)

Name of full with Full address	Relationship with the Employee	Age of Nominee	Proportion by Which the gratuity will be shared
1	2	3	4

1.			
2.			
3.			
4.			

Manner of acquiring a 'family'

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

1. Name of The Employee.
2. Sex.
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/branch/section where employed
6. Post held with ticket no., or serial no., if any.
7. Date of appointment
8. Permanent address9.

Village, Police Station, sub-division

Post office, district, State Place

Date signature/thumb-impression
of the employee.

Declaration by witness

Fresh Nomination signed/thumb-impressed

before me Name in full and full address

Of witness

signature of witness

1.

1.

2.

2.

Certificate by the employer

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

Employer's reference no., If any.

Designation.

Name and address of the establishment

Or rubber stamp thereof.

Acknowledgment by the employee

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

Date

signature of the employee

Note-Strike out the words and paragraphs not applicable.

FORM VI

[See rule 19 (2) (4)] MODIFICATION OF NOMINATION

To

[Give here name or description of the establishment with full address]

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

[Here give details of modifications intended]. STATEMENT

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

Place Signature/Thumb impression of the employer

Date:

DECLARATION BY WITNESSES

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

1. 2

.

1. 2

.

Place Date

CERTIFICATE BY THE EMPLOYER

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

Signature of the employer/officer authorized

Designation

Name and address of the Establishment

or rubber stamp thereof.

ACKNOWLEDGMENT BY THE EMPLOYEE

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

Date

Signature of the employee

Note

FORM VII

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

Application for Gratuity by an Employee/Nominee/Legal Heir

(Strike out the words not applicable)

To,

..... (Give here name or description of the establishment with full address) Sir/Madam I, (name of employee/nominee/legal heir) /nominee of late (Name

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

(a) my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/ on termination of contract period under fixed term employment with effect from the or;

(b) death of the aforesaid employee while in service/superannuation on.....after completion of.....years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the or;

death of aforesaid employee of your establishment while in service/ superannuation on.....(date) without making any nomination after completion of years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....

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

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

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

Yours faithfully,

Place Signature/Thumb-impression of the

Date: applicant employee/nominee/legal heir.

FORM VIII

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

Notice for Payment/Rejecting claim of Gratuity

(Strike out the words not applicable)

To,.....

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

You are hereby informed that

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

Reasons (Here specify the reasons); or

(b) *as required under clause (a) sub-rule (2) of rule 8 of the Code on Social Security Rules, 2020 that a sum of Rs. (Rupees) is payable to you as gratuity/as your share of gratuity in terms of nomination made by..... on.....and..... recorded in this as a legal heir of an employee of this establishment.

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

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

4. Brief statement of calculation

(a) Date of appointment.

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

(c) Total period of service of the employee concerned: years months.

(d) Wages last drawn:

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

(f) Amount payable:

Place: Signature of the Employer/

Date: authorized officer.

Name or description of establishment or rubber stamp thereof. Copy to: The Competent Authority in case of denial of gratuity.

Copy also to: Office of DG Labour Bureau, Ministry of Labour and Employment, Dadra & Nagar Haveli and Daman & Diu.

FORM IX

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

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

Application No.

Date BETWEEN

(Name in full of the applicant with full address)AND

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

The applicant is an employee of the above-mentioned employer/a nominee of late an
employee of the above-mentioned employer/a legal heir of late.....

and employee of the abovementioned employer, and is entitled to payment of gratuity
under section 53 of the Code on Social Security, 2020 on account of his
own/aforesaid employee's superannuation on... (date)/his own retirement/aforesaid
employees' resignation on... (date) completion of years of continuous service/his
own/aforesaid

employees' total disablement with effect from (date) due to accident/disease death of
aforesaid employee on.....

2. The applicant submitted an application under Rule ____ of the Dadra & Nagar
Haveli Social Security Rules, 2022 on the _____ but the above- mentioned
employer refused to entertain it/issued a notice dated the under clauseof
sub-rule of rule..... offering an amount of gratuity which is less than my
due/issued a notice 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 declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Date: Signature/Thumb impression of the applicant.

