

* कॉलम में (विवरण)– अभियंता (मैकेनिकल), सहायक निदेशक (मैटलर्जिस्ट), अनुसंधान अधिकारी (अर्थशास्त्री), पर्यवेक्षक (टेलरिंग), इंस्पेक्टर (सेनेटरी), अधीक्षक (कार्यालय), प्रबंधक (अकाउंट्स), कार्यपालक (मार्केटिंग), डाटा एंट्री आपरेटर..... जैसे वास्तविक शब्दों का प्रयोग करें।

*çfr"Blu dsçw/kdr gLrk/lj drk@ fu; kâk dseggj , oar/lj/lj/k
l fgr gLrk/lj/ uke , oai nuke*

टिप्पणी:-

1. यह विवरणी वित्तीय वर्ष की समाप्ति पर 30 दिन के अंदर प्रतिष्ठानों/नियोक्ताओं द्वारा कैरियर केन्द्र (क्षेत्रीय) को समाजिक सुरक्षा संहिता, 2020 (अध्याय-XIII-रोजगार सूचना एवं अनुवीक्षण) के अंतर्गत अपने दायित्व के रूप में जमा करानी अपेक्षित है।
2. नियोक्ताओं से सूचना प्राप्त करने का मुख्य उद्देश्य
 - (i) उपलब्ध रिक्तियों/रोजगार के अवसरों;
 - (ii) कार्मिकों का प्रकार जिनका अभाव है और
 - (iii) नौकरी चाहने वालों को व्यवसायिक मार्गदर्शन उपलब्ध कराने के लिए भविष्य के जॉब अवसरों का पता लगाना तथा उन्हें नियोक्ताओं से जोड़ना है। यह कौशल आवश्यकताओं का पता लगाने में भी सहायक है। नियोक्ता भी अपनी आवश्यकताओं के अनुसार समुचित अभ्यर्थी लेने के लिए कैरियर केन्द्रों को कॉल करने में समर्थ होंगे।

(सं० 1/COSS 10-01/2021-826/अ०सं०)
बिहार-राज्यपाल के आदेश से,
सूर्यकान्त मणि,
सरकार के उप-सचिव।

26 फरवरी 2021

एस० ओ० 83, एस० ओ० 82, दिनांक 1 मार्च 2021 का अंग्रेजी भाषा में निम्नलिखित अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जो भारतीय संविधान के अनुच्छेद 348 के खण्ड (3) के अधीन अंग्रेजी भाषा में उसका प्राधिकृत पाठ समझा जायेगा।

(सं० 1/COSS 10-01/2021-827/अ०सं०)
बिहार-राज्यपाल के आदेश से,
सूर्यकान्त मणि,
सरकार के उप-सचिव।

The 26th February 2021

S.O. 82 dated 1st March 2021—The following draft rules which the State Government proposes to make in exercise of the powers under sub-section (1) of section 154 and 156 of the Code on Social Security, 2020 (Act no. 36 of 2020) in suppression of the.-

1. Bihar Maternity Benefit Rules, 1964.
2. Bihar Payment of Gratuity Rules, 1972.
3. Bihar Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2005, and
4. Bihar Unorganized Workers Social Security Rules, 2015

made by Governor in exercise of the powers conferred by The Maternity benefit Act, 1961, The Payment of Gratuity Act, 1972, The Building and Other Construction workers (Regulation of Employment and Conditions of Service), 1996, and The Unorganized Social Security Act, 2008, are hereby published as required under sub-section (1) of Section 154

and sub-section (1) of Section 156, for information of all concerned and with a view to invite objections and suggestions in respect thereof;

All objections and suggestions with respect to said rules should be sent in duplicate addressed to Joint Labour Commissioner or *email lcbihar@bihar.gov.in*. Only those objections and suggestions which are received within twenty-one days from the date of publication of the notification shall be taken into consideration.

Chapter- I PRELIMINARY

1. *Short title, application and commencement.*—

- (1) These rules may be called The Social Security (Bihar) Rules, 2021
- (2) They extend to whole of the State of Bihar.
- (3) They shall come into force from the date that Code on Social Security, 2020 comes into effect.

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

- (a) **“Agency”** means any corporation, body or institution, established under an Act of Parliament or Central Public Sector Undertaking or Special Purpose Vehicle as notified by the Central Government.
- (b) **“Appellate authority”** means the State Government or the authority specified by the State Government under sub-section (8) of section 56 or an officer, senior in rank to the Assessing Officer for the purposes of section 105 of the Code, appointed by the State Government, as the case may be;
- (c) **“Assessing Officer”** means a gazetted officer of a State Government or an officer of the local authority holding an equivalent post to a gazetted officer of the State Government appointed by such State Government for assessment of Cess under the Code;
- (d) **“Average daily wages during a wage period”** under chapter IV of the Code means —
 - (i) in respect of an employee who is employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;
 - (ii) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the Contribution period divided by the number of days in full or part for which he has worked for wages in that wage period : Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 or 1 days or day if the wage period be a month, a fortnight, a week or a day respectively.

