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NOTIFICATION

Dated Kohima, the 4th June, 2026.

NO.LAB/DRAFT/LC/1/26/2025-26/196: The Draft Nagaland Code on Social Security Rules, 2026, which the State Government proposes to make in exercise of the powers conferred by Section 154, 156 and 158 of the Code on Social Security Rules, 2020 (No. 36 of 2020), is hereby published for information of all persons likely to be effected thereby; and notice is hereby given that the said draft will be taken into consideration after the expiry of a period of Forty Five (45) days, from the date of publication of this Notification in the Official Gazette.

Any objection or suggestion, which may be received by the State Government from any person or organisation with respect to the said draft before the expiry of the period specified above, will be reviewed for consideration by the State Government. Objections and suggestions, if any, may be addressed to the Labour Commissioner, Office of the Labour Commissioner, New Secretariat Complex, Nagaland, Kohima-797004 or through mail at labcomm-ngl@nic.in.

Sd/-

CHUBATEMJEN

Joint Secretary to the Govt. of Nagaland.

DRAFT NAGALAND CODE ON SOCIAL SECURITY RULES, 2026

Whereas vide notification number S.O. 5320 (E), dated 21st November, 2025 and S.O. 5936 (E), dated 19th December, 2025, published in the Gazette of India, Extraordinary, Part II, Section 3(ii), all the provisions of the Code on Social Security, 2020 (No. 36 of 2020) have come into force.

Therefore, the State Government proposes to make the following draft rules in exercise of the powers conferred by section 154, 156 and 158 of the Code on Social Security, 2020 (No. 36 of 2020), which is hereby published for information of all persons likely to be affected thereby as required by section 154(1), 156(1) and 158. Notice is hereby given that the said draft will be taken into consideration after the expiry of a period of forty-five (45) days from the date of publication of this Notification in the Official Gazette.

Any objections or suggestions which may be received by the State Government from any person or organization with respect to the said draft before the expiry of the period specified above, will be reviewed for consideration by the State Government. Objections and suggestions, if any, may be

addressed to the Labour Commissioner, Office of the Labour Commissioner, New Secretariat Complex, Nagaland, Kohima 797004 or through mail at labcomm-ngl@nic.in.

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement: -

- (1) These rules may be called the Nagaland Code on Social Security Rules, 2026.
- (2) They shall extend to the whole of the State of Nagaland.
- (3) They shall come into force from the date *of their publication in the Official Gazette*.

2. Definitions: -

- (1) In these rules, unless the subject or context otherwise requires, -
 - (a) *“Assessing Officer” means the Officer of the Labour Department appointed or notified by the State Government for assessment of Cess under the Code.*
 - (b) *“Board” means the Nagaland Unorganised Workers’ Social Security Board constituted under sub-section (9) of section 6 and Nagaland Building and Other Construction Workers Welfare Board constituted under sub-section (1) of section 7 of the Code respectively;*
 - (c) *“Cess Collector” means the Officer of the Labour Department appointed or notified by the State Government for collection of Cess under the Code*
 - (d) "Chairperson" means the Chairperson of the Social Security Board or, as the case may be, the Chairperson of the Welfare Board;
 - (e) “Code” means the Code on Social Security, 2020 (36 of 2020);
 - (f) “electronically” means any information submitted by email or uploaded on the designated portal or digital payment in any mode for the purpose of the Code;
 - (g) “Fund” means Social Security Fund;
 - (h) “Form” means a form appended to these rules;
 - (i) “member” means a member of the Board;
 - (j) “nomination” means nomination made under Section 55 of the code;
 - (k) "specified" means specified by an order of the Government of Nagaland or any officer so authorised by the Government, of Nagaland;
 - (l) *“State Government” means the Government of Nagaland;*
 - (m) "year" shall mean the financial year, that is to say, beginning from the 1st of April and ending with the 31st of March of the year following;
- (2) The words and expressions used in these rules and not defined herein, but are defined in the Code shall have the same meanings as are respectively assigned to them under the Code.

CHAPTER-2 NAGALAND UNORGANISED WORKERS’ SOCIAL SECURITY BOARD PART-I

3. Manner for nomination of the Members of Nagaland Unorganized Workers’ Social Security Board under Section 6(9) of the Code: -

- (1) The Board constituted under sub-section (9) of Section 6 shall be known as Nagaland Unorganised Worker’s Social Security Board.
- (2) The State Government shall seek one member representing the Central Government in the Ministry of Labour and Employment, Government of India under clause (c) of sub-section (10) of Section 6.

- (3) The State Government shall seek seven nominations from amongst the representatives of associations of unorganised sector workers and seven nominations from employers' associations of unorganised sector, on the Social Security Board, under sub-clauses (i) and (ii) of clause (d) of sub-section (10) of Section 6 in manner, as decided by the State Government.
- (4) The State Government shall nominate two members representing the Legislative Assembly under sub-clause (iii) of clause (d) of sub-section (10) of Section 6.
- (5) The State Government shall nominate five members under sub-clause (iv) of clause (d) of subsection (10) of section 6 from amongst persons of eminence in the field of labour welfare, management, finance, law and administration.
- (6) The State Government shall nominate ten members under sub-clause (v) of clause (d) of subsection (10) of Section 6 representing various Departments of State Government, concerned with matters relating to the welfare of the unorganized workers.

4. Term of the office:-

- (1) The term of the Board shall be three years from the date of its constitution, but it shall continue till the reconstitution and its decision shall not be deemed invalid on the ground that the term of the Board has been expired.
- (2) The term of the members of the Board shall co-exist with the term of the Board.
- (3) Members nominated under sub-clause (iii) of clause (d) of sub-section (10) of Section 6 of the Code shall cease to be member of the Board when they cease to be elected member of the State Legislative Assembly.
- (4) The members nominated under sub-clause (i), (ii) and (iv) of clause (d) of sub-section (10) of Section 6 of the Code shall be removed from the Board if they cease to represent the interest for which they were nominated.
- (5) All nominated members shall not be eligible for re-nomination for more than a total of two terms.

5. Resignation: - Any member other than an Ex-Officio member may resign by a letter addressed to the Chairperson of the Board.

6. Change of Address: - If any change occurs in the address of nominated members, the same shall be communicated in writing within fifteen days to the Member Secretary of the Board who shall make a record accordingly.

7. Filling of the Vacancies:- When a vacancy occurs for any reason or is likely to occur in the membership of the Board, the Member Secretary shall submit a report to the State Government who shall take steps to fill the vacancy from amongst the category of persons, 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 in whose place he is appointed.

8. Meetings of the Board: -

- (1) The Board shall meet at such places and at such times as may be decided by the Chairperson.
- (2) The Board shall meet at least once in a quarter and when required, with a notice to all members within a period of seven days.
- (3) In case of any matter of urgency special meetings maybe called by the Chairperson after informing the members in advance about the subject-matter of discussion and the reasons of urgency.
- (4) In case of any matter of urgency, meeting by circulation or by other mode may be held.

- (5) The Chairperson shall preside over every meeting of the Board in which he is present and, in his absence, the Vice- Chairperson of the Board shall preside over such a meeting in his place and in the absence of both, the members of the Board present in such meeting may choose from amongst themselves a member to preside over the meeting.

9. Notice of meeting and list of business: -

- (1) Ordinarily fifteen days' notice shall be given to the members of the Board of a proposed meeting.

Provided that the Chairperson, if he is satisfied that it is expedient so to do, may give notice of shorter period.