ANNEXURE

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

18. Amount of gratuity claimed by the applicant

Signature/Thumb-impression of the applicant

Place:

Date:

FORM X

[(See rule 20 (5)(a) & rule 20(8)]

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

(Name and address of the employer/applicant)

Whereas Sh./Smt. (name of employee) under you/a

nominee(s)/legal heir(s) of Shri... an employee under the above- mentioned employer, has/have filed an application under sub- rule.....of rule.....of the Dadra & Nagar Haveli and Daman & Diu) Social Security Rules, 2022 alleging that (A copy of the said application is enclosed, if, summon is issued then copy of application is not required) Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at..... (place)either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the.....

..... day of20..... at 'O' clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

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

Whereas your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of

..... in this case arising out of the claim of gratuity by..... Form and referred to this Authority by an application under section 56 of the code on Social Security, 2020, you are hereby summoned to appear personally before this Authority on the.....day of 20... at

..... 'O' Clock in the forenoon/afternoon and to bring with you for to send to this Authority) the said documents.

List of documents 1.

2.

3. so on

Given under my hand and seal, thisday of20.....

Competent Authority

under the Code on Social Security Code, 2020

Note:

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

FORM XI

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

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

(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. Rupees to Shri/Smt./Kumari as
gratuity under the Code on Social Security, 2021.

2. And whereas the application was heard in your presence on... and after
the hearing have come to the finding that the said
Shri/Smt./Kumari..... is entitled to a payment
of Rs. as gratuity under the Code on Social Security, 2020; or Whereas
you/the applicant went in appeal before the appellate authority, who has
decided that an amount of Rs..... is due to be paid to Shri/Smt./
Kumari... as gratuity due and the amount as interest due
under the Code on Social Security, 2021.

Now, therefore, I hereby direct you to pay the said sum of

Rs..... to

Shri/Smt./Kumari within thirty days of the receipt of this notice with an
intimation thereof to me.

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

Competent Authority

under the Code on Social Security Code, 2021

Copy to:

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

Note-(Strike out paragraphs if not applicable)

FORM XII

[(See Rule 20 (13)] Application for Recovery of Gratuity
Before the Competent Authority for Chapter V under the Social Security Code,
2020.

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

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

1. The applicant is an employee of the above-mentioned employer/a nominee of late an employee of the above mentioned employer/a legal heir of late.....an employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the..... of Dadra and Nagar Haveli and Daman and Diu Social Security Rules, 2021 for payment of a sum of Rs _____ as gratuity payable under the Code on Social Security, 2021.

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

3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place: Date:

Note.—Strike out the words not applicable.

FORM XIII

[See rule 21(1)]

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

A. Establishment Details.

1. Retrieve details of Establishment through LIN/Registration Number:
2. Name of Establishment:
3. Location and Address of the Establishment:
4. Others details of Establishment:
 - a. Total Number of employees engaged directly in the establishment:
 - b. Total Number of the contract employees engaged:
 - c. Total Number of Inter-State Migrant workers employed:
5. Ownership Type/Sector:
6. Activity as per National Industrial Classification (NIC):
7. Details of Selected NIC Code:
8. Identification of the establishment e-sign/ digital sign of employer/ representative:

B. Details of Employer:-

1. Name & Address of Employer / Occupier / Owner/Agent/ Chief Executive-
2. Designation:
3. Father's/ Husband's Name of the Employer:
4. Email Address, Telephone& Mobile No:

C. Manager/ Agent Details

1. Full name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment;

- 2. Address of Manager/ Agent:
- 3. Email Address, Telephone& Mobile No :
- D. Details of Approved Gratuity Fund/Insurance obtained for liability of payment towards the Gratuity;
- E. Others Details:-

Date:-

Place:

Signature/ E-sign/digital sign of employer

FORM XIV
[See rule 23(1)(a)]
Complaint to the Inspector-cum-Facilitator

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

Sir,

I (name of the women) employed in (name and full address

of the establishment) or I, (name), a person nominated under section 62 or by a legal representative of(name of the women) employed in (name and full address of the establishment) having fulfilled the conditions laid down in the code on Social Security 2020, and the rules thereunder, am entitled to Rs being maternity benefit/ or Rs.....being the medical bonus and/ or Rs.

being wages for leave due under section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of her absence from work in accordance with the provisions of this chapter VI of code on social Security, 2020.