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

- (e) **“benefit period”** means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the Regulations;
- (f) **“Career centre”** means that career centre as notified by the State Government;

- (g) **“cess collector”** means an officer appointed by the State Government for collection of cess under the Code ;
- (h) **“chartered engineer”** means a person having an engineering degree and the corporate membership of Institute of Engineers India;
- (i) **“Code”** means the Code on Social Security, 2020 (36 of 2020);
- (j) **“Electronically”** means any information or communication submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
- (k) **“excluded vacancies”** means those vacancies which have been excluded from the purview of the section 139 as per the provisions of sub-sections (1) and (2) of section 140;
- (l) **“Form”** means a form appended to these rules;
- (m) **“fund”** means the Employees’ State Insurance Fund, the Employees’ Provident Fund, the Employees’ Pension Fund, the Employees’ Deposit-Linked Insurance Fund or the Social Security Fund, as the case may be;
- (n) **“Government Securities”** means Government Securities as defined in the Government Securities Act, 2006 (38 of 2016);
- (o) **“immovable property”** includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (p) **“movable property”** means property of every description except immovable property;
- (q) **“Nodal officer”** means a person designated by Building and Other Construction Workers’ Welfare Board or the State Government to facilitate the registration, renewal and updation electronically or otherwise or any such other function of Building Workers working in the Private Sector, State Government, Central Government and Public Sector Undertakings of the Central and the State Governments or local authority. The Nodal officer shall also supervise and monitor functions of the Beneficiary Registering Officers designated by Appropriate Government;
- (r) **“Nomination”** means nomination made under section 55 of the code;
- (s) **“register of women employees”** means a register of women employees maintained under rule 27(1);
- (t) **“Schedule”** means the schedule of the Code;
- (u) **“Section”** means a section of the Code;
- (v) **“ShramSuvidha Portal”** means portal of Ministry of Labour and Employment
- (w) **“Specified”** means specified by an order of the Central Government or any State Government or any officer so authorised by such Government;
- (x) **“standard benefit rate”** means average daily wages obtained by dividing the total wages paid during the Contribution period by the number of days for which these wages were paid ;
- (y) **“year”** shall mean the financial year, beginning from the first of April and ending with the thirty first of March of the year following.

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

Chapter- II
Social Security Organization
PART - I

Bihar Unorganized Workers Social Security Board

3. Manner of exercising the powers and performance of functions by State Unorganised Workers' Board under sub-section (9) and sub section (16), the manner of nomination of members of the Board, their term of office and other conditions of service, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the Board under sub-section (12), the time, place and rules of procedure relating to the transaction of business at its meetings under sub-section (14) of section 6.

(1) Constitution of the State Social Security Board for Unorganised Workers.—

- (i) The Board constituted by notification under sub-section (9) of section 6 shall be called as 'Bihar Unorganised Workers Social Security Board'
- (ii) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.
- (iii) A member shall be eligible for re-nomination: Provided that a member shall not hold the office for more than total of two terms.
- (iv) State Government may seek nomination from amongst the representatives of associations of unorganised sector workers and employers' associations of unorganised sector, in the Bihar Unorganised Workers Social Security Board for Unorganised Workers, in the category of sub-clauses (i) and (ii) of clause (d) of sub-section (10) of section 6 in such a manner, as notified by the Government.

Provided that at least two members nominated shall be active unorganised worker registered under the code.

- (v) The State Government shall nominate five persons under sub-clause (iv) of clause (d) of sub-section (10) of section 6 from amongst persons of eminence in the field of labour welfare, management, finance, law and administration.
- (vi) Out of seven persons nominated under clause (iv) and (v) of sub-rule (1) of Rule 3, at least one member each from the Scheduled Caste, the Scheduled Tribe, the Minorities and Women shall be represented.
- (vii) The State Government shall seek nomination of two members representing the State Legislative Assembly under sub-clause (iii) of clause (d) of sub-section (10) of section 6.
- (viii) The State Government shall nominate ten Members under sub-clause (v) of clause (d) of sub-section (10) of section 6

representing Departments of State Government, concerned with the matters related to the welfare of the unorganised sector workers.

- (ix) A member nominated under sub-clauses (i), (ii) and (iv) of clause (d) of sub-section (10) of the section 6, shall cease to be a member of the Board if he ceases to represent the category of interest from which he was so nominated:
- (x) A member nominated under sub-clause (iii) of clause (d) of sub-section (10) of the section 6 shall cease to be a member of the Board if he ceases to be a member of State Legislative Assembly by which he was so elected.
- (xi) No person shall be chosen as, or continue to be, a member of the Board, if such person attracts any provision(s) of section 8 of the Code.
- (xii) The Member Secretary of the Bihar Unorganised Workers Social Security Board shall be an officer of the Labour Resources Department notified by the State Government not below the rank of Joint Labour Commissioner.

(2) Manner of exercising the powers and performance of the functions of the Bihar Unorganised Workers Social Security Board.—

- (i) The Board, for discharging its functions as assigned to it, under sub-section (15) of section 6, may constitute a committee to deliberate and recommend on the specific issue(s) as may be assigned to such committee.
- (ii) Such committee(s) may co-opt Members from the Board or outside as the case may be, from the field(s) of the experts, on which committee is required to deliberate.