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

10. Functions and Disposal of the Business:-

- (1) *The Board, in addition to the functions provided for under sub-section 15 of section 6 of the Code, shall:-*

a.set up facilitation centers headed by the Labour inspector in every district at the Office of the Assistant Labour Commissioner to perform the following functions, namely:-

- i. To give awareness on various social security schemes for unorganised worker or gig worker or platform worker or any category or sub-category of unorganised worker;*
- ii. To assist all categories of unorganised workers to obtain online registration.*
- iii. To assist all categories of registered unorganised workers in availing social security schemes.*
- iv. To address grievance of all categories of unorganised workers.*

b.With the approval of the State Government frame social security schemes for all categories of unorganised workers on matters relating to:-

- i. Life and disability cover,*
- ii. Health and maternity benefits,*
- iii. Old age pension,*
- iv. Skill up gradation of all categories of registered unorganised workers through vocational training,*
- v. Funeral assistance*
- vi. Any other social security scheme as determined by the board with approval of the government.*

- (2) Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every member for opinion, the matter shall be disposed of in accordance with the decision of the, majority.

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

- (3) Every decision taken at the meeting of the Board shall be recorded in writing.

11. Allowances of Members:- Non-Official Members of the Board shall be paid travelling allowance and daily allowance for attending meetings of the Board at such rates as are admissible to the lowest of Group "A" Officer of the State Government.

12. Quorum:-

- (1) No business shall be transacted at any meeting of the Board unless at least 10 members are present in that meeting.

Provided that if at a meeting, less than 10 members are present, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

- (2) 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 Chairperson, such member has ceased to represent the interest which he purports to represent on the Board.

13. Reconstitution of the Board:-

- (1) The State Government shall initiate the process for reconstitution of the Board, six months prior to the expiry of the term of the Board.
- (2) If the new Board is not reconstituted after completion of the term of the Board or due to other reason, the administration of the Board may be taken up by the State Government for such period till the new Board is constituted, by way of a notification in this behalf.
- (3) The decision taken by the State Government under sub-rule (b) shall have the same effect as if it has been carried out by the Board itself.

14. Headquarter of the Board:- The Headquarter of the Board shall be at the place as may be notified by the State Government.**15. Constitution of Fund under clause (i) of sub-section (5) of Section 141:-** In addition to the source of fund mentioned in clause (i) of sub-section (5) of Section 141, the amount received from the following sources shall be credited to the Fund which shall be called as Nagaland Unorganised Workers' Social Security Fund:

- (1) Lump sum amount given by the State Government for the establishment of the fund.
- (2) The amount of grant given by the Central Government, the State Government and other authorities and statutory bodies.
- (3) Amount received for registration/ renewal of beneficiaries and their contribution.
- (4) Amount received for implementation of the scheme notified by the Central Government.
- (5) Amount received for implementation of the scheme notified by the State Government, and
- (6) 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.

16. Administration of the Nagaland Unorganised Workers' Social Security Fund:-

- (1) All the fund received under clauses (i) and (ii) of sub-section (5) of Section 141 shall be kept in a separate Bank Account in a Scheduled Bank.
- (2) The Fund shall be administered and transacted by the Board.
- (3) The Bank Account of the Fund shall be operated in such a manner as determined by the State Government by general or special order.

- (4) The fund of the Social Security Board shall be utilized/ expended for the implementation of the welfare schemes for unorganized workers of the State and for meeting out administrative expenses of the Board. The administrative expenses of the Board shall not be more than ten percent of the total expenditure on schemes. The accounts of the Fund shall be audited in accordance with the instructions issued by the State Government from time to time.

PART-II

NAGALAND BUILDING AND OTHERS CONSTRUCTION WORKERS' WELFARE BOARD

The manner to exercise the powers conferred on and to perform the functions assigned to Nagaland Building and Other Construction Workers Welfare Board, the manner of nomination of Members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies and time, place and rules of procedure relating to the transaction of business as per sub-section (4), clause (c) of sub-section (5), and sub-section (6) of Section 7.

17. **The Board:-** Nagaland Building and Others Construction Workers' Welfare Board.

- (1) *Constitution of the Board:* The Board shall consist of-
 - a) A Chairperson to be appointed by the State Government.
 - b) A member to be nominated by the Central Government.
 - c) Five members, to be appointed by the State Government representing the Government Departments, of whom one each shall be from Labour, Finance, Law and two shall be of a department engaged in building or other construction works.
 - d) Not more than three persons representing the building and other construction workers to be nominated by the State Government.
 - e) Not more than three persons from among the employers of building and other construction workers to be nominated by the State Government.
- (2) *Term of Chairperson and Members:* The term of office of the Chairperson and the Members of the Board other than the Official Members shall be **five** years from the date of their appointment.
 Provided further that in no case the non official members can continue in the office beyond the period of **five** years from the date of their appointment.
- (3) *Conditions for appointment of members of Welfare Board under sub-section (4) of Section 7:* No person shall be appointed or continue to be a member of the Welfare Board, who:
 - (a) is or at any time has been adjudged insolvent; or
 - (b) is found to be lunatic or become of unsound mind; or
 - (c) is or has been convicted of any offence involving moral turpitude.
- (4) *Removal of members:*
 - (a) The State Government may remove from office any member, who is or has become subject to any of the disqualifications mentioned in Rule 17 clause (3) or is absent without leave of the Board for more than three consecutive meetings of the Board.
 - (b) the member representing the employer or the building workers ceases to represent the employer, or as the case may be, the building workers; or
 - (c) having regard to the exigencies of circumstances or service in the State Government, a member cannot continue to represent the State Government, the Government may remove such member from the Board.
- (5) *Filling up of casual vacancies:* A Member nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.

- (6) *Meeting of the Board:* The Board shall ordinarily meet once in three months. Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the board call a meeting thereof.
- (7) *Notice of meeting and list of business:* Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent electronically or otherwise, to each member at least ten days prior to the meeting of the Board.
- Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice of not less than three days in advance shall be deemed sufficient.
- (8) *Quorum for the meeting:* No business shall be transacted at any meeting of the Board unless at least six members are present.
- (9) *Absence of any member from the Government:* If any Member leaves the Government for a period exceeding six months without intimation to the Chairperson, he shall be deemed to have resigned from the Board and he shall cease to be a member on the expiry of the said period of six months.
- (10) *Transaction of business:* Every question considered at a meeting of the Board shall be decided by a majority of the votes of the Members present and voting and in the event of tie, the Chairperson shall have a right to exercise his vote which shall be a casting vote.
- (11) *Minutes of the Meetings:* Every decision taken in a meeting of the Board shall be recorded and the decisions taken shall be issued in the shape of minutes by the Secretary after confirmation of the Board.
- (12) *Fees and Allowances:*
- (a) Every non-official member of the Board shall be paid by the Board a sitting allowance as may be fixed by the Board from time to time for attending a meeting of the Board.
 - (b) The Chairperson shall be paid an honorarium as deemed fit and proper by the State Government.
- (13) *Duties and functions of the Board:*
- (a) ***In addition to functions mentioned under sub-section (6) of Section of 7 of the Code, the Board shall perform other functions namely:***
- (i) all matters related to the administration of the fund, including setting policies for the allocation of funds in it,
 - (ii) submission of annual budget, annual report and audited accounts to the government under the Code;
 - (iii) proper maintenance of accounts as per the provisions of the Code and its annual audit;
 - (iv) collection of contribution and other charges in the fund;
 - (v) performing the functions specified in and under the Code;
 - (vi) the Board shall, from time to time, give such information to the Government as deem fit.
- (b) Notification of schemes by the Board stipulating procedural and other residual matters related to the facilities: The Board shall formulate schemes as per provisions in the code and these rules, laying down the procedure formats and all other residual matters regarding each facility or group of facilities specified, and by notification of the scheme with prior approval of the State Government under which will happen:
- (i) rates at which various facilities will be payable;
 - (ii) application Procedure and format;

(iii) procedure for sanctioning and competent authority for grant of approval;

(iv) procedure for disbursement; and

(v) any other incidental matters.