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

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

Date.....

Signature of an Attester in case the woman/ nominee/
legal representative is

unable to sign and affixes thumb impression. Full address
of the women/nominee/legal representative.

FORM XV
Appeal
[See rule 23 (2) (b)]

To,

The Authority,

(Appointed under the Code on Social Security, 2020)

.....(Address)

Sir,

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

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

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

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

*Strike out unnecessary portion.

Signature or thumb impression of the woman/

Date.....

Aggrieved Person

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

FORM XVI

(Notice Book of the Accidents)

[See rule 26]

Name of the Establishment.....

Nature of Business

Date of opening.....

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

Name of the employer/occupier.....

Date of accidents	Short details of accident	Name of the injured person	Whether accident resulted in death	Whether accident resulted in total disablement	Whether accident resulted in impar tial disablement	Whether accident resulted in tempo rary disablement	Amount of compensation paid to employee or his dependent	Amount of compensation deposited to competent Authority	Date of payment or desopit of compensation
1	2	3	4	5	6	7	8	9	10

FORM XVII
[See rule 28]
Statement of Fatal Accidents

To ,

Competent Authority,

.....

Sir,

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

.....

(Signature and designation of person making the statement)

Name:

Mobile:

Address:

FORM XVIII

[See Rule 29]

Memorandum of Agreement

It is hereby submitted that on the day of 20..... personal injury was caused to residing at by accident arising out of and

in the course of his employment in The said injury has resulted in

permanent disablement to the said workman of the following nature, namely:- The said employee's monthly wages are estimated at Rs. The employee is over the age of 15 years/will reach the age of 15 years on The said employee has, prior to the date of the agreement, received the following payments, namely: --

Rs. on Rs. on

.....

Rs. on Rs. on

.....

Rs. on Rs. on

.....

It is further submitted that the employer of the said employee has agreed to pay, and the said employee has agreed to accept, the sum of Rsin full

settlement of all and every claim under the Code on Social Security, 2020 in receipt of the disablement stated above and all disablement now manifest. It is therefore requested that this memorandum be duly recorded.

Dated20.....

Signature of employer Witness

Signature of employee

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

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

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

Dated20....

Employee

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

Witness

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

FORM XVIII-A

[See Rule 29(1)]

Memorandum of Agreement

It is hereby submitted that on theday of 20 personal

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

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

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

Dated 20....

Signature of employer Witness

Signature of employee Witness

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

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

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

Employee

Dated20 .

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

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

FORM XVIII-B

[See rule 29(1)]

Memorandum of Agreement

It is hereby submitted that on the day of.....20Personal injury was caused toresiding at..... by accident arising out of and in the course of his employment in..... The said injury has resulted in death to the said workman. The said employee's monthly wages are estimated at Rs.....The employee is over the age of 15 years will reach the age of 15 years on

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

Rs. on Rs. on

.....

Rs..... onRs. on

.....

Rs.on Rs on

.....

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

Dated20..... . Signature of

Employer Witness

Witness

Signature or dependent(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....

Dependent(s) The money has been paid and this receipt signed in my presence.

Witness

FORM XIX

[See rule 29(2)]

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

Dated

.....

Competent Authority

FORM XX

[See rule 29(5)]

Register of Agreement for year 20.....

Sr. No.	Date of agreement	Date of registration	Employer	Employee	Initial of competent authority	Reference to orders Of Rectifying the register

FORM XX(i)

(See Rule 31(1))

Application for Compensation by employee

To Competent Authority for Employee's

Compensation.....residing
at,applicant,

Versus

.....
residing at, opposite party.

It is hereby submitted that--

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

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

.....
.....

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

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

- (3) The monthly wages of the applicant amounts to Rs the applicant is over/under the age of 15 years.

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

(b) Notice was served as soon as practicable.

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

- (5) The applicant is accordingly entitled to receive--

(a) Half-monthly payment of Rs from the..... day of..... 20....., to..... day of..... 20

(b) A lump sum payment of Rs.....