(3) Reconstitution of the Board.—

- (i) State Government shall initiate the process for reconstitution of the Bihar Unorganised Workers Social Security Board, prior to six months of expiry of the term of the Board.
- (ii) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging and function of the board as may be decided by the State Government for the period till the new Board is constituted, through a notification.
- (iii) Consequent upon institution of such arrangement, all actions taken shall have the same effect as if it has been carried out by the Board itself.

(4) Resignation.—

- (i) A member of the Board, not being an ex-officio member, may resign by a letter in writing addressed to the State Government.

- (ii) 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.
- (iii) The power to accept the resignation of a member shall vest with the State Government.
- (5) **Change of Address.**—If a member changes his address, he shall notify his new address to the Member Secretary of the Board who shall thereupon enter his new address in the official records: Provided that if a member fails to notify his new address, the address in the official records shall for all purposes be deemed to be the member's correct address.
- (6) **Manner of filling vacancies.**— When a vacancy occurs or is likely to occur in the membership of the Board, Member Secretary of the Board shall submit a report to the State Government and on receipt of such report, the State Government may, by notification, nominate a person to fill the vacancy in the manner prescribed under sub-rules (1) of rule 3 above, and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.
- (7) **Procedure for removal of a Member.**—
- (i) During the pendency of the proceeding, if any, under clauses (b) and (c) of sub-section (2) of section 8, for removal of a member of the Bihar Unorganised Workers Social Security Board, such member shall abstain from the meeting(s) of the Board.
- (ii) The decision of the State Government, on the debarment, disqualification and removal of any member under **section 8 of the Code**, shall be final.
- (8) **Meeting .**—
- (i) The Board shall meet at such places and at such times as may be decided by the Chairperson.
- (ii) The Board shall meet once in four months.
- (iii) In case of any matter of urgency special meetings may be called by the Chairperson after informing the members in advance about the subject-matter of discussion and the reasons of urgency .
- (iv) In case of any matter of urgency meeting by circulation or other mode may be held.
- (v) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence the meeting of the Board shall be chaired by the Vice-Chairperson.
- (9) **Notice of meeting and list of business.**—
- (i) Ordinarily, fifteen days' notice shall be given to the members of the Board of a proposed meeting:
- (ii) The Chairperson, if he is satisfied that it is expedient to do so, may give notice of shorter period.

- (iii) 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.

(10) Quorum.—

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

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

- (ii) The Chairperson may debar 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 to and consent of the Chairperson, or
- (b) in the view of the State Government, such member has ceased to represent the interest which he purports to represent on the Board.

11. Disposal of business.—

- (i) Every question considered at a meeting of the Bihar Unorganised Workers Social Security Board shall be decided by a majority of the votes of the members of the body concerned present and voting. In the event of an equality of votes the Chairperson shall exercise an additional casting vote:
- (ii) The Chairperson may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to members of the Bihar Unorganized Workers Social Security Board and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of members received within the time-limit allowed and if the opinions are equally divided, the opinion of the Chairperson shall prevail:

Provided that any member of the Bihar Unorganised Workers Social Security Board may request that the question referred to members of the concerned body, as the case may be, for written opinion be considered at a meeting of the Bihar unorganized Workers Social Security Board and there upon the Chairperson may, if the request is made by not less than three members of the concerned body, direct the procedure to be adopted.

- (12) *Allowances to non-official members.*— Non official members shall be entitled for travelling allowance and daily allowance at the rate admissible to the group “A” officers of State Government.

PART- II

Bihar Building and Others Construction Workers Welfare Board

4. Terms and conditions of appointment and the salaries and other allowances payable to the chairperson and the other members of the Building Workers' Welfare Board and the manner of filling of casual vacancies of such members, under sub-section (4), the terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the said Board under clause (c) of sub-section (5) of section 7;

(1) Composition of Board.—

- (i) The chairperson of the Bihar Building and Other Construction Workers Welfare Board shall be an officer not below the rank of Secretary, heading the Labour Resource Department.

- (ii) State Government shall nominate fifteen members in Bihar Building and Other Construction Workers Welfare Board. There shall be at least one woman member from the every category mentioned below-

A. *The representatives of departments of State Government shall be Officer(s) not below the rank of Joint Secretary and consist of -*

- a. Finance Department,
- b. Social Welfare Department and
- c. Education Department.
- d. One member of Labour Resources Department from Government wing and
- e. One member of Labour Resources Department from Labour wing

B. *There shall be five representatives of building workers.*

Provided that at least three representative of building workers shall be active building workers registered in board of Construction workers and at least one shall be woman worker.

C. *There shall be five representatives of employers of building workers, one from each of the following;-*

- a. Urban and Housing Development Department;
- b. Building Construction Department;
- c. Road Construction Department;
- d. Builders Association;
- e. Registered Contractors;

(2) Term and Reconstitution of Board-

- (i) The terms of Bihar Building and Other Construction Workers Welfare Board shall be three years from the date of its constitution.

- (ii) State Government shall initiate the process for reconstitution of the Bihar Building and other Construction Workers Welfare Board, prior to six months of expiry of the term of the Board.
- (iii) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging and function of the board as may be decided by the State Government for the period till the new Board is constituted, through a notification.
- (iv) Consequent upon institution of such arrangement, all actions taken shall have the same effect as if it has been carried out by the Board itself.
- (v) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.
- (vi) A member shall be eligible for re-nomination: Provided that a member shall not hold the office for more than total of two terms.
- (vii) The non-official members shall be removed by State Government from the Board if they cease to represent the interest for which he was nominated or if such person attracts any provision(s) of section 8 of the Code.