- (14) **Registration of building or other construction workers under section 106 of the code:** *The employer or the contractor shall be responsible to register the eligible building or other construction workers. The Board shall provide a portal, as maybe notified by the state government, with the facility to the employers and contractor to register the eligible building or other construction workers on such portal.*

Provided that every such building or other construction worker has completed eighteen years of age and is less than sixty years of age and has been engaged in building or other construction work for not less than ninety days in the preceding twelve months.

(a) *The Board shall set up camps to facilitate the registration or renewal of building or other construction workers as and when required.*

(b) *The Board may utilise services of Common Service Center (CSC), the State Legal Service Authority or any other agency to facilitate the registration or renewal of building or other construction workers.*

- (15) **Appointment of Secretary, other officers and Staff:**

(a) The Board shall, with prior concurrence of the State Government, appoint an officer not below the rank of Deputy Labour Commissioner as Secretary of the Board.

(b) The Board, with the prior approval of State Government, shall appoint other staff for disposal of functions of the Board.

- (16) **Administrative and financial powers of the Secretary:**

(a) The Secretary of the Board may without reference to the Board, sanction expenditure and fund for contingencies, supplies and services and purchase of articles, refund for administering the fund subject to the limits up to which he may be authorized to sanction expenditure on any single item from time to time by the Board.

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

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

- (17) **Recruitment Procedure and Service Conditions of Officers and Staff of the Board:**

Classification, pay scales, allowances, recruitment procedure, and terms and conditions of service of officers and employees of the Board, may be determined by the Board with the prior approval of the State Government;

If in any specific case, any dispute or difficulty arises regarding the interpretation or enforcement of a provision, the matter shall be referred to the State Government, whose decision shall be final thereon.

- (18) **Information to the Government:-** The Board shall furnish information to the Government on such matters as the Government may refer to it, from time to time.

19. Social Security schemes and welfare measures under sub-section (6) of Section 7:-

- (1) The board with prior approval of state Government shall notify social security schemes and welfare measures as prescribed in clause (a) to (f) of sub-section (6) of Section 7.

(2) The notification at sub rule (1) shall contain details of eligibility limit, rate of various benefits, application form and procedure and the competent authority for sanction of benefit and manner of payment and other incidental matters.

(3) ***The Board shall perform the following other functions and welfare schemes as per clause (j) subsection (6) of section 7 of the Code namely;***

- (a) ***The Board may subject to the availability of fund give cash award as incentive to the children of registered building or other construction workers who have secured 65% and above in H.S.L.C and are pursuing higher education.***
- (b) ***The Board may subject to the availability of fund provide financial assistance to building or other construction workers including his or her spouse, parent and dependent children who are hospitalized.***
- (c) ***The Board may subject to the availability of fund provide interest free loans not exceeding rupees 50,000/- to building or other construction workers who have completed 3 years of membership.***
- (d) ***The Board may subject to the availability of fund provide financial assistance to building or other construction workers having continuous membership for 5 years, a sum of rupees 25,000/- to financial assist for his or her marriage.***

20. Utilization of the Fund:- The fund shall not, without the prior approval of the Government, be expended for any purpose other than those mentioned in the Code and the Rules herein, or as prescribed by the Central Government from time to time.

21. Report regarding the functioning of the Board:- A report on the functioning of the Board during every financial year shall be approved by the Board before the 15th day of June next and be submitted to the Government before the 15th day of July of that year.

22. Copies of the registers and reports to be furnished:- The Secretary of the Board shall furnish copies of the registers and annual report of the fund to any employer or member of the fund on written application with the prior approval of the Board.

CHAPTER-3 GRATUITY

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

In the case of nominee, or a 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 Nationalised Bank or any other bank ***as notified by the State Government.***

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 Undertaking) Act, 1980 (40 of 1980).

24. Nomination under sub-section (1) of section 55:

- (1) A nomination shall be made in the manner prescribed in **Form-I** and be submitted in duplicate by the employee by personal service or registered post within one month from the date when he completes one year of continuous service to the employer:

Provided that in case of fixed term employee, the nomination shall be submitted within one month from the date he joins the service:

Provided further that the nomination shall be accepted by the employer after the said period, if the same is supported by reasonable grounds for delay, and no nomination so accepted shall be invalid on the ground that it was filed after the specified period.

- (2) Within thirty days of the receipt of nomination in Form-I, 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-I duly attested either by the employer or an officer authorised in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.
- (3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family, submit in the manner specified in sub-rule (1), a fresh nomination as required under sub-section (4) of Section 55, in duplicate in **Form-II** to the employer and thereafter provision of sub-rule (2) shall apply mutatis mutandis if it was made under sub-rule (a).
- (4) A notice of modification of a nomination including cases where a nominee predeceases an employee shall be submitted in duplicate in **Form-III** to the employer specified in sub-rule (1) and thereafter provision of sub-rule (2) shall apply mutatis mutandis as if it was made under subrule (1).
- (5) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee, or if the employee is illiterate, the said nomination shall bear his thumb-impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be.
- (6) A nomination, fresh or notice of modification of nomination shall take effect from the date of receipt thereof by the employer

25. Application for gratuity under Section 56:

- (1) An employee or his nominee or his heirs who are eligible for payment of gratuity under the Code or any person authorized, in writing, to act on his behalf, shall apply, for gratuity personally or by registered post or electronically or otherwise, ordinarily within thirty days from the date on which the gratuity became payable in **Form-IV** to the employer.

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

Provided further 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.

- (2) An application for payment of gratuity filed after the expiry of the period 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. An application under the rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

26. Application to Competent Authority for direction under clause (b) of sub-section (5) of Section 56 and Appeal under sub-section (8) of section 56:

- (1) Where there is a dispute with regard to any matter or matters specified in clause (a) of sub-section (5) of Section 56, the employer or employee or any other person raising the dispute may make an application to the competent authority in **Form-V** within one year from the date on which the gratuity becomes due.

Provided that the competent authority may entertain the application even after one year if he is satisfied with the reason given by applicant.

- (2) The application shall be accompanied by such documents as are necessary to be filed as evidence by the applicant.
- (3) Application for claim of gratuity may be submitted personally or by registered post/speed post or such other medium as fixed by State Government.
- (4) If the competent authority is prima-facie satisfied with the application for claim and if he thinks that the application shall be inquired, he may, after registering the claim and fixing the date and time for inquiry, summon parties for inquiry.
- (5) **The** application shall not be rejected merely on the ground that it is not in the prescribed Form.
- (6) **Any person aggrieved by the decision of the competent authority may submit a memorandum of appeal to the appellate authority:**
- The appellate authority shall upon receipt of the memorandum of appeal issue notice to the parties and after hearing the parties pass its decision.**
 - The appellate authority shall pass its decision within a period of 90 days from the date of filling of appeal.**

27. The manner of registration of an establishment of the employer under sub-section (3) and the manner of composition of 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) *Obtaining Insurance for payment of Gratuity:* Every employer other than an employer of an establishment belonging to, or under the control of, the Central Government or a State Government, shall, subject to provisions of clause (i) of sub-section (1) under Section 57, obtain an insurance in the manner prescribed for his liability (or payment towards the gratuity under this Act, from any Insurance Company regulated by the authority as defined under clause (b) of subsection (1) of Section 2 of the Insurance Regulatory and Development Authority Act, 1999.
- (2) *Recovery of the amount of Gratuity:* The competent authority is authorized to recover the amount of gratuity payable to an employee, from the insurer with whom an insurance has been taken under sub-section (1) of Section 57 or as the case may be, the Board of Trustees of the approved Gratuity Fund as defined in sub-section (5) of Section 2 of the Income Tax Act, 1961. Such Board of Trustees should include equal number of representatives of the employer and the employees of the establishment.
- (3) *Registration of Establishment:*
- Every employer or an establishment covered by the Code shall get his establishment registered with the competent authority of the area in **Form-VI**, within 30 days from the notification of the compulsory insurance provided under sub-section (1) of Section 57 of the Code, along with details of employees of the establishment, to be furnished in Form VI.
 - The certificate of registration shall be issued if the application is complete in all respects but not later than seven days from the date of submission of complete application,

failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated.