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

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

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

Dated20.....Applicant

FORM XXI

[(See rule 39(1)(a)]

REGISTER OF WOMEN EMPLOYEES

Name of establishment

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

Month	No. of days employed	No. of days laid off	No. of days not employed	Remark
-------	-------------------------	-------------------------	-----------------------------	--------

a	b	c	d	e
---	---	---	---	---

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

FORM XXII

[(See rule 39(3)] Unified Annual Return

A. General Part

(a) Name of the establishment

.....
.. Address of the establishment:

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

(b) Name of the employer

.....

Address of the employer:

House No./Flat No.Street No./Plot No.
.....
Town.....District.....State.....pin
code..... E-mail ID.....Telephone Number.....Mobile
number.....

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

.....
..... Address:

House No./Flat No.....Street No./Plot No.....
Town.....District.....State.....Pin
code..... E-mail ID.....Telephone
Number.....Mobile number.....

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

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

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

1 2 3 4

01. The Code on Occupational Safety

Health and working

02

03 The Code on Social Security 2020.

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 emp

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

E-mail ID State

Telephone Number Pin Code

Moblie Number

D. Working hours and weekly rest day:

1. Number of days worked during the year.

2. Number of man days worked during the year.

3. Daily hours of work.

4. Weekly day of rest.

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

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

F. Wage rates (Category Wise):

Category	Rates of	No. of workers
----------	----------	----------------

Contract

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

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

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

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

staff: 01 Date of opening of establishment

02 Date of closing, if close

03 Name of Medical Officer

03 (i) Qualification of Medical Officer

03 (ii) Is Medical Officer at (the mines or circus) ?

03 (iii) If a part time, how often does he/she pay visit to establishment ?

03(iv) Is there any Hospital?

03(v) If so, how many beds are provided? 03(vi) Is there a lady Doctor?

03(vii) If so, what is her qualification? 03(viii) Is there a qualified mid-wife? 03(ix) Has any crèche been provided?

(b) Leave Granted under the Code on Social Security, 2020 01 Total number of female employees in the establishment 02 Total number days of leave granted

03 Number of employees granted maternity leave/benefited by ESI

Declaration

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

Sign. Here

Place

Date

FORM XXIII

Part I

[See rule 40 (1)]

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

Notice No.....

Date:

To,

.....

.....

.....

.....

This is to inform you that your establishment M/s..... was inspected by Inspector-cum-Facilitator on Dt:at On the basis

of records and documents produced before me, the undersigned has reasons to believe that you, being the employer of the establishment M/s. (Registration No...), have committed offence for the violation of provision of the Code on Social Security 2020 or the Schemes or the Rules or the Regulations framed there under as per the details given below:

1. Name of the Person:
2. Name and Address of the
Establishment:
3. Registration No of the
Establishment:

4. _____
Particulars of the offence:
5. _____
Provisions of the Code

/Scheme/Rules/Regulations

under which the offence is committed:
6. _____
Compounding amount required to be paid towards composition
of the offence _____
7. _____
Name and Details of Account for depositing the Amount
specified in Column

PART –II

In view of the above, and as per provisions of sub-section (1) of Section 138 read with Sub-Rule (1) of Rule 28 you have an option to pay the above-mentioned amount within fifteen days from the date of issue of this notice and return the application duly filled in Part – III of this notice. The compounding amount mentioned in Column 6 of Part 1 of this notice can be deposited in the account mentioned in column 7 of Part 1 of this notice through treasury challan or electronically on the designated web portal of the Government of Dadra & Nagar Haveli and Daman & Diu as the case may be. In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

(Signature of the Compounding Officer)

Part III

Form XXIII [See rule-40(2)]

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

To,

Compounding Officer,

.....

Kindly refer to your notice no. dated I/we hereby applying for composition
of Offence. I have deposited Rs... /- as the amount of Composition by
depositing
through Treasury Challan in the account as per column 7 of Part 1 of the notice
No.....

Dated: or electronically on the designated web portal of the U.T. of

Dadra & Nagar Haveli and Daman & Diu. Kindly accept my application and close the
proceeding under the Code. Dated:

Enclosure: The Treasury Challan/Payment receipt of electronic Payment.

(Signature)

Name of the Applicant

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

Part IV Form XXIII

Composition Certificate [See rule 40 (3)]

Ref: Notice No.....