(3) Manner of filling of vacancies.—When a Vacancy occurs for any reason or likely to occur in the membership of the Board, the Secretary of the board shall submit a report to the State Government who shall take steps to fill the vacancy from amongst the category of person, to which the person vacating membership belongs and the person so nominated shall hold office for the remainder of the term of the office of the member whose place he is appointed.

(4) Meeting.—

- (i) The Bihar Building and other Construction Workers Welfare Board shall meet at such places and at such times as may be decided by the Chairperson.
- (ii) The Board shall meet once in four months.
- (iii) In case of any matter of urgency special meetings may be called by the Chairperson after informing the members in advance about the subject-matter of discussion and the reasons of urgency .
- (iv) In case of any matter of urgency meeting by circulation or other mode may be held.
- (v) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence, the meeting of the Board shall be chaired by the any member nominated by chairperson in his behalf .

(5) Quorum.—

- (i) No business shall be transacted at any meeting of the Bihar Building and other Construction Workers Welfare Board unless at least six members are present in that meeting:

- (ii) If in a meeting, presence is less than quorum, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.
- (iii) The Chairperson may debar 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 to and consent of the Chairperson, or
- (b) in the view of the State Government, such member has ceased to represent the interest which he purports to represent on the Board as per clause (vii) of sub-rule (2) of Rule 4.

(6) Disposal of business.—

- (i) Every question considered at a meeting of the Bihar Building and other Construction workers Welfare Board shall be decided by a majority of the votes of the members of the body concerned present and voting. In the event of an equality of votes the Chairperson shall exercise an additional casting vote:
- (ii) The Chairperson may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to members of the Board and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of members received within the time-limit allowed and if the opinions are equally divided, the opinion of the Chairperson shall prevail:

Provided that any member of the Board may request that the question referred to members of the concerned body, as the case may be, for written opinion be considered at a meeting of the Board and thereupon the Chairperson may, if the request is made by not less than three members of the concerned body, direct the procedure to be adopted.

(7) Salary and allowances to Chairperson and non-official members:-

- (i) Non official members shall be entitled for travelling allowance and daily allowance at the rate admissible to the group “A” officers of State Government.
- (ii) Salary and allowances to the Chairperson of the board, if required, shall be fixed by State Government by notification.

(8) Conditions of appointment, salary and allowances of Secretary and other officers and staff of the Board-

- (i) Board with the prior approval of State Government shall appoint an officer of Labour Resources Department not below the rank of Joint Labour Commissioner, as a Secretary of the Board;

- (ii) Board with the prior approval of State Government shall appoint officer(s) and other staff(s) for disposal of functions of the Board.
- (iii) Secretary of the Board, other officer(s) and staff(s) shall be appointed in the manner determined by State Government by notification and they shall be paid salary and allowances as fixed by the State Government.

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

- (i) Board with the prior approval of State Government shall notify social security scheme 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

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

- (1) The Insured Person or the Corporation may appeal to the Employees' Insurance Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be: Provided that the Employees' Insurance Court may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the said period.
- (2) The applications to the Employees' Insurance Court, shall be in Form I

6. Procedure to be followed by the Employees' Insurance Court under sub-section (2) and the rules under sub-section (3) of section 50 and the manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof under sub-section (1) of section 51;

- (1) For the purpose of Section 48, the State Government, by notification, shall constitute an Employees' Insurance Court for such local area as may be specified in notification.
- (2) **Procedure for application to the Employee Insurance Court-**
 - (i) An Application under Section 49 shall be presented in triplicate in **Form II** and shall contain the following particulars :-
 - (a) The Name of the Court in which Application is brought.
 - (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 application shall be verified in the same manner as a pleading in a Civil Court.
 - (iii) All the documents on which the application is based or has desired by applicant shall be appended to application with an accurate list thereof;
 - (iv) All application shall be entered in a registered in **Form- III** to be maintained by the Court.

(3) Proceeding of Employees Insurance Court.—

- (i) Every application to the Court shall be brought within 3 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 application should be presented to another Court, or should be entertain by the another Court, the first mention Court shall send the application 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 application for 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 code of civil procedure in respect of summoning of the parties, service of summon, procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.

(4). Fees and Costs.—

- (i) The fee payable on an application in respect of any matter referred to in Section 49 of the Code shall be Rs. 100/-
- (ii) The fee and costs payable in respect of any other matters shall be such as prescribed by the relevant laws prescribed for the time being in force.
- (iii) All fees and costs referred to in this rule shall be collected by means of Court fee stamps.

Chapter IV

Gratuity

7. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of section 53.—

- (1) In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or any other Nationalised Bank.

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

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

- (1) A nomination shall be in **Form-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, 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.

8. Time within which and the form in which a written application shall be made under sub-section (1) and the form of application to the competent authority under clause (b) of sub-section (5) of section 56.

(1) Application for Gratuity:-

- (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 (a), (b) and (c) 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 by electronically or 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-VI** 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 (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.
- (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 (a) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.