- c. Every employer shall furnish the details of the employees insured, to the competent authority in Form-VI at the time of registration of the establishment with the competent authority and thereafter whenever there is a change in the employees insured.

28. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58: *The Government may by notification appoint an officer not below the rank of Assistant Labour Commissioner to be the competent authority.*

CHAPTER-4 MATERNITY BENEFIT

29. Complaint under section 72(1): -

- (1) A complaint under sub-section (1) of Section 72 shall be made to the Inspector-cum-Facilitator in writing in **Form VII**.
- (2) 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.

30. Appeal under sub-section (3) of Section 72:-

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

CHAPTER-5 EMPLOYEE'S COMPENSATION

31. The amount to be deposited towards expenditure of the funeral of the employee with the Competent Authority by the employer under sub-section (7) of Section 76:- If the injury of the employee results in his death, the employer shall, in addition to the compensation under sub-section (1) of section 76, deposit with the competent authority a sum of rupees fifteen thousand for payment of the same to the eldest surviving dependent of the employee towards the expenditure on 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.

32. Conditions when application for review is made without certificate of a medical Practitioner under sub-section (1) of Section 79:-

- (1) *Application for review of a half monthly payment under sub-section (1) of Section 79 may be made without being accompanied by a medical certificate:*

- a. by the employer on the ground that since the right to compensation was determined, the employee's wages have increased;
 - b. by the employee on the ground that since the right to compensation was determined his wages have diminished;
 - c. by the employee on the ground that 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 fact of the record.
- (2) *Procedure on application for review:* If, on examining an application for review by an employer in which the reduction or discontinuation of half monthly payments is sought, it appears to the competent authority that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half monthly payments in whole or in part pending his decision on the application.

33. Application for commutation:- Where an application is made to the competent authority under Section 80 the authority may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

34. Class of employers and the form of notice book under sub-section (4) of Section 82: Every employer of an establishment dealing with hazardous nature of work shall maintain at his premises where employees are employed a notice book in **Form-IX**.

35. Medical Examination under sub-section (1) of Section 84 and the frequent interval for medical examination under the proviso to sub-section (1) of Section 84:

- (1) *Employee not to be required to submit a medical examination other than in accordance with rules:* An employee who is required by sub-section (1) of Section 84 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part and not otherwise.
- (2) *Examination when employee and medical practitioner both on premise:* When such employee is present at the employer's premises and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present, the employee shall submit himself for examination forthwith.
- (3) *Examination in other cases:* In cases to which sub-rule (2) does not apply the employer may:
 - a. Send the medical practitioner to the place where the employee is residing for the time being in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner: or
 - b. Send to the employee and offer in writing to have him examined free of charge by a Qualified medical practitioner, in which case the employee shall submit for medical examination at the employer premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified: Provided that
 - i. The time so specified shall not, save with the express consent of the employee, be between the hours of 7 P.M. and 6A.M.; and

- ii. In case where (the employee's condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.
- (4) *Restriction on Number of Examinations:* An employee who is in receipt of half monthly payment shall not be required to submit medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.
- (5) *Examination after suspension of right to compensation:* If an employee whose right to compensation has been suspended under sub-section (3) of Section 84 subsequently offers himself for his examination, it shall take place on the employer's premises or at such other places in the vicinity as may be fixed by the employer and at a time to be fixed by the employer.
- (6) *Examination of Women:*
 - a. Female employee shall be medically examined by a female practitioner.
 - b. In absence of a registered female practitioner, a female shall with her consent be medically examined by a male practitioner in presence of another female.

36. The form of statement to be submitted by the employer under sub-section (1) of Section 88:
The statement for furnishing the circumstances attending the death of the employer as required under sub section (1) of section 88 shall, be submitted in **Form- X**.

37. The manner of recording the memorandum in a register by the competent authority under subsection (1) of Section 89:-

1. *Form of Memorandum:* Memorandum of agreement sent to the competent authority under subsection (1) of Section 89 shall unless the authority otherwise directs be in duplicate, and shall be in as close conformity as the circumstance of the case admitted with **Form XI(A)** or **Form-XI(B)** or **Form XI(C)** or as the case may be.
2. *Procedure where competent authority does not consider that he should refuse to record memorandum:*
 - (a) On receiving a memorandum of agreement, the competent authority shall unless he considers that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in **Form-XII** to the parties concerned that in default of objection he proposed to record the memorandum on the date so fixed;
Provided that the notice is communicated orally to any parties who are present at the place of recording when notice in writing would otherwise be issued;
 - (b) On the date so fixed, the competent authority shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:
Provided that the issue of notice under clause (i) shall not be deemed to prevent the competent authority from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned,
 - (c) 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 reason therefore and if any party desiring the memorandum to be recorded, if not present, he shall send information to that party in **Form XII(A)**.
3. *Procedure when competent authority considers that he should refuse to record memorandum:*
 - (a) If, on receiving a memorandum of agreement, the competent authority considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties

desiring a memorandum to be recorded, and shall inform such party or parties and if he thinks fit, any other party concerned of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded;

- (b) If the parties to be informed are not present, a written notice shall be sent to them in **Form XIII(A)** or **Form-XIII(B)** as the case may be, and the date fixed in such notice shall be not less than 7 days after the date of the issue of the same;
- (c) If on the date so fixed the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the competent authority may, if information has already been given to all the parties concerned, record the agreement.

If information has not been given to all such parties he shall proceed in accordance with the sub-rule (2) of this rule.

4. *Procedure on refusal to record memorandum:*

- (a) If in any case the competent authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal;
 - (b) If the competent authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.
 - (c) Where the agreement is for the redemption of half monthly payments by the payment of a lump sum, and the competent authority considers that the memorandum of agreement should not be recorded by reasons of inadequacy of the amount of such sum fixed in the agreement, he shall record his estimates of the probable duration of the disablement of the employee.
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 XIV** 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 prescribed register Form XIV has been recorded on this..... day..... of

(Signature)

Competent authority

38. Such other experience and qualifications for appointment as a competent authority under subsection (1) of Section 91:- The State Government may specify such other experience and qualifications as required from time to time.

39. The manner in which matters may be dealt with by or before a competent authority under subsection (1) of Section 92:-A competent authority under Section 92 (l) (b) or (c) may initiate proceeding afresh or he may continue the previous proceeding initiated under Section 92 (l) (a) as if the same or any of its part had been taken before him if he is satisfied that the interest of the parties shall not thereby be prejudiced.

40. Time limit for disposal of application and costs incidental to the proceedings under subsection (4) of Section 93:-The competent authority shall dispose of application under Section 93 within a period of six months. Provided that in the cases where disability is required to be proved in such cases the time limit of "not more than six months" can exceed with the consent of both the parties but for not more than one year.