Date:

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

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

... (name and Registration Number of establishment) has been compounded

on account of remission of full amount of Rs.(Rupees) towards the composition of
offences to the satisfaction of the said Notice.

Date:

Place:

(Signature) Name and Designation of the
Officer

FORM XXIV

[See rule 41(3)(b)]

Form for Reporting Vacancies to Career Centres (Separate forms to be used for
each type of posts)

1 Particulars of the employer: Name:

Address with pin code:

Telephone No. :

Mobile No.:

Email address :

Name & Type of Establishment

(Central Government, State Government, PSU, Autonomous, Private, etc)

Registration No of establishment under Code:

Economic activity details:

2. Particulars of the indenting Officer: Name: Designation: Telephone No. :
Mobile No.:

Email address :

3. Particulars of vacancy(ies):

(a) Designation/nomenclature of the vacancy(ies) to be filled

(b) Description of duties of the post(job role/functionalrole)

(c) Qualifications/Skills required (educational, technical, Essential Desirable/
experience) Preferable

(i) Educational Qualifications

(ii) Technical Qualifications

(iii) Skills

(iv) Experience

(d) Age Limits, if any

(Age as on last date of application)

(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc) if
any

(f) duration of employment

(i) 3-6 months Number of posts

(ii) 6-12 months

(iii) 12 months and more

4. Whether there is any obligation for arrangement for giving reservation/
preference to any category of persons such as Scheduled Caste(SC), Scheduled
Tribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC),

Ex- serviceman and persons with disabilities (pwd) , etc, in filling up the vacancies:
Yes/ No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)

5. Category Number of vacancies to be filled

- (a) Scheduled Caste Total *By Priority
- (b) Scheduled Tribe candidates
- (c) OBC *(Applicable for
- (d) EWS Central
- (e) Ex-Serviceman Government
- (f) Persons with disabilities (pwd) vacancies)
- (g) Women
- (h) Others(specify)

6. Pay and Allowances:

For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any

For others: Mention minimum total emoluments per

month with other details, if any.

7. Place of work (Name of the town/village

8. Mode of Application(email, online, in writing, etc) and Last date for receipt of applications.

9. Particulars of officer to whom the applications be sent/ candidates should approach

(Mention Name, designation, email id, address , telephone No., website address in case of online)

10. Mode of Recruitment

{Through Career Centre, Placement Agency , self- management, any other mode(specify) }

11. Would like to prefer submission of list of eligible candidates

registered with Career Centre Yes/No

12. Any other relevant information

13. Name, address, email id of the Career Centre

14. Date of receipt of Vacancies

15. NIC Code of the establishment/

16. NCO Code of the post

17. Unique Vacancy ID(number)

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

NOTE:

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

FORM XXV

[See rule 40(6)]

Form EIR (Employment Information Return)

Yearly Return to be submitted to the Career Centre (Regional) for the Year ended..... The following information is required to be submitted under the Code on Social Security (Chapter XIII – Employment Information & Monitoring) 2020

Name & Address of the Employer Whether – Head Office

Branch Office

Type of Establishment (Public /Private Sector) Nature of business/Principal activity
Establishment Registration No. under the Code

1. (a) EMPLOYMENT

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

Category On the last working day of the previous Year

On the last working day of the Year under report

MEN WOMEN

Other (Transgender) TOTAL :

PWD (persons with
out disabilities) of above total

EIR Continued

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

Occured	Reported	Filled	Source (Career			
			Centre/NCS Portal/ Govt. Recruiting Agencies/ Placement Organisations/ others)			
<hr/>						
	Career Centre	Career Centre				
	(Regional)	(Central)				
<hr/>						
	1	2	3	4	5	
<hr/>						
<hr/>						

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

3. MANPOWER SHORTAGES:

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

Name of the	Number of unfilled vacancies/posts
occupation or	Skill/ qualifications
designation of	(educational/
the post	technical/experience)
	prescribed

1	2	3	4
---	---	---	---

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

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

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

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

* Total

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

Signature, Name & Designation of authorised

Signatory of establishment/ employer with seal & date

To The Career Centre, Note:-

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