(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 rule 7(2) or to entertain an application sought to be filed under sub rule (1) or

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

(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 (a) 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.**—

(i) 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.

- (ii) 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.
- (iii) A party appearing by an authorized representative shall be bound by the acts of the representative.
- (iv) After completion of hearing on the date fixed under clause (i), 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.
- (v) 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 (v) of sub-rule (5) may, on good cause being shown within thirty days of the said order, be reviewed and the application re-heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application.

Provided further that the time limit for disposal of application for direction shall not exceed 90 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.—

- (i) Subject to the provisions of clause (b) any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908).
- (ii) Where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any trade union or association or are represented by an authorised person, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association, or on the authorized person shall be deemed to be service on such persons.

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

- (i) 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.
- (ii) 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.
- (iii) 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 sub-rule (d) of 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 acknowledgement 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.—

- (i) 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.

- (ii) 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.
- (iii) 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.
- (iv) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.
- (v) 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.
- (vi) 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.
- (vii) 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.
- (viii) 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.
- (ix) **The time limit for disposal of appeal shall not exceed 90 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.

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

- (1) The State government shall notify the manner of registration of an establishment by the employer under sub-section (3) of Section 57 as according to the provision referred in sub section (1) and (2).
- (2) The composition of the Board of Trustees of the approved gratuity fund shall be notified by State Government.
- (3) All registration shall be done electronically in form XIII.
- (4) Any amount directed to be paid under this section shall be recoverable as an arrear of land revenue.

10. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58.—The competent authority shall be appointed by the State Government by notification.

CHAPTER- V MATERNITY BENEFIT ACT

11. Authority to whom an appeal may be preferred under sub-section (3) of section 72.—

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

Provided that the time limit for disposal of complaint shall not exceed 90 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 under section 72.**—
 - (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the Competent Authority.
 - (b) The aggrieved person shall prefer an appeal in writing to the prescribed Authority in Form-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 90 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) The authority under the sub-section (3) of Section 72 of the Code shall be appointed by the State Government by a notification.

CHAPTER- VI
EMPLOYEE'S COMPENSATION

12. Amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer under sub-section (7) of section 76.—If the injury of employee results in death, the employer shall in addition to compensation to be deposited under the code with competent authority a sum of Fifteen thousands rupees or such amount as may be prescribed by the State 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 did not have the dependent or was not living with his dependent at the time of his death to the person who actually incurred such expenditure;

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

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

- (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.

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

15. Interval for medical examination under the proviso to sub-section (1) of section 84.—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.

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

17. Manner of Recording Memorandum for the purpose of sub-section (1) of Section 89.—

- (1) Form of Memorandum- Memoranda of agreement sent to the Competent authority under sub-section (1) of Section 89 shall unless the Competent authority otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with, **Form XVIII**, or **Form XVIII-A**, or **Form XVIII-B** as the case may be.
- (2) On receiving a memorandum of agreement, the Competent authority shall, for taking decision to record memorandum or refusing to record, shall issue notice to parties to agreement in Form XIX fixing date and place of hearing that in default of objections he proposes to record the memorandum on the date so fixed: The notice under this sub-rule may be sent personally or through registered post/speed post or electronically.

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

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

Provided that the issue of a notice under rule (1) shall not be deemed to prevent the Competent authority from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned.

- (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”

18. Qualifications and Experience for Competent authority under sub-section (1) of Section 91.—The competent authority shall be appointed by the State Government by notification.

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

- (1) On receipt of the application, the Competent Authority shall verify the jurisdiction as per the parameters specified in clause (a), (b) and (c) of sub-section (1) of section 92.
- (2) If it appears to the Competent authority on receiving application that it should be presented to another Competent authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and designation of the Competent authority to whom it should be presented.

- (3) If at any stage of case it appears to competent authority the application should be entertained by another competent authority, he shall send file of the case to that authority and who has the jurisdiction, and inform to applicant and other parties as per the procedure defined in sub-section (3) of Section 93 of the Code.
- (4) The competent authority to whom the case has been transferred, shall continue to proceed as if the previous proceedings were done before him, provided he is satisfied that it will not cause prejudice to the concerned parties.

20. Time-limit for disposal of application and cost incidental to the proceedings under sub-section (4) of section 93.—

- (1) The appropriate authority shall dispose the application with in six months from the date of application received.
- (2) **Incidental Costs.—**
 - (i) Any party to the dispute who desires to get certified copies of decision, decree, or other document may get decision, decree, or other document on payment of cost at the following rate :-
 - (a) **The cost for the copies of any document of record or statement or order or decree may be notified by the State Government from time to time.**
 - (b) The cost of service or summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as may be notified by State Government.
 - (c) The court may, whenever it finds either on applications of applicant or otherwise that the applicant is unable to pay the cost it may exempt the applicant from the payment of cost.
 - (ii) Any person who is not a party to dispute, may get the certify copy of decision, decree or other documents except the confidential documents, on payment of the fees prescribed in above mentioned clauses.

21. Manner of authentication of memorandum under section 97-

(1) Evidence:-

- (i) After framing of issues, parties may submit their evidence on affidavit, on which 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 signature and seal.