41. The manner of authentication of memorandum under Section 97: -The competent authority shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be authenticated under the hand of the competent authority.

CHAPTER-6 REGISTRATION FOR UNORGANISED WORKERS

42. Eligible age for registration under clause (a) and form and manner of information under clause (b), of sub-section (1) and the form of application, documents for registration and manner of self registration under sub-section(2) of Section 113:-

(1)Registration of unorganised worker or gig worker or platform worker or any category or subcategory of unorganised workers:

- (a) Every eligible unorganised worker, or any category or sub-category of unorganised worker under Section 113 shall be required to be registered with Aadhaar, on selfdeclaration basis in the form on the portal, as notified by the State Government.
- (b) In order to be eligible for any benefit under any scheme(s) framed under the Code for any unorganised worker or gig worker or platform worker or any category or sub-category of unorganised worker, the appropriate Government may notify specific condition(s) for eligibility, as deemed fit.
- (c) The eligible unorganised worker or gig worker or platform worker or any category or sub-category of unorganised worker shall submit application form, electronically, with Aadhaar on self-declaration basis for registration to such authority on the specified portal of State Government.
- (d) On completion of registration, such worker shall be issued an acknowledgement, electronically or otherwise, bearing his Unique Registration Number.

CHAPTER-7 SOCIAL SECURITY AND CESS IN RESPECT OF BUILDING AND OTHER CONSTRUCTION WORKERS

43. Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under Section 101 of the code: The cess levied under sub-section (1) of section 100 shall be paid by an employer within thirty days from the date of issue of the assessment order, or within thirty days of the completion of the construction project, whichever is earlier and such employer shall be liable to pay interest on the amount of cess, to be paid, at the rate of one per cent, for every month from the date on which such payment falls due till such amount is actually paid.

44. Fees for appeal under Section 105 of the code:

- (1) An employer aggrieved by an order of the assessment may file an appeal in **Form-XV** against such order to the appellate authority as notified by the State Government.
- (2) The such appeal, inter-alia, shall be accompanied with—
 - (a) the order appealed against;
 - (b) a certificate from the Cess Collector to the effect that the amount of cess or penalty or both, as the case may be, relating to such appeal has been deposited;
 - (c) a non-refundable fee equivalent to half percent, but not exceeding rupees twenty-five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal;
 - (d) a statement of points in dispute; and
 - (e) documentary evidence relied upon.

- (3) On receipt of the appeal, the appellate authority may, call details from the assessing officer or his statement on the basis of his assessment order appealed against, as such appellate authority may consider necessary for the disposal of such appeal.
- (4) The appellate authority shall give the appellant an opportunity of being heard in the matter and dispose of the appeal as expeditiously as possible but not exceeding sixty days from the date of receipt of such appeal.
- (5) On being satisfied on the quantum of cess the appellate authority shall confirm the order of the assessing officer or if in his opinion the assessment was wrong; or on the higher side shall modify the order of assessment or if in his opinion the assessment is on the lower side or if the basis of assessment is wrong, it shall remand back the assessment order to the assessing officer along with his observations to rectify the wrong.
- (6) An order remanded back under sub-rule (5) shall be disposed of by the assessing officer within 30 days in view of the observation made by the appellate authority:
- (7) Provided that, if the amount of cess is proposed to be enhanced, the assesses shall be given an opportunity of being heard.
- (8) If the appellate authority is of the opinion that the quantum of penalty imposed is on the higher side or not correctly made it shall suitably modify or set aside the order of the assessing officer, as the case may be.
- (9) The appeal under this rule shall be disposed of by making a speaking order and a copy of such order shall be sent to each of the appellant, the assessing officer and to the Secretary, Building and Other Construction Workers Welfare Board within five days of the date on which such order is made.
- (10) An order in appeal reducing the amount of cess shall also ask the Secretary of the concerned Building and Other Construction Workers' Welfare Board to refund the excess cess stating clearly a specified time to the appellants.
- (11) An order in appeal enhancing or reducing the amount of cess or penalty or both, as the case may be, shall also specify the date by which the amount of cess or penalty or both should be paid or refunded.
- (12) No appeal shall lie against the order of the appellate authority under this rule.

CHAPTER-8 FINANCE AND ACCOUNTS

45. 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 :-

The State Government in consultation with the Nagaland Unorganized Workers Social Security Board and the Nagaland Building and Other Construction Workers Welfare Board will act as per rules framed by the Finance Department, Government of Nagaland from time to time.

46. Conditions and manner of writing off irrecoverable dues under section 121:- Where the Nagaland Unorganised Workers Social Security Board and the Nagaland Building and other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to these Boards have become irrecoverable, the said Boards or any other officer authorized by them in this behalf may sanction the writing off of the said amounts subject to the following conditions, namely:-

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

CHAPTER-9 AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

47. Appointment and Other powers of Inspector-cum-Facilitator under Section 122: - The State Government may by notification appoint an officer of the Labour Department not below the rank of Labour Inspector as the Inspector-cum-facilitator.

48. Form and manner for maintenance of records and registers and other particulars and details under clause (a) (b) and (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 XVI** 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 the Code.

(2) *Records:*

Records kept under the provisions of the Code and the rules framed there under shall be preserved for a period of two years from the date of their preparation.

(3) *Annual returns:*

- a. The employer to which the provisions of Chapter V of the Code applies shall, on or before the 1st day of February in each year, submit annual return in **Form-XVII** in respect of the preceding year.

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

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

- b. If the employer to which the Code applies sells, abandons or discontinues the working of the establishment then he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, submit unified return in **Form- XVII** 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-10 OFFENCES AND PENALTIES**49. Forms and manner of application for compounding of offences under sub-section (4) of Section 138:-**

- (1) The compounding officer shall send a notice manually or electronically to the employer in **Form XVIII**.
- (2) The employer if so desired shall make an application to compounding officer in **Form XIX** manually or electronically and shall deposit the amount manually or electronically in major head as per notification issued by the State Government. The compounded amount should be deposited within fifteen days from the date of receipt of notice.
- (3) If the accused complies with the requirement of sub- rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused.
- (4) If a person so noticed fails to deposit the compounded amount within the prescribed time, then prosecution shall be instituted before the competent court for the offence in respect of which the compounding notice was issued against such person.
- (5) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.
- (6) The State Government may by notification appoint an officer of the Labour Department not below the rank of Additional Labour Commissioner as the compounding officer.

Chapter-11**EMPLOYMENT INFORMATION AND MONITORING****50. 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) The State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers.
 - (b) The career centres to which the vacancies are reported shall 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 such vacancies.
 - (c) The employer, if any vacancy is advertised in any media or makes recruitment through any agency or any other mode, should invariably quote that unique vacancy reporting number in that advertisement or recruitment process.
- (2) *Form and manner of reporting of vacancies:*
- (a) The vacancies may be reported in writing or through valid official email or digitally to the career centre specified by the State Government.
 - (b) The vacancies should be reported in the format given at **Form XX**, 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 this sub-rule shall be reported in writing or through official email or details as the case may be, to the specified career centre.
- (3) *Time limit in the reporting of vacancies:* Vacancies required to be reported to the career centre be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for the purpose of appointment or taking interview or test against the vacancies reported.

(4) *Maintenance of records:*

(a) After the commencement of this Code in the State or any area thereof, the employers in every establishment in the public sector in the State or area thereof shall maintain records manually or electronically or digitally about:-

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

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

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

(5) *Submission of returns:* An employee may furnish to the concerned career centre yearly returns in Form EIR (Employment Information Return) as given in **FORM-XXI**. Yearly returns may be furnished manually or electronically, or digitally, as the case may be, as specified by the State Government by way of notification, within thirty days of the due date, namely, 31st March of the year.

(6) *Declaration of Executive Officer:* The Director of Employment or an officer of such equivalent rank or above such rank, controlling the work of career centres of the respective State Government, will declare in writing an officer looking after the work of career centres as “Executive Officer” for each district for the purpose of enforcement/implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in Section 139 of the Code, or authorise any person in writing those rights and perform duties.

(7) *Levy of penalty under Chapter XIII of the Code:* The Director of Employment or an officer of equivalent or above rank, controlling the work of career centres of the 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.

(8) *Manner of establishment and maintenance of career centres and career services:*

- (a) The State Government may establish, run and maintain career centres or modify and declare already established office or employment exchange or both or a portal or authorise other such centres as career centres by notification. Until such a notification is issued, the existing local Employment Exchanges would function as career centres.
- (b) The State Government may also enter into an agreement with any institution, local authority, local body or private body for running a career centre.
- (c) The career centres established under sub-rules (a) and (b) above shall inter-alia perform the following namely

- (i) collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode; relating to:
 - (1) persons who seek to employ employees;
 - (2) occurrence of vacancies; and
 - (3) persons who seek vocational guidance and career counselling or guidance to start self-employment;
- (ii) providing career counselling & vocational guidance;
- (iii) organizing job-fairs and job drives;
- (iv) employment related surveys and studies;
- (v) employability enhancement activities; and
- (vi) other services as may be decided by the appropriate Government from time to time.

CHAPTER 12 EMPLOYEE INSURANCE COURT

51. Manner and time within which appeal may be filed to the Employees' Insurance Court by the Insured Person or the Corporation under clause (b) of subsection (7) of Section 37: The Insured Person or the Corporation may appeal to the Employees' Insurance Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

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

52. Procedure to be followed by the Employees' Insurance Court under Section 50:

- (1) The application shall contain the following particulars, namely:
 - a. The name of the Court in which the application is brought.
 - b. Full name, description including age, occupation, if any, of the parties.
 - 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 facts constituting the cause of action and the date when it arose.
 - e. The facts showing that the court has jurisdiction, and
 - f. The relief which the applicant claims.
- (2) Every application shall be verified in the same manner as a pleading in a Civil Court.
- (3) All documents on which the application is based or as desired by applicant shall be appended to application with an accurate list thereof.
- (4) All applications shall be entered in a separate register to be maintained by the Court.
- (5) Every application to the Court shall be brought within three years on which the cause of action arose or as the case may be, the claim becomes due.
- (6) Where at any stage it appears to the Court that the application should be presented to another Court, or should be entertained by another Court, the first mentioned Court shall transfer the application along with the file of the case to the Court empowered to deal with it and shall inform the applicant and the opposite party accordingly and the Court to which the application along with the file is transferred shall continue the proceedings as if the previous proceedings or any part of it had been taken before it.
- (7) The Court shall have all the powers of a Civil Court in respect of summoning of the parties, service of summon, procedures of hearing, framing of issues, statement and production of

evidence, method of recording evidence, cross examination of witness, decree, execution and other related matters.

- (8) The fee payable on an application in respect of any matter referred to in section 49 shall be Rs. 100/- (rupees one hundred). The state Government may enhance the fees by notification, from time to time.
- (9) The fee and costs payable in respect of any other matters shall be Rs. 100/- (rupees one hundred), however, the State Government may enhance the fees by notification, from time to time.
- (10) All fees and costs referred to in this rule shall be collected by way of Court fee stamps.
- (11) The procedure, terms and conditions of service, and other matters relating to the functioning of the Employees' Insurance Court not expressly provided in these rules shall be governed by such separate rules as may be notified by the State Government from time to time.

CHAPTER-13 MISCELLANEOUS

53. Forms, Registers etc:- Every employer to whom the Code applies shall maintain electronically or otherwise a register of employees, register of wage period, number of days and hours for which work performed by employees and deductions made from wages, register of leave wages and register of employment of employees, occupational details of employees, persons recruited during the particular period and vacancies for which suitable candidates were not available during the period in such forms as may be specified by the State Government by general or special order.

54. Display of Notices:- Every employer shall display all the notices required to be displayed, conspicuously at the notice board of the establishment.

55. Wage Slip:- Every employer shall issue wage slip to employees in such form as may be specified by the State Government by general or special order

56. Returns:- 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 other powers of Inspector-cum-facilitator.

57. In 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 the State Government by general or special order.

58. Repeal and Saving:-The Nagaland Maternity Benefit, Rule 1985, The Nagaland Workman's Compensation Rule, 1978, The Nagaland Building and other Construction Worker's Rules, 2010 are hereby repealed provided that such repeal shall not effect: -

1. The previous operation of the said Rule or anything duly done or suffered thereunder, or
2. Any rights, privileges, obligation or liability acquired, accrued or incurred under the said Regulation, or
3. Any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Rule, or
4. Any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture of punishment as aforesaid.

Provided further that anything done of any action taken including any appointment or delegation made, rule, notification, instructing, or direction made, certificate or permission granted under the Rule hereby repealed shall be deemed to have been done or taken under the corresponding provision of this Rule and shall continue to be in force accordingly unless and until superseded by anything done or by action taken under this Rules.

59. Time within which the Central Board shall forward its view to the State Government under subsection (1) section 143.- The Central Board, shall forward its views on the application seeking exemption under section 143 of the Code to the State Government within six months of receipt of proposal for exemption.

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

1. The establishment to which exemption has been granted from the provision of Chapter IV of the Code:
 - a. shall maintain such records regarding the exempted employees and submit such returns and other information to the Board as may be specified in the Regulations; and
 - b. in case of change of legal status of an establishment which has been granted exemption under section 143 of the Code, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc. the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption, to the State Government.
2. For the purposes of Chapter III, the establishment and/or employer, after the grant of exemption, shall comply with all such terms and conditions as may be specified in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be, framed under section 15 of the Code.

61. Misuse of benefits under Section 148: In case any establishment or any other person is found to have misused any benefits provided to him/her under the Code or Rules, Regulation or Schemes made or framed there under, the State Government may by notification specify the duration of time which such establishment or other person as the case maybe, shall be deprived from receiving such benefits: Provided that no such order shall be passed unless an opportunity of being heard is given to such establishment or other persons, as the case maybe.

FORM-I
[See sub-rule (1) of Rule 24]
Nomination

To,

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

1. Shri/Smti.....[name in full here] whose particulars are given in the statement below, hereby nominate the person(s) intentioned 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).

1. I hereby certify that the person(s) mentioned is/are member(s) of my family within the meaning of clause (h) of Section 2 of the Payment of Gratuity Act, 1972.
2. I hereby declare that I have no 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.

Name in full with address of nominee(s)	Relationship with the employee	Age of nominee	Portion by which gratuity will be shared

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

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.

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

Date

Name and the address of the establishment with rubber stamp thereof.

Acknowledgment by the Employee

Received the duplicate copy of nomination in Form I, filled by me and duly certified by the employer. Date:

Signature of the employee.

Form -II
[See sub-rule (3) of Rule 24]
Fresh Nomination

To,

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

I, Shri/Smti.....[name in full here] whose particulars are given in the statement below, have acquired a family within the meaning of clause (h) of Section 2 of the Payment of Gratuity Act, 1972, with effect from the.....[date here].....in the matter indicated below and therefore nominated fresh person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing on 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).