- (2) **Provisions of Code of Civil Procedure, 1908 to apply.—**Save as otherwise expressly provided in the Act or these rules the Code of Civil Procedure, 1908 shall apply to proceedings before Competent authorities, in so far as they may be applicable thereto:

Provided that: -

- (a) for the purpose of facilitating the application of the said provisions the Competent authority may construct them with such alternations not affecting the substance as may be necessary or proper to adapt them to the matter before him;
- (b) the competent authority may, for sufficient reasons, proceed otherwise than in accordance with the said provision, if he is satisfied that the interests of the parties will not thereby be prejudiced.

22. Time limit to pay the amount of cess under section 101.—

- (1) The cess levied under the sub-section (1) of section 100 shall be paid by an employer, with in 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 the provisions of 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.**

23. Fees for appeal under sub-section (2) of section 105.—A Fee equivalent to one percentage of the amount in dispute or penalty or both, as the case may be, under such appeal.

24. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realise investments under sub-section (2) terms to raise loans and take measures for discharging such loans under sub-section (3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under sub-section (4) of section 120; State Government may notify the conditions after consultation with Finance Department.

25. Conditions and manner of writing off irrecoverable dues under section 121.—

Where Bihar Unorganized Workers Social Security Board is of the opinion that the amount of contribution, cess, interest and damages due to board the has become irrecoverable, the Board or any other officer authorised by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely: —

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

26. Other powers of Inspector-cum-Facilitator under clause (e) of sub-section (6) of section 122.—An addition to powers in sub-section (6) of Section 122, Inspector cum facilitator may exercise such other powers and shall perform such other duties as may be assigned by State Government by general or special order.

27. Form and manner for maintenance of records and registers and other particulars and details under clause (a), manner and form for display of notices at the work places of the employees under clause (b) and the manner and period of filing returns to the officers or authority under clause (d) of section 123.

(1) **Register of Women Employees.** —

- (a) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in Form XXI electronically or in hard copy and shall enter therein particulars of all women workers in the establishment.

Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum-Facilitator.

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

(2) **Records.**—Records kept under the provisions Chapter V of the Code and the rules framed thereunder shall be preserved for a period of two years from the date of their preparation.

(3) **Annual returns.**—

- (a) The employer to which the provisions of Chapter V of the Code applies, 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.
- (b) Every employer shall file such returns electronically or otherwise to such officer or authority as may be fixed by State Government by general or special order

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 (21 of 2000).

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

Chapter VII
OFFENCES AND PENALTIES

28. Form and manner of application for compounding of an offence under sub-section (4) of section 138.—

- (1) The officer authorized by the State 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 for which are compoundable under section 138
- (2) The person so noticed may apply in Part III of the 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 or the offence in respect of which the compounding notice was issued, against such person.
- (5) Composition after institution of prosecution. — (a) The Court may compound any compoundable offence at any time after filing of a complaint under section 138 of the Code.
- (b) The provisions of section 320 of the Code of Criminal Procedure, 1973 shall apply to such compositions.

Chapter VIII
Employment information and monitoring

29. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre under sub-section (2) of section 139.—

- (1) **Reporting of Vacancies to Career Centers:**
 - (a) After the commencement of this Code in the State or area thereof, the employer in every establishment in public sector in that State or area shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the State Government.
 - (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 State Government.
 - (c) State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to

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

Explanation.—

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

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

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

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

(a) ***The following vacancies, namely-***

- (i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the State Government, occurring in establishments in respect of which the State Government is the appropriate Government under the Code; and
- (ii) Vacancies which an employer may desire to be circulated to the Career Centers outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre 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 XXV**, furnishing as many details as practicable, separately in respect of each type of vacancy.

- (c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule(3), shall be reported in writing or through official email or digitally as the case may be, to the specified Career Centre.
- (4). **Time limit in the reporting of vacancies.**—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 commencement of this Code in any state or area thereof, the employers in every establishment in the public sector in that state or area shall maintain records manually or electronically or digitally about
- i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
 - ii) Persons recruited during the year ending on 31st 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) State Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about
- i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
 - ii) Persons recruited during the year ending on 31st March;
 - iii) Occupational details of its employees on 31st March of every year;
 - iv) Vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - v) Approximate number of vacancies likely to occur during the next financial year.
- (6) **Submission of returns.**—An employer shall furnish to the concerned Career Centre yearly returns in form EIR (Employment Information Return) as given at **Form-XXVI** Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective State Government in notification, within thirty days of the due date namely 31st March of the year.

(7). ***Declaration of Executive Officer.***—The Director of Employment, controlling the work of Career Centers of the respective State Government, will declare in writing an officer looking after the work of Career Centers as “Executive Officer” for each district for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.

(8). ***Levy of penalty under the Chapter XIII of the Code.***—The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centers, of the respective State 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.

30. Constitution of Fund under Clause (ii) of sub-section (5) of Section 141.— In addition to source of fund mentioned in Clause (i) sub-section (5) of Section 141, the amount received from the following sources shall be credited to the Fund:-

- (i) Amount given by the State Government for the establishment of the fund.
- (ii) The amount of grant given by the Government of India, the State Government and other authorities and statutory bodies.
- (iii) Amount received for registration/renewal of beneficiaries and their contribution.
- (iv) Amount received for implementation of the scheme notified by the Government of India.
- (v) Amount received for implementation of the scheme notified by the State Government.
- (vi) Contribution or donation or any other financial support from employer, their association or from Corporate Social responsibility (CSR) Fund as determined by the State Government by general or special order.
- (vii) Any other source which is approved by State Government through notification.

FORM I
(See Rule 5)
Appeal to Employees' Insurance Court

To,

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

Sir,

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

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

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

**Signature or thumb impression
of the Aggrieved person**

Date

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

Form II
[See rule 6 (2)]

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 6(2)(iv)]

Employee's Insurance Court at

Register of proceedings in the year 20.....

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

Form IV
[See Rule 7 (2)]
Nomination

To

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

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

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

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

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

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

NOMINEE(S)

\

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

STATEMENT

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

Village _____, thana _____, 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 7 (2)(3)]
Fresh Nomination

To

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

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

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

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

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

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

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

Manner of acquiring a 'family'

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

STATEMENT

1. Name Of The Employee.
2. Sex.
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/branch/section where employed
6. Post held with ticket no., or serial no., if any.
7. Date of appointment
8. Permanent address
- 9.

Village,
Post office,

Thana,
District,

Sub-division,
State

Place
Date

signature/thumb-impression
of the employee

Declaration by witnesses

Fresh nomination signed/thum-impressed before me.

Name in full and full address of witness.

Signature of witnesses

1.

1.

2.

2.

CERTIFICATE BY THE EMPLOYER

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

Employer's reference no., if any.

Designation .

Name and address of the establishment

Or rubber stamp thereof.

Acknowledgment by the employee

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

Date

signature of the employee

Note-Strike out the words and paragraphs not applicable.

FORM VI

[SEE RULE 7 (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.
- 1.
- 2.
- 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
Note**

Signature of the employee

FORM-VII

(See Rule 8(1))

Application for Gratuity by an Employee/Nominee/Legal Heir

(Strike out the words not applicable)

To,

.....
(Give here name or description of the establishment with full address)
Sir/Madam,

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

- (a) my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/ on termination of contract period under fixed term employment with effect from the.....or;
- (b) death of the aforesaid employee while in service/superannuation on.....after completion of.....years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the..... or;
- (c) death of aforesaid employee of your establishment while in service/superannuation

on.....(date) without making any nomination after completion ofyears 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,

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

Place:

Date:

FORM-VIII

[(See Rule 8(i)]

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

To,.....

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

You are hereby informed that

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

Reasons (Here specify the reasons); or

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

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

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

4. Brief statement of calculation

(a) Date of appointment.

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

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

(d) Wages last drawn:

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

(f) Amount payable:

Place:**Date:****Signature of the Employer/
authorised officer.**

Name or description of establishment or rubber stamp thereof.

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

Copy also to: Office of DG Labour Bureau, Ministry of Labour and Employment, Chandigarh.

FORM-IX
 [(See Rule 8(4))]
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 Bihar Rule 8(1) of the Code on Social Security (Bihar) Rules, 2021 on thebut the above-mentioned employer refused to entertain it/issued a notice dated the..... under clauseof sub-rule of ruleoffering an amount of gratuity which is less than my due/issued a notice datedthe under clause..... of sub-rule.....of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

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

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

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

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

1. Name in full of applicant with full address
2. Basis of claim (Death/Superannuation/Retirement/Resignation/Disablement of Employee/Completion of contract period under Fixed Term Employment)
3. Name and address in full of the employee
4. Marital status of the employee (unmarried/married/widow/widower)
5. Name and address in full of the employer
6. Department/Branch/Section where the employee was last employed (if known)
7. Post held by the employee with Ticket or Sl. No., if any (if known)
8. Date of appointment of the employee (if known)
9. Date and cause of termination of service of the employee (Superannuation / retirement /resignation/disablement/death/Completion of contract period under Fixed Term Employment)

10. Total period of service by the employee
11. Wages last drawn by the employee
12. If the employee is dead, date and cause thereof
13. Evidence/witness in support of death of the employee
14. If a nominee, No. and date of recording of nomination with the employer
15. Evidence/witness in support of being a legal heir if a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Signature/Thumb-impression of the applicant

Place:

Date:

FORM – X

[(See Rule 8 (5),(8)]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

(Name and address of the employer/applicant)

Whereas Shrian employee under you/a nominee(s)/legal heir(s) of Shri.....an employee under the above-mentioned employer, has/have filed an application under sub-rule of rule of the Code on Social Security(Bihar) Rules, 2021 alleging that..... (A copy of the said application is enclosed, if, summon is issued then copy of application is not required) Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at(place)either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the day of20..... at 'O' clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

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

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

List of documents-

- 1.
- 2.
3. so on

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

Competent Authority
under the Code on Social Security Code, 2020

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

FORM – XI

[(See Rule 8(11) and (12)]

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

To,

(Name and address of employer)

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

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

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

Whereas you/the applicant went in appeal before the appellate authority, who has decided that an amount of Rs..... is due to be paid to Shri/Smt./Kumari.....as gratuity due and the amount as interest due under The Code on Social Security, 2021.

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

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

Competent Authority
under the Code on Social Security Code, 2021

Copy to:

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

Note.--- *(Strike out paragraphs if not applicable)*

FORM – XII

[(See Rule 8(13)]

Application for Recovery of Gratuity

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

Application No. Date

BETWEEN

(Name in full of the applicant with full address)

AND

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

1. The applicant is an employee of the above-mentioned employer/a nominee of late..... an employee of the above mentioned employer/a legal heir of latean employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the of Code on Social Security (Bihar) 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-9(3)]

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

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

B. Details of Employer:-

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

C. Manager/ Agent Details

1. Full name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment;
2. Address of Manager/ Agent:
3. Email Address, Telephone & Mobile No :

D. Details of Approved Gratuity Fund/Insurance obtained for liability of payment towards the Gratuity;

E. Others Details:-

Signature/ E-sign/digital sign of employer

Dated:-

Place:-

FORM – XIV

[See Rule 11(1)(a)]

Complaint to the Inspector-cum-Facilitator

To,

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

Sir,

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

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

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

Date.....

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

FORM-XV
Appeal
[See Rule 11 (2) (b)]

To,

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

Sir,

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

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

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

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

**Strike out unnecessary portion.*

**Signature or thumb impression of the Women
/Aggrieved person**

Date.....

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

FORM XVII
(See Rule 16)
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. Place where the accident occurred.
 - c. Manner in which deceased was/were employed at the time.
 - d. Cause of the accident.
 - e. Any other relevant particulars.
3. I am responsible for payment of compensation.
4. Details of employee
 - a. Name of the employee
 - b. Age of the employee
 - c. Wages of the employee
5. The establishment is not responsible for payment of compensation due to reasons mentioned below

*(Signature and designation
of person making the statement)*

FORM XVIII
(See Rule 17)
Memorandum of Agreement

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

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

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

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

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

Dated20.....
Witness

Signature of employer Witness

Signature or employee

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

Receipt (to be filled in when the money has actually been paid)
In accordance with the above agreement, I have this day received the sum of Rs.....

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 17)****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 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 17)

Memorandum of Agreement

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

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

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

Rs. on Rs. on

Rs..... on Rs. on

Rs.on Rs on

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

Dated20..... .

Signature of employer

Witness

Witness

Signature or dependant(s)

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

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

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

Dated20.... .

Dependant(s)

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

Witness

FORM XIX
[(See Rule 17(2))]

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

Dated20

Competent Authority

FORM XX
{See Rule 17(5)}
Register of Agreement for year 20.....

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

FORM – XXI
[(See Rule 26(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 26(3)(a))]
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	The Code on Social Security 2020.			
03	Any other Law for the time being in force.			

03. 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.	

G. (a) Details of Payments:

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

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

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

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

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

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

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
[See rule-27(1)]

NOTICE FOR UNDER SUB-SECTION (1) OF SECTION 56 FOR COMPOUNDING OF OFFENCE

To,

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

- (1) Your establishment has been inspected by Inspector-cum-Facilitator on of of 20.....
- (2) In the said inspection you have been found violating Section of the Code.
- (3) As per provisions of sub-section (1) of Section 56 read with Sub-Rule (1) of Rule 38, you are hereby given notice to the effect that if you are willing to apply for composition of offence, you may apply for composition by submitting the application in **Form XXIV** along with deposit of Rupees /- through treasury challan or electronically on the departmental portal of Labour Commissioner. The details of which are given below.-

(i) Treasury Head

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Or

(ii) Flow chart of electronic payment.....
.....

(Signature)
Name and designation of the
Officer.....

Form XXIV

[See rule-27(2)]

APPLICATION UNDER SUB-SECTION (1) OF SECTION 56 FOR COMPOUNDING OF OFFENCE

To,

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

Kindly refer to your notice no. dated I/we hereby applying for composition of Offence and I have deposited Rs...../- as the amount of Composition by depositing through Treasury Challan or electronically through the portal of Labour Commissioner on/...../..... (dd/mm/year).

So please 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 :.....

FORM-XXV

[See Rule 28(3)(b)]

Form for Reporting Vacancies to Career Centers

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

1	Particulars of the employer: Name: Address with pin code: Telephone No. : Mobile No.: Email address: Name & Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment under Code: Economic activity details:		
2.	Particulars of the indenting Officer: Name: Designation: Telephone No. : Mobile No.: Email address :		
3.	Particulars of vacancy(ies): (a) Designation/nomenclature of the vacancy(ies) to be filled (b) Description of duties of the post (job role/functional role) (c) Qualifications/Skills required (educational, technical, experience) (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	Essential	Desirable/ Preferable
	(ii) 6-12 months (iii) 12 months and more	Number of posts	
4.	Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Caste(SC), Scheduled Tribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC), Ex-serviceman and persons with disabilities (pwd) , etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		

5.	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify)	Total	*By Priority candidates *(Applicable for Central Government vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.		
7.	Place of work (Name of the town/village		
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.

(सं० 1/COSS 10-01/2021-826/श्र०सं०)
बिहार-राज्यपाल के आदेश से,
सूर्यकान्त मणि,
सरकार के उप सचिव।

अधीक्षक, सचिवालय मुद्रणालय,
बिहार, पटना द्वारा प्रकाशित एवं मुद्रित।
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