1. I hereby certify the person(s) nominated is/are member(s) of my family within the meaning of clause (h) of Section 2 of the said Act.
2. (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.
3. I have excluded my husband from my family by a notice, dated the..... to the controlling authority in terms of the proviso to clause (h) of Section 2 of the said Act. Name in full with address of nominee(s)

Name in full with address of nominee(s)	Relationship with the employee	Age of nominee	Portion by which gratuity will be shared

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]

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

Place

Date

Signature/Thumb impression of the employee

Declaration by Witnesses Fresh

nomination signed/thumb impressed before me:

Name in full and full address of witness.

Signature of witnesses

1.

2.

Certificate by the Employer

Certified that the particulars of the above nomination have been verified and recorded in this establishment Employers reference No., if any.

Signature of the employer/officer authorised

Name and address of the establishment with rubber stamp thereof.

Acknowledgment by the Employee

Received the duplicate copy of the nomination in Form II filed by me, duly certified by the employer. Date

Signature of the employee

Form III
(See sub-rule (4) of rule 24)
Modification of Nomination

To,

[Give herename or description of the establishment with full address]

I, Shri/Smti/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.

Date :

Place :

Signature /Thumb impression of the employer

Declaration by the Witnesses Modification

of nomination signed/thumb impressed before me:

Name in full and full address of witness:

Signature of witnesses

Certificate by the employer

Certified that the above modification has been recorded. Employer's reference No..... if any.

Signature of the employer /officer authorised.

Name and address of the establishment with rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of the notice for modification in Form – III, filed by me, certified by the employer.

Date

Signature of the employee

FORM IV**See sub-rule (1) of Rule 25****Application of Gratuity by an employee/nominee/legal heir**

[Strike out the words not applicable]

To

[Give 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 legal heir of Lt.[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/diseases/on termination of contract period under fixed term employment with effect from
- (b) death of the aforesaid employee while in service/superannuation on after completion of years/total disablement of aforesaid employee due to accident or disease while in service with effect from
- (c) death of the aforesaid employee of your establishment while in service/superannuation on[date] without making any nomination after completion of 1 year of service/total disablement or the employee 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]:
Marital status of employee [unmarried/married/widow/widower]:
Address in full of the 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 Date:
Place

FORM- V
[See sub-rule (1) of Rule 26]
Application for Direction

Before the Competent Authority under the Code on Social Security, 2020, Date..... 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/is a legal heir of late an 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 on [date]/aforesaid employee's resignation on..... [date] after completion ofyears of continuous service/his own aforesaid employee's total disablement with effect from [date] due to accident/disease death of the aforesaid employee on

1. The applicant submitted an application under rule of the Code on Social Security, 2020, on the but above-mentioned employer refused to entertain it/issued a notice dated the offering amount of gratuity which is less than my due/ issued a notice dated the rejecting eligibility to payment of gratuity. The copy of the said notice is enclosed.
2. The applicant submits that there is a dispute on the matter. [Specify the dispute]
3. "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.
4. 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 of the applicant/
 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].
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 employed [if known].
7. Post held by the employee ticket or Serial 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]
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 a nominee/legal heir.
18. Amount of gratuity claimed by the applicant.

Place

Signature of the applicant

Date

Thumb impression of the applicant

FORM-VI**[See Rule 27(3)(a)]****Application for Registration of an Establishment with the Controlling Authority
Under Section 57**

1. Name of the Establishment
2. Address of the Establishment
3. Name of the Employer
4. Address of the Employer
5. No. of Employees Insured 6. Details of the Insurance Company: (a) No. of insurance policy:
(b) Date of commencement of insurance policy;
(c) Terms of insurance policy (copy of the insurance policy to be enclosed)
7. If the employer had already established an approved gratuity fund before notification of the Rules, details of board of trustees of the gratuity fund may be furnished: (a) Date of constitution of the Board or Trustees; (b) Name and address of the Board of Trustees.

Place:

Date:

Signature of the Employer
Name
Designation and Address

FORM – VII**[See sub-rule (1) of rule 29]****Complaint to the Inspector-cum-Facilitator**

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

Sir/Madam

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 – VIII
[See sub-rule (2) of rule 30]
Appeal under Section 72(3)

To,

The Authority,

(Appointed under the Code on Social Security, 2020)

..... (Address)

Sir/Madam,

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

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

* Shri....., Inspector-cum-Facilitator, having directed under the 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 provision of this Chapter V of the Code on Social Security ,2020 (Strike out the 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 the documents filed herewith it is submitted that the women 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 the unnecessary portion).

Date

Signature or Thumb impression of the women/ aggrieved person. ____

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

FORM-IX
(See Rule 34) Notice Book
under Section 82(4)

1. Name of the Establishment:

2. Postal Address:

3. Name of the Employer/Manager/Occupier:

Sl. No.	Name of the employee	Employee Code. no.	Time/date of injury/accident	Place of injury	Cause of injury	Any other relevant information	Sign of employee / a person acting bonafide

FORM-X
(See Rule 36)
Report of Fatal Accidents

To,

.....
..... Sir,

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

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

Place where the accident occurred:

Manner in which deceased was/were employed at the time:

Cause of the accident:

Any other relevant particulars if available:

Signature and designation of person making the report.

STATEMENT

Name	Sex	Age	Name of employment	Full postal Address

FORM XI (A)**See Rule 37 (1)****Memorandum of Agreement**

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

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

Date20.....

Signature of the employer

Witness

Signature of the employer

Witness

Note:-

An application to register an 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 been actually paid]

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

Employee

Dated 20.....

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

Note:-

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

FORM –XI (B)

See Rule 37 (1)

MEMORANDUM OF AGREEMENT

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

The said employees' monthly wages are estimated at Rs..... The employee is over the age of 15 years/will reach the age of 15 years on The said employee has prior to the date of this agreement, received the following payment, namely:-

Rs on Rs on

Rs on Rs on

Rs on Rs on

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

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

Signature of the employer.....

Witness.....

Signature of the employer

Witness

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

Receipt [will be filled in when the money has been actually paid]

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

Employee signature/thumb impression

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

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

Note :-

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

FORM-XI (C)
See Rule 37 (1)
MEMORANDUM OF AGREEMENT

It is hereby submitted that on the day of 20..... personal injuries was caused to residing at..... by accident arising out of and in the course of his employment 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. The said employees' 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 [Name of employer] the employers of the employee, has agreed to pay the behalf or the said employee/has agreed to and accept half monthly payment(s) of Rs..... for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half monthly payments may be varied in accordance with the provision of Chapter VII of the Code on Social Security, 2020. On account of an alternation in the earning of the said employee during disablement, it is further stipulated that all rights under Section 80 of the code are unaffected by the agreement.

It is therefore requested that this memorandum be duly recorded. Dated..... 20.....

Signature of the employer.....

Signature of the employee Witness.....

Note:-

An application to be registered and an agreement can be presented under the signature of the one party, provided that the other party has agreed to the terms. But both signature should be appended whenever possible Receipt (to be filled in when the money has been actually paid).

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

Employee

Dated..... 20

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

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

FORM - XII**See Rule 37(2) (a)]****RECORD OR REFUSE TO RECORD MEMORANDUM**

Whereas an agreement to pay compensation is said to have been reached between..... andand whereas has/have applied for registration of the agreement under Section 89 of the Code on Social Security, 2020. Notice is hereby given that the said agreement will be taken into consideration on20..... and that any objection to the registration of the said agreement should be made on that date. In the absence of valid objections, it is a likely intension to proceed to the registration of the agreement.

Dated 20....

Competent Authority

FORM – XII (A)**[See Rule 37(2)(c)]**

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

.....

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

Competent Authority

FORM – XIII (A)**[See Rule 37(3) (b)]**

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

An opportunity will be afforded to you of showing cause on 20..... by which the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will beret-used. Competent Authority

FORM -XIII (B)
[See Rule 37(3) (b)]

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

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

Dated:- 20.....

Competent Authority

FORM -XIV
(See Rule 37(5))

Sl.no.	Date of agreement	Date of registration	Employer	Employee	Initial Competent authority	Reference order rectifying register

FORM – XV

See rule 44(1)

Proforma for Appeal before the Appellate Authority against Order of Assessment or Order Imposing Penalty

1	Name and address (permanent) of the establishment.		
2	Name of the employer and address details		
3	Name and address/ location of place where the building and other construction is proposed to be carried on.		
4	Name, designation and address of the authorised Person along with contact details		
5	Correspondence address for the proposed building or other construction work may be sent		
6	Nature of proposed construction work		
7	Date of commencement of work (in case construction has started)		
8	Date of completion of work		
9	Duration of work		
10	Total completed area of construction work		
11	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 43.		
12	Total incurred cost of the construction work		
13	Total amount of cess payable	% age of total incurred cost of the construction as notified by the Central Government	Total cess payable (in Rs.)
14	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any		
15	Details of cess paid (when duration of the proposed construction work is more than one year)		
16	Sl. No	Year	
17		1 st Year	
18		2nd Year	
19		3thYear	
20	Total of the cess paid (Sl.No. 14 + 15)		
21	Amount of outstanding cess (Sl. No. 13 – Sl. No.16)		
22	Proof of payment of outstanding Cess, if any		
23	Amount of overpaid cess, if applicable		
24	Amount of cess assessed by the Assessing Officer		
25	Amount of outstanding cess to be paid by the employer		
26	Amount of penalty for non-payment of cess imposed / outstanding ccess claimed by the Assessing Officer.		
27	Ground for Appeal with supporting documents		
28	Remark, if any		

Declaration

1. I/We hear by declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis represented in the above calculation made by me/us.

2. I/We hereby declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self-assessment of cess amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of cess amount is found, punitive action may be taken against me/us.

Signature and seal of employer Name:

Date:

Place:

Mobile Number:

E-mail (if any):

FORM – XVI
[See Rule 48(1)(a)]
Register of Women Employees

1. Name of establishment
2. Serial Number.
3. Name of woman and her father's or [If married, husband's name] 4. Date of appointment
5. Nature of work.
6. 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	Remarks
a	b	c	d	e

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

FORM-XVII
[See Rule 48(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..... Email 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.....
 PIN code..... Email Id.....
 Telephone Number Mobile Number.....

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

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

C. Details of Employer, Contractor and Contract labour:

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

D. Working hours and weekly rest day:

01.	Number of days worked during the year.	
02.	Number of man days worked during the year. Daily hours of work.	
03.	Weekly days of rest,	

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

	Males	Females	Adolescents (between the age of 14 to 18 years.)	Children (below 14 years of age).	Total
1.					
2.					

F. Wages rates (Category-Wise):

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

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

G. 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 stature)

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

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

1.	Date of opening of establishment	
2.	Date of closing, if closed	

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

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

1.	Total number of female employees in the establishment	
2.	Total number of days of leave granted	
3.	Number of employees granted maternity leave/benefited by ESI	

J. Declaration

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

Place

Date

Sign here

From-XVIII
[See rule-49(1)]
Notice for Offences and Penalties

To,

.....

Your establishment has been inspected by Inspector-cum-Facilitator on the forenoon/afternoon of 20
 In the said inspection you have been found violating Section of the Code.

As per provisions of sub-section (l) of Section 56, read with sub-rule (l) 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 XII along with deposit of Rs. through treasury-challan or electronically on the departmental portal of Labour Commissioner. The details of which are given below.

(i) Treasury Head

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or

(ii) Flow chart of electronic payment.-

(Signature)

Name and designation of the Officer

.....

From-XIX

[See rule- 49(2)]

Application Under sub-section (1) of Section 56 for Compounding of Offence To,

Kindly refer to your notice No..... Dated

I am/we are hereby applying for composition of offence and I/we have deposited Rs..... as the amount of Composition by depositing through Treasury Challan/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.

Name of the Applicant:

[Signature]

(1) Name of the establishment.....

(2) Address of Establishment.....

FORM-XX

[See Rule 50(2)(b)]

Form for Reporting Vacancies to Career Centres

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

1.	Particulars of the employer: Name: Address with pin code: Telephone No. Mobile No.. Email address: Name & Type of Establishment: (Central Government, State Government, PSU, Autonomous, Private etc.) Registration No. of establishment under Code: Economic activity details:		
2.	Particulars of the indenting Officer: Name: Designation: Telephone No.: Mobile No.: Email address:		
3.	Particulars of vacancy(ies): (a) Designation/nomenclature of the vacancy(ies) to be filled (b) Description of duties of the post (job role/functional role)		
	(c) Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/ Preferable
	(i) Educational Qualifications: (ii) Technical qualifications: (iii) Skills: (iv) Experience:		
	(d) Age Limits, if any: (Age as on last date of application)		
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc) if any		
	(f) Duration of employment (i) 3-6 months (ii) 6 -12 months (iii) 12 months and more	Number of post	
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 Section (EWS), Other Backward Classes (OBS), 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 town/village and district, pin code, etc, in which it is situated)		
8.	Mode of application (email, online, in writing, etc.) and last date of receipt of applications		
9.	Particulars of officer to whom, the applications be sent/candidate should approach (Mention Name, designation, E-mail ID, address, telephone No., website address in case of online)		
10.	Mode of recruitment: [Through Career Centre, Placement Agency, self management, any other mode (specify)]		
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No	
12.	Any other relevant information		

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

(For official use – To be filled by Career Centre)

13.	Name, address, Email ID of the career centre	
14.	Date of receipt of vacancies	
15.	NIC code of establishment	
16.	NCO code of post	
17.	Unique Vacancy ID No.	

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

Note:

1 . Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.

2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.

3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official Email or digitally (including through a portal) as the case may be, to the appropriate Career Centre.

FORM-XXI**[See Rule 50(5)]****Form EIR (Employment Information Return)****Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....**

The following information is required to be submitted under the Code on Social Security (Chapter XIII—Employment Information & Monitoring) 2020.

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

1. EMPLOYMENT				
Total number of <i>manpower of establishment</i> including working <i>proprietor/partners/ contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid).				
Category	On the last working day of the previous year		On the last working day of the year under report	
Men				
Women				
Other (Transgender)				
Total:				
PWD (persons with disabilities) out of above total				
2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year				
Occurred	Reported		Filled	Source (Career Centre/NCS Recruiting Placement)
	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

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

3. MANPOWER SHORTAGES:

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

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

[Please list any other occupations also for which this establishment had any difficulty in obtaining suitable applicants recently]

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

Occupation	Number of employees Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/expansion or re-organisation.				
Description	Men	Women	Others (transgender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
Total:					

* In the column (description) - Use exact terms such as Engineer (Mechanical). Assistant

Director (Metallurgist): Research Officer (Economist): Supervisor (Tailoring), Inspector (Sanitary), Superintendent (office), Manager (Sales), Manager (Accounts), Executive (marketing), Data Entry Operator so on.

Signature,
Name & Designation of
Authorised

Signatory of establishment/
employer with seal & date.

To,
The Career Centre,

Note:-

1. This return is to be rendered to the Career Centre (Regional) within 30 days after the end of the *financial year* concerned by establishments/employers vide their obligation under the Code on Social Security, 2020, (Chapter XIII - Employment Information and Monitoring).

2. The main purpose in obtaining the information from employers is to know:

(i) the vacancies/employment opportunities available;

(ii) type of personnel who are in short supply; and

(iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirement.