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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

GOVERNMENT OF WEST BENGAL

Labour Department

LW/MW Cell

New Secretariat Buildings (12th Floor), Kolkata-700 001

NOTIFICATION

No. Labr/104/Law dated, Kolkata, the 13th July, 2026. The following draft rules which the Governor, in exercise of the power conferred by sections 154 and 156 of the Code on Social Security, 2020 (36 of 2020) (hereinafter referred to as the said Code) is hereby published, as required by section 158 of the said Code for the information of persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of forty-five days from the date of publication of this notification in the *Official Gazette*.

Objections and suggestions, if any may be sent to the Secretary, Labour Department through e-mail ID labourcode.ss.ruleswb@gmail.com in the proforma containing columns (i) specifying the name and address of the person/organization and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub-rule proposed to be substituted and reasons therefor.

Objections or suggestions with respect thereto, which may be received within that period, shall be duly considered.

Draft rules

THE WEST BENGAL CODE ON SOCIAL SECURITY RULES, 2026

CHAPTER I

PRELIMINARY

- 1. Short title, extent and commencement.**—(1) These rules may be called the West Bengal Social Security Rules, 2026.
 - (2) They extend to the whole of West Bengal.
 - (3) They shall come into force from such date as the State Government may by order notify.

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

- (a) “appeal” means an appeal preferred under the Code;
- (b) “Appellate authority” means the authority specified by the State Government under sub-section (8) of section 56 or an officer, senior in rank to the Assessing Officer for the purposes of section 105 of the Code, appointed by the State Government, as the case may be;
- (c) “Assessing Officer” means a Gazetted officer of a State Government not below the rank of Assistant Labour Commissioner or an officer of a local authority holding an equivalent post to a Gazetted officer of the State Government not below the rank of Assistant Labour Commissioner appointed by such State Government for assessment of cess under the Code;
- (d) “Authority” means the State Government or the authority specified by the State Government under sub-section (3) of section 72;
- (e) “Board” means the West Bengal Unorganised Workers Welfare Board and the West Bengal Building and Other Construction Workers Welfare Board constituted under sub-section (9) of section 6 of the Code and under sub section (1) of section 7 of the code respectively;
- (f) “career centre (State)” means that career centre as notified by the State Government;
- (g) “cess collector” means an officer appointed by the State Government for collection of cess under the Code;
- (h) “chairperson” means the Chairperson of the West Bengal Unorganised Sector Workers’ Welfare Board or the West Bengal Building and Other Construction Workers Welfare Board, as the case may be;
- (i) “chartered engineer” means a person having an engineering degree and the corporate membership of Institute of Engineers India;
- (j) “Code” means the Code on Social Security, 2020 (Act No 36 of 2020);
- (k) “Court” means the employee’s insurance court constituted under sub-section (1) of section 48 of the Code;
- (l) “electronically” means any information submitted by email or loading on the designated portal or digital payment in any mode for the purpose of the Code;
- (m) “excluded vacancies” means those vacancies which have been excluded from the purview of the section 139 as per the provisions of sub-sections (1) and (2) of section 140;
- (n) “Form” means a form appended to these rules;
- (o) “fund” means the West Bengal Social Security Fund, as specified under section 108 and section 141, as the case may be;
- (p) “Government Securities” means Government Securities as defined in the Government Securities Act, 2006 (Act No. 38 of 2006);
- (q) “immovable property” includes land, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth;
- (r) “movable property” means property of every description except immovable property;
- (s) “nomination” means nomination made under section 55 of the code;
- (t) “Portal” means Shram Suvidha Portal of Government of India or official web-portal of Labour Department or Building and Other Construction Workers Welfare Board or West Bengal Unorganised Sector Workers’ Welfare Board or any other portal governed by Government of West Bengal.
- (u) “registered medical practitioner” means a medical practitioner whose name has been enrolled in the register maintained under any law for the time being in force regulating the registration of practitioners of medicine;
- (v) “register of woman employees” means a register of women employees maintained under rule 81 ;
- (w) “Schedule” means the Schedule of the Code;
- (x) “section” means a section of the Code;

- (y) “specified” means specified by an order of the Central Government or the State Government or any officer so authorized by such Government.
- (z) “State Government” means Government of West Bengal
- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

CHAPTER- II

SOCIAL SECURITY ORGANIZATION

Part -I

The West Bengal Unorganised Workers Social Security Board

3. Manner for nomination of the Members of the West Bengal Unorganized Workers Social Security Board under sub--Section 12 of Section 6.—(1) The State Government shall constitute a Board under sub-section (9) of section 6 of the Code by notification to be named as the West Bengal Unorganized Workers Social Security Board.

(2) The Board shall consist of:-

- (a) the Minister-In-Charge, Labour Department, West Bengal as ex-officio Chairperson;
- (b) the Additional Chief Secretary/ Principal Secretary/ Secretary, Labour Department, Government of West Bengal as ex-officio Vice-Chairperson;
- (c) the Welfare Commissioner, West Bengal, Labour Department, Government of West Bengal – Member;
- (d) thirty-one members to be nominated by the State Government out of whom-
 - (i) seven members representing unorganized workers, to be nominated from a panel of fourteen persons, nominated by approved Federations of Trade Unions or by any recognized umbrella Trade Union of - unorganized workers;
 - (ii) seven members representing employers of unorganized workers out of which three to be nominated from Association of employers belonging to Unorganized Sector, three from State level traders’ organizations and one from registered contractors or service provider working prominently in unorganized sector;
 - (iii) two elected members of State Legislative Assembly;
 - (iv) five members representing eminent persons from Civil Society out of which one person from the field of Law, one eminent person in the field of economics or sociology or in social work with a proven record of working in the field of unorganized sector, two persons among Non- Government Organization with a proven record of working in the field of unorganized sector and one person from the field of finance with experience of at least five years working in the field of demography or matters related with unorganized workers:

Provided that adequate representation shall be given to persons belonging to Scheduled Castes, Scheduled Tribes, Minorities and Women;

- (v) ten Members representing State Government departments concerned namely the Additional Chief Secretary/Principal Secretary/Secretary or his/her nominee (not below the rank of Joint Secretary) of department of Social Welfare, Medical and Health, Urban Development, Housing, Panchayati Raj, Finance, Primary Education, Vocational Education and Training, Rural Development and Planning;

(vi) the Labour Commissioner, West Bengal, and/or an officer of the Special Secretary rank appointed by the State Government shall be member(s);

(vii) the Chief Executive Officer of the Board shall be the ex-officio Member-Secretary.

4. Terms of Office.—(1) The term of 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 term of the Board has been expired.

(2) The term of the members of the Board shall be co-existing with the term of the Board.

(3) The members nominated under sub--clause (iii) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board when they cease to be an elected member of the State Legislative Assembly.

(4) The non-official members of the Board shall hold office at the pleasure of the Government of West Bengal.

(5) Any non-official member may resign by a letter addressed to the State Government signed under his hand. The seat of such member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

(6) The Members nominated under sub-clause (i), (ii) and (iv) of clause (d) of sub section (10) of section 6 shall be removed from the Board if they cease to represent the interest for which he was nominated.

(7) All nominated members shall not be eligible for re-nomination for more than two terms.

5. 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:

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

6. Filling of the Vacancies.— (1) A non-official member shall be deemed to have vacated his office, if, -

(i) he is declared to be of unsound mind or an undischarged insolvent by a Competent Court; or

(ii) he is convicted of an offence, which in the opinion of the State Government involves moral turpitude; or

(iii) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or

(iv) he ceases to represent the interest for representing which he was appointed; or

(v) he is removed by the State Government.

(2) 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 so appointed.

7. 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 three months.

(3) In case of any matter of urgency, special meetings may be called by the Chairperson after informing the members in advance about the subject- matter of discussion and the reasons of urgency.

(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 meeting of the Board shall be chaired by the Vice- Chairperson.

8. 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 other than that included in the agenda of the Board meeting shall be considered without the permission of the Chairperson.

9. Quorum.—No business shall be transacted at any meeting of the Board unless at least ten members are present in that meeting:

Provided that if at a meeting, less than ten member 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.

10. Powers, duties and function of the Board.—(1) In addition to sub-section (15) of section 6 of the Code on Social Security, 2020, the Board shall be responsible. -

- (a) to recommend the State Government for better implementation of the Schemes for unorganized workers;
- (b) to give suitable advice/ recommendation to responsible administrative departments/executive institutions relating to welfare projects, development programs, elevation of poverty specially being carried out for the benefit of unorganized workers in the State;
- (c) to refer the matter to the State Government where there is difference of opinion between Board and the administrative department/executive institution for its decision.

(2) The Board shall also be responsible for, -

- (a) administration of the Fund and grant of benefits
- (b) laying down policies for the deposits of the fund
- (c) preparation and submission of annual budget to the State Government for sanction;
- (d) maintenance of accounts;
- (e) submission of annual report to the government on the activities of the Board
- (f) annual audit of the accounts of the Board in accordance with provisions of the Code
- (g) hearing and deciding complaints;
- (h) investment of the fund in the nationalized banks, or in the institutions owned and controlled by the State Government or the Central Government for better management;
- (i) speedy settlement of claims and sanction of advances and other benefits
- (j) delegation of all or any of the powers of the Board to the Secretary or any other officer of the Board as may be necessary for the efficient administration;
- (k) to monitor the expenditures made from fund under various schemes;
- (l) compliance of directions given by the Central/State Government from time to time.

(3) 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.

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

11. Allowances of Members.— (1) The travelling allowance and daily allowance of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the Authority paying his salary.

(2) 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 lowest of Government of West Bengal Gr “A” Officer of the State Government.

12. 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) Where for any reason whatsoever, it appears to the State Government that it is not in a position to constitute or reconstitute a Board in accordance with the provisions of sub-rule (2) of rule 3, the State Government may by notification in the Official Gazette, appoint a person to be known as the Administrator for a period not exceeding six months or till the Board is duly constituted or reconstituted, whichever is earlier.

(3) The decision taken by the Administrator, appointed under sub-rule (2), shall have the same effect as if it has been carried out by the Board itself.

13. Committees of the Board.— (1) The Board may appoint such committees as it may deem fit for the proper discharge of its duties.

(2) Each committee will be headed by the Chairperson of the Board and will have an equal number of unorganized workers, representative of employers of unorganised workers and members of the Board representing the State Government.

(3) In the absence of the Chairperson, the present members of the committee shall elect one of their own to preside over the meeting.

(4) No work shall be performed at a meeting of the committee unless at least one third of its members are present of which, there shall be one representing the employer and at least one unorganized worker.

(5) The term of any committee, except the sub-committee constituted for the short-term purpose, shall be one year, from the date of its constitution but the committee shall continue to function until the new committee is formed, but in any case, no such committee shall function beyond the period of two years from the date of its original formation.

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

14. Headquarter and other offices of the Board.— (1) The office of the Board shall be in Kolkata at such place as determined by the State Government.

(2) The Board may, with approval of the State Government open District and Regional Offices as it may consider desirable for proper implementation of Schemes.

15. Officers and staff of the Board.—(1) The Chairman shall select one Chief Executive Officer of the Board from among the members of the West Bengal Labour Service, not below the rank of Joint Labour Commissioner. The Chief Executive Officer shall be the Member Secretary of the Board. As the Chief Executive Officer of the Board, he/she shall be responsible to conduct the activities of the Board and for such actions he shall—

(i) exercise such administrative and financial powers as are authorised to him from time to time by the Board;

(ii) 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 to the extent considered necessary for its sufficient functioning.

- (2) The Member-Secretary with the approval of the Chairperson, issue notice to convene a meeting of the Board and shall keep the records of the minutes of such meetings and shall take necessary steps for carrying out the decisions of the Board.
- (3) The Member-Secretary may, with the prior concurrence of the State Government, appoint such other officers and employees as its staff to assist the Board in the efficient discharge of the functions of the Board under the Code.

16. Classification, pay-scales, allowances, recruitment procedure and service conditions of officers and staff of the Board under sub-section (4) of section 120.— (1) Classification, pay-scales, allowances, recruitment procedure, in terms of condition of service of Officers and employees of the Board shall be such, as may be determined by the Board, with the approval of the State Government.

- (2) If, in any specific case, any dispute or difficulty arises regarding the interpretation and enforcement of a provision, mentioned in sub-rule (1), the matter shall be referred to the State Government whose decision shall be final thereon.
- (3) (a) the Board shall provide salary, allowances, and other emoluments, medical benefits, retirement benefits, and all other service-related benefits to the officers and employees of the State Government working within the Board, as other officers of the State Government or other officers/employees working in the parent department of such officers/employees are entitled to receive;
- (b) officers and employees working in the Board through any other medium (other than various service selection commissions) shall be entitled to receive such salary, allowances, Employee Provident Fund (EPF), Employee State Insurance (ESI), and other service-related benefits through their employer, as may be provided under the rules, regulations, and Government Orders (GOs) issued from time to time by the Central or State Government.

17. Constitution of Fund under clause (ii) of sub-section (5) of section 141 In addition to 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 the West Bengal Social Security Fund, -

- (i) lump sum amount given by the State Government for the establishment of the fund;
- (ii) the amount of grant given by the Government of India, the State Government and other authorities and statutory bodies;
- (iii) amount received for registration and renewal of unorganised workers registered on portal of the Board and their contribution;
- (iv) amount received for implementation of the scheme notified by the Government of India;
- (v) amount received for implementation of the scheme notified by the State Government;
- (vi) contribution or donation or any other financial support from employer, their association or from Corporate Social Responsibility (CSR) Fund within the meaning of the Companies Act, 2013 (Act No. 18 of 2013), as determined by the State Government by general or special order; and
- (vii) any other source which is approved by the State Government by notification in the Official Gazette.

18. Administration of the West Bengal Social Security Fund.— (1) All the funds received under clauses (i) and (ii) of sub-section (5) of section 141 shall be kept in a separate Bank Account in a Nationalized 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 meeting-
 - (i) expenses of the Board in the discharge of its functions under the Code;
 - (ii) salaries, allowances and other remuneration of the members, officers and other employees of the Board;
 - (iii) the implementation of the welfare schemes for unorganized workers of the State and Central Government and for meeting out administrative expenses of the Board;
 - (iv) expenses on objects and for purposes authorized by the Code.
- (5) The administrative expenses of the Board shall not be more than ten percent of the total expenditure on schemes formulated by the Board.
- (6) The Board shall prepare in such form and such time, each financial year, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same, to the State Government and the Central Government.
- (7) The Board shall prepare, its annual report, giving a full account of its activities during the previous financial year and submit a copy thereof to the State Government and the Central Government.

19. Accounts and Audit.— (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form, as may be prescribed in consultation with the Comptroller and Auditor General of India.

- (2) The Comptroller and Auditor General of India or any other person appointed by him, in connection with the auditing of the accounts of the Board, under the Code and rules made thereafter, shall have same rights and privileges and authority in connection with such audit as a Comptroller and Auditor General of India has in connection with the auditing of the Government accounts and in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Board, under the Code and rules made thereunder.
- (3) The accounts of the Board shall be audited by the Comptroller and Auditor General of India annually and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor General of India.
- (4) The Board shall furnish to the State Government its audited copy of accounts together with auditor's report along with its comments on such report.

Part-II

The West Bengal Building And Other Construction Workers Welfare Board

20. Composition of the Board.— (1) The State Government by notification shall constitute a Board namely the West Bengal Building and Other Construction Workers Welfare Board under sub section (1) of section 7 of the Code.

- (2) The Board shall consist of, -
 - (i) a Chairperson to be nominated by the State Government;
 - (ii) a member to be nominated by the Central Government;
 - (iii) the Secretary/Chief Executive Officer of the Board selected by the Chairperson from among the members of West Bengal Labour Service not below the rank of Additional Labour Commissioner;
 - (iv) four official members not below the rank of Joint Secretary, Government of West Bengal, nominated by the State Government representing the Social Welfare Department, Finance Department, Education Department and the Department engaged in building and other construction work;

- (v) four persons, out of which one shall be a woman, representing the employers of the building and other construction industry, to be nominated by the State Government;
 - (vi) four persons, out of which one shall be a woman, representing the building workers, to be nominated by the State Government.
- (3) Where for any reason whatsoever, it appears to the State Government that it is not in a position to constitute a Board in accordance with the provisions of sub-rule (2), the State Government may by notification in the Official Gazette, appoint a person to be known as the Administrator (not below the rank of Secretary of the concerned Department) for a period not exceeding six months or till the Board is duly constituted under sub-rule (2), whichever is earlier.
- 21. Term of office.**—(1) The term of the Board shall be three years from the date of its constitution, but it shall continue until its reconstitution, provided that such period shall not exceed one year, and during this period, its decisions shall not be deemed invalid on the ground that the term of the Board has expired; Provided that in no case any non-official member shall continue in office beyond a period of four years from the date of their appointment unless they are re appointed as member in the Board.
- (2) The term of the members of the Board shall be co-terminus with the term of the Board.
 - (3) The members nominated under clauses (v) and (vi) of sub-rule (2) of rule 21 shall be removed from the Board if they cease to represent the interest for which they were nominated.
 - (4) The non-official members of the Board shall hold office during the pleasure of the State Government.
- 22. 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) Where for any reason whatsoever, it appears to the State Government that it is not in a position to constitute or reconstitute a Board in accordance with the provisions of sub-rule (2) of rule 21, as the case may be, the State Government considers it expedient to do so it, may by notification in the Official Gazette, appoint a person to be known as the Administrator for a period not exceeding six months or till the Board is duly constituted or reconstituted under sub-rule (2) of rule 21, as the case may be, whichever is earlier
 - (3) The decision taken by the Administrator, appointed under sub-rule (2), shall have the same effect as if it has been carried out by the Board itself.
- 23. Sub-Committees of the Board.**— (1) The Board may appoint such sub-committees as it deems necessary for the proper discharge of its duties, and the members of such committees shall be entitled to travel allowance and daily allowance at the rates and subject to the conditions specified under the rules.
- (2) When constituting a committee, the Board may nominate one of its members as the chairperson of the committee, and it shall be mandatory for the committee to include one member each representing the State Government, the building workers, and the employers on the Board.
 - (3) Except for subcommittee constituted for short-term purposes, the term of any subcommittee shall be one year from the date of its formation. However, such a subcommittee shall continue to function until a new subcommittee is constituted, but in no case shall any such subcommittee function beyond a period of one and a half years from the date of its original formation. Any subcommittee may be dissolved by the Board at any time.
 - (4) The committee shall meet at such times as may be determined by the chairperson of the said committee, and the committee shall follow such rules of procedure for the conduct of its meetings as the Board may determine.
 - (5) The recommendations of the sub-committee shall be placed before the Board for its decisions.
- 24. Filling up of casual vacancies.**— (1)A non-official member shall be deemed to have vacated his office, if-
- (i) he is declared to be of unsound mind or an undischarged insolvent by Competent Court; or
 - (ii) he is convicted of an offence, which in the opinion of the State Government, involves moral turpitude; or

- (iii) he is absent from three consecutive meetings of the Board without leave of absence from the Chairperson; or
- (iv) he ceases to represent the interest for representing which he was appointed; or
- (v) he is removed by the State Government.

- (2) 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 casual 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.

25. Duties and Functions of the Board.— (1) In addition to the sub-section (6) of the section 7 of the Code on Social Security 2020, the Board shall be responsible for,-

- (i) all matters related to the management and administration of the Fund and all related matters in accordance with the Code and rules, applicable for the purpose, including setting policies for the allocation of funds in it;
 - (ii) proper maintenance of accounts and its annual audit;
 - (iii) collection of contribution and other charges in the fund;
 - (iv) Proper disbursement of benefits
 - (v) appointing committees for disposal of the business of the Board or advice in various matters pertaining to the objects of the Board;
 - (vi) hearing and deal with the complaints;
 - (vii) Securing the fulfillment of any contract and agreement entered into
 - (viii) Authorizing any person to enter into negotiations and execute contracts and to rescind and vary all such contracts;
 - (ix) opening account with the Bank: authorized officers of the Board to operate on them as well as draw, accept, endorse and execute cheques, bills of exchange etc. on behalf of the Board;
 - (x) The fund's assets to be invested in nationalized banks and government securities.
- (2) (i) The Board shall prepare in such form and such time, each financial year, its budget for the next financial year, showing the estimated receipts and expenditure of the Board and forward the same, to the State Government and the Central Government;
- (ii) The Board shall prepare its annual report and audited accounts, giving a full account of its activities during the previous financial year and submit a copy thereof to the State Government;
- (iii) The Board shall, from time to time furnish such information as may be required by the Central or the State Government.

26. Salary and allowances to Official and Non- Official members.— (1) The salary, travelling allowance and daily allowance of an official member shall be governed by the rules applicable to him against his post, journey performed by him on official duties and shall be paid by the Authority paying his salary.

- (2) 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 lowest of Group "A" Officer under Government of West Bengal.

27. Duties and Functions of the Chief Executive Officer.— (1) The Member-Secretary of the Board shall be the Chief Executive Officer of the Board.

- (2) As the Chief Executive Officer of the Board he shall exercise such administrative and financial powers as may be authorized by the Board from time to time.

- (3) The Chief Executive Officer shall with the approval of the Chairperson, issue notice to convene a meeting of the Board and shall keep the records of the minutes of such meetings and shall take necessary steps for carrying out the decisions of the Board.
- (4) The Chief Executive Officer may with the prior concurrence of the State Government appoint such other officers and employees as its staff to assist the Board in the efficient discharge of the functions of the Board under the Code.

28. Recruiting procedure and Service Condition of the Officers and Staff of the Board.—(1) Classification, pay-scales, allowances, recruitment procedure, and terms of condition of service of Officers and employees of the Board will be such, as may be determined by the Board, with the prior approval of the State Government.

- (2) Board shall provide salary, allowances, and other emoluments, medical benefits, retirement benefits, and all other service-related benefits to the officers and employee of the State Government working within the Board, as other officers of the State Government or officers/employees working in the parent department are entitled to receive.

29. Meetings of the Board.—(1) The Board shall meet at such place and at such time as may be decided by the Chairman.

- (2) The Board shall meet at least once in three months.
- (3) In case of any matter of urgency, special meetings may be called by the Chairperson after informing the members in advance about the subject-matter of discussion and the reasons of urgency.
- (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 meeting of the Board shall be chaired by the person nominated by the Chairperson.

30. Notice of Meeting and list of Business.—(1) Ordinarily, fifteen days' notice and list of business of proposed meeting shall be given to the members of the Board:

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.
- (3) The proceedings of each meeting of the Board shall be recorded and circulated to all members after approval by the Chairperson, as soon as possible, after the meeting subject to confirmation in next meeting of the Board. After such confirmation they shall be recorded in the minute book, which shall be kept for permanent record

31. QUORUM.—(1) No business shall be transacted at any meeting of the Board unless at least eight members are present in that meeting:

Provided that if at a meeting, less than eight 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 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 meetings 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 view of the Chairperson, such member has ceased to present the interest, which he purports to represent in the Board.

- 32. Disposal of Business.**—Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every member for opinion, 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. Every decision taken at the meeting of the Board shall be recorded in writing.

- 33. Social Security Schemes and Welfare Measures under sub-section (6) of section 7.**— (1) The Board shall formulate and notify social security scheme and welfare measures with the prior approval of the State Government prescribed in clauses (a) to (h) of sub-section (6) of section 7 or with the prior concurrence of the Central Government under clause (i) of sub-section (6) of section 7 of the Code, as the case may be.

- (2) The Board shall formulate social security schemes and welfare measures in which eligibility limit, rate of various benefits, application procedure and formats and procedure for sanctioning and the competent authority to grant approval and procedure for disbursement and other incidental matters shall also be determined by the Board and thereafter it shall forward the same to the State Government for approval.

- 34. Accounts and Audit.**—(1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form, as may be prescribed in consultation with the Comptroller and Auditor General of India.

- (2) The accounts of the Board shall be audited by the Comptroller and Auditor General of India annually and any expenditure incurred in connection with such audit shall be payable by the Board to the Comptroller and Auditor General of India.
- (3) The Comptroller and Auditor General of India, or any other person appointed by him in this behalf, shall audit the account of the Board and, for the purpose of the such audit, shall have the same rights, privileges and authority as the Comptroller and Auditor General of India has in connection with the audit of Government account, and in particular, shall have the right to demand the production of books, connected vouchers and other documents and papers and to inspect any of the offices of the Board, under the Code and rules made thereunder.
- (4) The Board shall furnish to the State Government its audited copy of accounts together with auditor's report along with its comments on such report.

CHAPTER-III

EMPLOYEES' INSURANCE COURT

- 35. Manner and time within which second appeal may be filed to the Employees' Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of section 37.**—(1) The Insured person or the Employees State Insurance Corporation may prefer a second 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 Employees State Insurance Corporation, as the case may be: Provided that the Employees' Insurance Court may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the said period.

- (2) The Rules made by the State Government in respect of the form and manner to be followed in presenting applications to the Employees' Insurance Court, shall be applicable to the applications presented under this rule.

- 36. Composition of Employees' Insurance Court and place of sitting.**—(1) An Employees' Insurance Court shall ordinarily consist of one Judge:

Provided that the State Government may after consultation with the Employees State Insurance Corporation, by notification in the Official Gazette appoint two or more Judges to a Court for any particular proceeding or clause of proceeding and for such period as may be specified in the notification.

- (2) The said Court shall sit at such place or places and at such time as the State Government may after consultation with the Employees State Insurance Corporation, from time to time specify.
- (3) Where more than one Court is constituted for the same local area, the State Government may, by a general or special order, distribute business among them.

37. Procedure to be followed by the Employees' Insurance Court under sub--section (2) of section 50.—(1)

Fixing of timing of sitting - Where there is one Court for two or more local areas,-

- (i) where one Court is constituted for two or more local areas the Court shall, subject to the approval of the State Government, appoint the time at which the court shall sit in respect of each local area or in respect of any class of proceedings under the Code;
 - (ii) a notice of the time appointed under clause (i) shall be published in such manner, as the State Government may, from time to time, direct.
- (2) Procedure where there are more than one Judges- i. where more than one Judge has been appointed to a Court, the State Government shall specify their rank and precedence; ii. the senior Judge for the time being shall, from time to time, make such arrangements, as he thinks fit, for the distribution of business of the Court among the Judges thereof; iii. when two or more Judges sitting together, differ on any question the opinion of the majority of such Judges shall prevail, where there is no majority, the opinion of the senior most Judge shall, unless the State Government otherwise directs, prevail.
 - (3) Abolition etc. of a Court- The State Government may, by notification in the Gazette abolish any court or by a like notification alter the jurisdiction of any court.

38. Appointment, salaries, allowances and Conditions of Service of Judges etc.—(1)The State Government may appoint a person qualified under section 48 of the Code to be a Judge of the court.

- (2) The Judge of the court shall be appointed from serving members of West Bengal Higher Judicial Services and members of West Bengal Judicial Services, who have been a District Judge or Additional District Judge for not less than three years.
- (3) A Judge shall receive such salary and allowances as the State Government may from time to time determine.
- (4) A Judge shall receive dearness allowance, compensatory city allowance, house rent allowance and other allowances at such rate and conditions as are applicable to officer of the State Government of a corresponding rank stationed at the same place.
- (5) A Judge shall be entitled to leave and leave salary under the leave rules which may from time to time be applicable to other Government servants of similar status and drawing similar emoluments.
- (6) A Judge shall be entitled to travelling allowances for journeys performed on official business in accordance with the scale applicable to the class of officers to which in the opinion of the State Government such Judge belongs.
- (7) A Judge shall be subject to such other conditions of service, as the State Government may determine.
- (8) Notwithstanding anything contained in sub-rule (3) to (7) the pay, allowances and other conditions of service of a Judge, if he is a person already in the service of the State Government shall be such as the State Government may by a general or special order, from time to time, determine.

39. Appointment of other officers and subordinate staff.— (1)The State Government may appoint such ministerial officers and other subordinate staff as may be necessary for the exercise and performance of the powers and duties conferred and imposed on a Court by or under the Code.

- (2) The ministerial officers and the subordinate staff of a Court shall exercise such powers and discharge such duties as the Judge, or, if there are more Judges than one, the senior Judge, may, subject to any order of the State Government from time to time, direct.

- (3) The ministerial officers and the subordinate staff of a Court shall be subject to such conditions of service and draw such salaries and other emoluments and receive such benefits as may be fixed by the State Government.

40. Administrative control of the High Court.— All Courts shall be subject to the administrative control and superintendence of the High Court, and shall –

- (i) keep such registers, books and accounts as the High court may, from time to time, prescribe; and
- (ii) comply with such requisitions as may be made by the High Court or the State Government for submission of service records, returns and statements in such forms and in such manner as the authority making the requisition directs.

41. Seal of Employee's Insurance Court.— A Court shall keep a seal of such size, dimensions and design as the State Government may direct.

42. Procedure and execution of orders.—

(1) Application –

- (a) every proceeding under section 49 shall be instituted by presenting an application to the Court;
- (b) every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof;
- (c) an application shall be presented in Form-I. It shall be duly stamped in accordance with these rules, and shall contain the following particulars, namely;—
 - (i) the name of the Court in which the application is brought;
 - (ii) the full name including the father's name, description including age, occupation and place of residence of the applicant;
 - (iii) the full name including the father's name, description including age, occupation and place of residence of the opposite party so far as they can be ascertained;
 - (iv) where the applicant or the opposite party is a minor or a person of unsound mind a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;
 - (v) the facts constituting the cause of action and the date when it arose;
 - (vi) the facts showing that the court has jurisdiction;
 - (vii) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and
 - (viii) the relief which the applicant claims.
- (d) the application may be rejected if it is not in accordance with clause (c).

(2) Production of documents –

- (a) when any application is based upon documents, the document shall be appended to the application;
- (b) any other document which any party desires to tender in evidence shall be produced at or before the first hearing;
- (c) any document which is not produced at or within the time specified in clause (a) or (b), as the case may be, shall not, without the permission of the Court, be admissible: in evidence on behalf of the party who should have produced it;
- (d) all such documents shall be accompanied by an accurate list thereof prepared in the manner prescribed in Form-II;

- (e) nothing in this rule shall apply to any document which is produced for the purpose of cross-examining witness or is handed to a witness to refresh his memory.
- (3) **Register of proceeding** - All applications shall be entered in a register in Form III, called the register of proceedings. Such entries shall be serially numbered for every calendar year according to the order in which the applications are presented.
- (4) **Place of suing** – A proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction-
 - (a) the opposite party or each of the opposite parties, where there are more than one, at the time of commencement of the proceedings actually and voluntarily resides, or carries on business, or personally works for gain; or
 - (b) any of the opposite party, where there are more than one, at the time of the commencement of the proceeding, actually and voluntarily resides, or carries on business, or personally works for gain: provided that in such case either the leave of the court is given, or the opposite parties who do not reside, or carry on business or personally work for gain as aforesaid, acquiesce in such institution; or
 - (c) the cause of action, wholly or in part, arose.
- (5) **Application presented to wrong Court-**
 - (a) If on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return with the reasons for returning it and the designation of the Court to whom it should be presented;
 - (b) if it appears to the court at any stage subsequent to the presentation of an application, that the application should have been presented to another Court, in the same State, it shall send the application to the Court empowered to deal with it and shall inform the applicant and the opposite party, if he has received a copy the application, accordingly;
 - (c) the Court to whom an application is transferred under sub-rule (2) may continue the proceeding as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.
- (6) **Issue of summons-**
 - (a) on receiving an application the Court shall, if the same has not been rejected, within twenty days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the ‘opposite party’), a summons in Form-IV or Form-V, as the case may be to appear and answer the application in a day, not later than fifteen days from the day of issue of such summons, to be specified therein:

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

 - (b) a copy of the application shall also be sent along with the summons under clause (a).
- (7) **Service of summons or notice -**
 - (a) a summon or notice may, on payment of the required fee, be sent by the Court by whom it is issued either by speed post with registration or in such other manner as the Court thinks fit;
 - (b) where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be served by affixing a copy thereof in some conspicuous place in the Court-house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and it shall be effectual as if it had been made on the opposite party personally;

- (c) where a summon or notice is served under this clause, the Court shall fix such time for the appearance of the opposite party as the circumstances of the case may require.

(8) Additional matters in the summon-

- (a) the Court shall determine at the time of issuing the summons, whether it shall be for the settlement of the issues only and /or for the final disposal of the application and the summons shall contain a direction accordingly;
 - (b) The Court may also call upon the parties to produce upon that date any evidence which they wish to render.
- (9) Where, in any proceeding before the court, a disablement question, as defined in section 37 of the Code, arises and the decision of a medical board or a medical appeal tribunal on such question has not been obtained, the Court shall, before proceeding to determine the claim or such question, direct the Employees State Insurance Corporation that the question be decided in the manner laid down in section 37, and shall thereafter proceed with the determination of the claim or question in accordance with the section 49 of the Code.

(10) Written statement-

- (a) the opposite party may, and, if so, required by the Court, shall, at or before the first hearing or within such time as the Court may permit, present a written statement of his defense along with the documents on which he relies and an accurate list thereof in Form-II;
 - (b) every such written statement shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof;
 - (c) in any written statement submitted under clause (i), the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admits or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defense as, if not raised, would be likely to take the application as for instance, fraud, undue influence or coercion release, payment, performance of facts showing illegality of the transaction.
- (11) Failure to present written statement called for by the Court- Where any party from whom a written statement is required fails to present the same within the time prescribed by the Court may, pronounce judgment against him or make such order in relation to the proceeding as it thinks fit.

(12) Framing of issues-

- (a) At the first hearing of the application, after the summons has been issued, the Court shall, after considering the application and the written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision appears to depend;
 - (b) in recording the issues, the Court shall distinguish between those issues which in its opinion concern points of fact and those which concern points of law;
 - (c) the Court may, in like manner, at any time before passing its final order add to, strike out from, or in any way amend, the issues on such terms as it may think fit.
- (13) **Order where parties are not at issue** – Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact the Court may at once pronounce its final order.

(14) Appearance of parties and consequences of non-appearance -

- (a) on the day fixed in the summons for the opposite party to appear and answer the parties shall be in attendance at the Court in person or by their respective legal practitioners or any other person authorized under section 51 and the application shall then be heard unless the hearing is adjourned by the Court;
- (b) when neither party appears, when the application is called on for hearing, the Court may make an order that the application be dismissed;

- (c) where the opposite party appears and the applicant does not appear when the application is called on for hearing, the Court may make an order that the application be dismissed unless the opposite party admits the claim or part thereof in which case the Court may make an order against the opposite party upon such admission and where party only of the claim has been admitted it shall dismiss the case so far as it relates to the remainder;
- (d) where the applicant appears and the opposite party after receiving the summons fails to appear, when the application is called on for hearing the Court may proceed ex-parte;
- (e) where the application is wholly or partly dismissed under clause (ii) or (iii), the applicant may within thirty days of such dismissal apply in Form-VI for an order to set the dismissal aside and the Court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause, make an order setting aside the dismissal upon such terms, as to costs or otherwise as it thinks fit, and may proceed with the case or appoint a day for proceeding with the same:

Provided that no order under this clause shall be made in respect of an application which is dismissed under clause (iii), unless notice of the application has been served in Form-VII on the opposite party;

- (f) in any application in which an ex-parte order has been passed against the opposite party, he may within thirty days from the date of such order apply in Form- VI to the Court which passed the order, to set it aside and, if the Court is satisfied that he was prevented from appearing when the proceedings was called on for hearing due to any sufficient cause, it may after serving notice thereof to the applicant in Form-VII make an order setting aside the order upon such terms as to costs or otherwise as it thinks fit and may proceed with the hearing of the case or appoint a day for proceeding with the same.

(15) Summoning of witness-

- (a) At any time after framing of the issues the Court may call upon the parties to produce their evidence in support of the issues;
- (b) the Court may, on the application of either party issue a summons in Form VIII to any witness directing him to attend or to produce any document;
- (c) the Court may, before summoning any witness on application under clause (b), require that his reasonable expenses to be incurred in attending the Court be deposit with it.

(16) Grant of time and adjournment of hearing -

- (a) the Court may, if sufficient cause is shown, at any stage of the proceeding, grant time to the parties or to any of them, and may, from time to time, adjourn the hearing of the application;
- (b) in every such adjournment the Court shall fix a day, not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the costs occasioned by the adjournment:

Provided that, where the hearing of the application has once begun, the hearing shall be continued from day to day until all the witnesses in attendance have been examined, unless the Court, for the reasons to be recorded in writing considers it necessary to adjourn the hearing beyond the following day.

- (17) **Right to begin proceeding -** The applicant has the rights to begin unless the opposite party admits the facts alleged by the applicant and contends that either in point of law or on some additional facts alleged by the opposite party, the applicant is not entitled to the relief which he seeks, in which case the opposite party has the right to begin.

- (18) **Statement and Production of Evidence :** (a) on the day fixed for the hearing of the application or on any other day to which the hearing is adjourned, the party having the right to begin shall state his case and produce his case and produce his evidence in support of the issues which he is bound to prove;

- (b) the other party, shall, then state his case and produce his evidence, (if any) and may then address the Court generally on the whole case;
- (c) the party beginning may then reply generally on the whole case;

(d) notwithstanding anything contained in this rule, the Court may, order that the production of evidence or the address to the Court may be in any order, which it may deem fit.

(19) Method of recording evidence - The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge by the junior Judge, or at the dictation of any such Judge in the open Court in the language of the Court, not ordinarily in the form of question and answer, but in that of a narrative and, when completed, shall be read over or translated, where necessary, in the presence of such Judge, to the witness, and such Judge shall if necessary, correct the same, and shall sign it.

(20) Recall of a witness- The court may, at any stage of a proceeding recall any witness, who has been examined and may (subject to the law of evidence for the time being in force) put such question to him, as the Court thinks fit.

(21) Inspection by Court - The Court may at any stage of a proceeding, inspect any property or thing concerning which any question, may arise.

(22) Pronouncement of order - The Court, after the application has been heard, shall pronounce its final order in open Court, either at once or on some future day, of which due notice shall be given to the parties.

(23) Signing of order - The final order shall be dated and signed in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from accidental slip or omission.

(24) Statement of decision on each issue - In cases, in which issues have been framed, the Court shall state its finding or decision, with the reason there for, upon each separate issue, unless the finding upon any one or more of the issues is sufficient for the decision of the case.

(25) Compromise of suit - Where it is proved to the satisfaction of the Court that a case had been adjusted wholly or in partly by any lawful agreement or compromise, or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass final order in accordance therewith so far as it relates to the case.

(26) Finality or Order - Save as provided in section 52 the order of a Court shall be final and binding upon the parties.

43. Costs, Decree, etc.—

(1) Costs-

(a) the costs of and incidental to the application shall be in the discretion of the Court, and the Court shall have full power to determine by whom or out of which property and to what extent such costs are to be paid, and to give all necessary direction for the purposes aforesaid. The fact that the Court has no jurisdiction to try the case shall be no bar to the exercise of such powers;

(b) where the Court directs that any cost shall not follow the event, the Court shall state its reasons in writing.

(2) Contents of the decree-

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

(b) the decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportion such costs are to be paid;

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

(3) Certified copies of order, decree etc. to be furnished – (a) certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expenses on payment of fee of two rupees for each such page;

- (b) if any party requires copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application thereof to the Court, he shall pay an additional fee of two rupees for each such page;
- (c) if any party applies for copies of any order, decree or any other matter on record made by or furnished to the court, as the case may be, after the expiry of twelve months from the date of such making or furnishing as the case may be, he shall pay an additional searching fee of two rupees per page.

44. Execution of Decree.— (1) Execution – (a) any person in whose favour an order has been passed shall, within one year from the date of the order, apply in Form-X to the Court which made the order for its execution;

- (b) on such application being made, the court shall send the same together with the necessary record to a Civil Court, of competent jurisdiction, for its execution and such Civil Court shall have the same power in executing such order as, if it had been passed by it.

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

45. Fees and costs under sub-section (3) of section 55.—(1) Fees-

- (a) the fee payable on an application in respect of any matter referred to in section 49 shall be ten rupees;
- (b) the fee payable in respect of any other application except a written statement called for by the Court under these rules shall be five rupees:

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

- (c) The fee for copies of any document on record, or statement or order or decree shall be such as may, from time to time be determined by the State Government;
- (d) the fee for any authorization for the appearance of any person under section 79 on behalf of any of the parties in a case shall be ten rupees;
- (e) the fee for filling certified copies of any document in a Court shall be five rupees;
- (f) all fees referred to in this rule shall be collected by means of Court-fee stamps used in ordinary Courts and no document which ought to bear stamps under these rules shall be of any validity unless and until it is properly stamped: Provided that where any such document is through mistake or inadvertence received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relating thereto shall be as valid as it had been properly stamped in the first instance;
- (g) no document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

(2) Payment of Costs of services of summons, etc.-

- (a) the cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the preceding rule shall be such amount as may be specified in each case by the Court; and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefore;
- (b) any amount which is left over after meeting the expenses, if any, for which it was intended shall be returned by the Court to the party by whom or on whose behalf the amount was originally paid into the Court;
- (c) the Court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

- (3) **Fees and costs of poor persons** - The Court may, whenever it thinks fit, receive and register proceedings instituted under the Code and applications made under these rules, by persons who are paupers, and may issue summons or notice on behalf of such persons, without payment or on a part payment of the fees and costs mentioned in rule 43 and rule 45.
46. **Matters relating to procedure or admission of evidence for which no specific provision is made in these rules.**— In respect of matters relating to procedure or admission of evidence for which no specific provision is made in these rules, the provisions of the Code of Civil Procedure, 1908 (Act No. 5 of 1908), and the Bharti Sakshya Adhiniyam 2023 (Act No. 47 of 2023), so far as may be apply to proceedings under the Act.
47. **Manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof under sub-section (1) of section 51.**—(1) The proceeding before an Employees' Insurance Court shall be commenced by application by the Corporation, aggrieved person or the employer of an establishment as the case may be.
- (2) Subject to the provisions of Chapter IV of the Code and rules made by the State Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.
- (3) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same State, it may, subject to any rules made by the State Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.
- (4) The State Government may transfer any matter pending before any Employees' Insurance Court in the State to any such Court in another State with the consent of the State Government of that State.
- (5) The Court to which any matter is transferred under sub-rule (3) or sub-rule (4) shall continue the proceedings as if they had been originally instituted in it.

CHAPTER IV

GRATUITY

48. **Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub section (1) of section 53.**— In the case of nominee, or an heir, who is minor, the Competent Authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State bank of India or any other Nationalized Bank.

Explanation: Nationalized Bank means a corresponding new bank specified in the first schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act No. 5 of 1970) or a corresponding new bank specified in the first schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Act. No. 40 of 1980).

49. **Time, form and manner of nomination.**— (1) A nomination shall be made in the manner prescribed in Form-XI and be submitted in duplicate by the employee either by personal service after taking proper receipt or speed post with registration or electronically to the employer—

- (a) in case of an employee who is already in employment for a year or more, on the date of commencement of these rules, but has not submitted the nomination ordinarily within ninety days from such date; and
- (b) in the case of an employee who has completed one year of service after the date of commencement of these rules, ordinarily within ninety days of the completion of one year of service:

Provided that nomination in Form-XI shall be accepted by the employer after the specified period and no nominations accepted shall be invalid merely on the ground that it was filed after the specified period:

- (2) Within thirty days of receipt of the nomination in Form-XI, as mentioned above, the employer shall get the service particulars of the employee as mentioned in the Form of the nomination, verified with reference to the

record of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination Form-XI, duly attested either by employer or an officer authorized by him in this behalf as a token of recording of the nomination by the employer and the other copy of the nomination shall be retained by him.

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

(4) A notice of modification of a nomination, including in cases where a nominee predeceases an employee, shall be submitted in duplicate in Form XI 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 sub-rule (1).

(5) A nomination, 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 competent witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be, and shall be submitted by the employee electronically or by speed post with registration or by personal service .

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

50. Time within which and the form in which a written application shall be made under sub-section (1) of section 56.—(1)Application for gratuity—(a) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf or a nominee or legal heir as provided under third proviso to section 53 of the code shall apply, personally or by speed post with registration or electronically or otherwise , ordinarily within a period of thirty days from the date the gratuity became payable, in Form-XII to the employer:

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

- (b) where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clause (a) shall be deemed to be operative from the date of such commencement;
- (c) 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.

(2) Notice for payment of gratuity —

- (a) within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall,—
 - (i) if the claim is found admissible on verification, issue a notice in Form- XIII to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof, or
 - (ii) if the claim for gratuity is not found admissible, issue a notice in Form- XIII to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible and a copy of such notice shall be endorsed to the competent authority;

- (b) in case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form- XIII under sub-clause (a) of clause (i) of sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified;
- (c) if the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (a) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.
- (d) a notice in Form-XIII shall be served on the applicant either by personal service after taking receipt or by speed post with registration or electronically;
- (e) a notice under sub-section (2) of section 56 shall be in Form-XIII.
- (3) Mode of payment of gratuity — The gratuity payable under the Code shall be paid through Demand Draft or by crediting in the bank account of the eligible employee, nominee or legal heir, as the case may be: Provided that intimation about the details of payment shall also be given by the employer to the competent authority of the area.

51. Qualification and experience of competent authority under sub-section (1) of section 58.— The competent authority may be appointed by the State Government, by notification, from its Gazetted Officers having experience in labour matters.

52. Application to the competent authority under clause (b) of sub-section (5) of section 56.—(1) Application to the competent authority:—

- (a) where there is a dispute with regard to any matter or matters as is specified in clause (a) of sub-section (5) of section 56, the employer or employee or any other person eligible for payment of gratuity, may make an application to the competent authority in Form-XIV 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 reasons given by the applicant;

- (b) the application shall be accompanied by such documents as are necessary to be filed as evidences by the applicant;
- (c) application for claim of gratuity may be submitted personally or by speed post with registration or electronically to the competent authority.

(2) Procedure for dealing with application for direction:—

- (a) if the competent authority is prima-facie satisfied with the application for claim and if he thinks that the application may be inquired, he shall issue a notice in Form- XV, either electronically or by speed post with registration or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any:

Provided that any application shall not be rejected merely on the ground that it is not in the prescribed Form;

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

- (c) a party appearing by an authorised representative shall be bound by the acts of the representative;
- (d) after completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties;
- (e) if the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the competent authority may proceed to hear and determine the application ex-parte. If the applicant fails to appear on the specified date of hearing without sufficient cause, the competent authority may dismiss the application:

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

(3) Place and time of hearing.—The sittings of the competent authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same in such manner as he thinks fit, in the notice sent to them in Form-XV.

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

(5) Service of summons or notice.—

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

(6) Maintenance of records of cases by the competent authority:—

- (a) the competent authority shall record the particulars of each case under clause (b) of sub-section (5) of section 56 and at the time of passing orders shall sign and date the particulars so recorded;
- (b) the competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet;
- (c) any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

(7) Direction for payment of gratuity:— If a finding is recorded under clause (d) of sub-rule (2) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form-XVI electronically or by speed post with registration or in person, specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

- 53. Manner of filing of appeal and procedure for dealing such appeal.**—(1) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under speed post with registration or electronically.
- (2) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought.
- (3) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.
- (4) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.
- (5) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments on each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.
- (6) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal electronically or by speed post with registration or in person and a copy thereof shall be sent to the competent authority returning his records of the case.
- (7) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him.
- (8) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in Form-XVI specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer. A copy of the notice be endorsed to the appellant employee, nominee or legal heir, as the case may be, and to the appellate authority.
- 54. Application for recovery of gratuity.**— Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (7) of rule 55 or sub-rule (8) of rule 57, as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in Form-XVII for recovery thereof under section 129 of the Code.

CHAPTER V

MATERNITY BENEFIT

- 55. Complaint before Inspector-cum-Facilitator and appeal.**—(1)(a) A complaint under sub-section (1) of section 72 shall be made in writing in Form-XVIII to the Inspector-cum-Facilitator of the area, having jurisdiction.
- (b) When the 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 for the women or to the person claiming the payment under the section 63, as the case may be, immediately but not exceeding period of 45 days.
- (2) (a) An appeal against the decision of the Inspector-cum-Facilitator, shall lie to the competent authority.
- (b) The aggrieved person shall prefer an appeal in writing to the competent authority in Form-XIX and file other supporting documents.
- (c) When an appeal is received, the competent authority shall call record of the case from the Inspector-cum-Facilitator before fixing the date of hearing. The competent authority shall, if necessary, also

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

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

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

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

CHAPTER VI

EMPLOYEE'S COMPENSATION

- 56. Payment of funeral expenses.**— If the injury to employee results in death, the employer shall in addition to the compensation to be deposited under the Code with the Competent Authority, pay a sum of twenty five thousand rupees to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee, or where the employee does not have dependents or was not living with his dependent at the time of his death, then in such a case the said payment towards funeral expenses shall be made to the person who actually incurred such expenditure:

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

- 57. Application and procedure for review of half monthly payments without medical certificate under sub-section (1) of section 79.**— (1) When applications may be made without medical certificates application for review of half monthly payment under sub-section (1) of section 79 may be made without being accompanying a medical certificate,

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- (a) by the employer, on the ground that since the right of compensation was determined, the employee's wages have increased;
- (b) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;
- (c) by the employee on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the employees conditions as such 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; or
- (e) either by the employer or by the employee on the ground that in the determination of compensation there is a mistake or error apparent on the face of the record.

(2) Procedure on application for review-If, on examining an application for review by an employer in which the reduction or discontinuance of half monthly payment is sought it appears to the Competent Authority that there is reasonable grounds for believing that the employer has the right to such reduction or discontinuance, he may at any time issue an order after giving the employee likely to be affected thereby an opportunity of being heard, for withholding the half monthly payments in whole or in part pending his decision on the application.

- (3) Procedure on application for commutation:-

- (a) where application is made to the Competent Authority under sub section (7) for redemption of the right to receive half-monthly payments by the payment of a lump-sum, the Competent Authority shall form an estimate of the probable duration of the disablement and a sum of equivalent to the total of half-monthly payments would be payable for the period during which he estimated the disablement with continue, less one-half per cent, of the total for each month comprised in that period:

Provided that fractions of a rupee included in the sum so computed, shall be disregarded;

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

58. Class of employers and the form of notice book under sub-section (4) of section 82.— The State Government may require that any class of employers as may be prescribed by general or special order of the State Government, shall maintain at their premises at which employees are employed, a notice book in Form-XX which shall be readily accessible at all reasonable times to an injured employee employed on the premises and to any person acting bona-fide on his behalf.

59. Frequency and restrictions for medical examination under the proviso to sub-section (1) of section 84.

- (1) Employee not to be required to submit to medical examination save in accordance with rule:- An employee who is required 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 registered medical practitioner both are available at premises:- When each employee is present at their employer's premises and the employer offers to have him examined free of charge by a qualified registered medical practitioner, who is so present, the employee shall submit himself for examination forthwith.
- (3) Examination in other cases:- In cases to which rule 61 does not apply, the employer may –
 - (a) send the registered medical practitioner to the place where the employee is residing for the time being, in which case the employee shall submit himself for medical examination on being requested to do so by the medical practitioner; or
 - (b) send to the employee any offer in writing to have him examined free of charge by a qualified registered medical practitioner, in which case the employee shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified:

Provided that the time so specified shall not, save with the express consent of the employee, be between the hours of 7 p.m. and 6 a.m.: Provided further that 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.

- (4) Restriction on number of examination:- An employee who is in receipt of a half- monthly payment shall not be required to submit himself for medical examination elsewhere then at a 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) Examinations after suspension of right to compensation:- If any employee whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 84 of the code, subsequently offers himself for medical examination, the examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer and at a time to be fixed by the employer, not being saved with the express consent of the employee more than seventy-two hours after the employee has so offered himself.
- (6) Examination of woman, -
 - (a) no woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman;
 - (b) no woman shall be required to be medical examined by a male practitioner, if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

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- 60. Statement of fatal accidents.**— (1) Application to the Authority under sub-section (1) of section 88 of the Code shall be in Form-XXI and shall be accompanied by a blank copy of Form-XXII.
- (2) The statement to be submitted by an employer under section 88 shall be in Form-XXII.
- (3) The report in respect of an accident under sub-section (1) of section 88 may be sent to the Authority to whom the notice of such accident is required to be given.
- 61. Form of memorandum.**— A memorandum of agreement send to the competent authority under sub section (1) of section 89 shall, unless the competent authority otherwise directs, be submitted in duplicate and shall be in Form-XXIII, Form-XXIV or Form- XXV, as the circumstances of the case admit. Where the competent authority refuses to receive the memorandum or does not acknowledge its receipt, the memorandum shall be deemed to have been duly served and such service shall be treated as valid.
- 62. Procedure where Competent Authority does not consider that he should refuse to record memorandum.**—
- (1) On receiving a memorandum of agreement, the Competent Authority shall, for taking decision to record memorandum or refusing to record, issue notice to the parties to agreement in Form-XXVI fixing the date and place of hearing and that in default of objections, he proposes to record the memorandum on the date so fixed. The notice under this sub-rule may be sent personally or through speed post with registration or electronically: Provided that the notice may be communicated orally to any party who are present at the time when notice in writing would otherwise issue.
- (2) On the date so fixed the Competent Authority after hearing the parties to agreement shall take decision to record or refuse to record the memorandum: Provided that the issue of notice under sub-rule (1) shall not be deemed to prevent the Competent Authority from refusing to record the memorandum on the date so fixed even if no objection is made by any party concerned.
- (3) If on such date, the Competent Authority decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send the said information to that party in Form-XXVII.
- 63. Procedure where Competent Authority considers he should refuse to record memorandum.**—(1) If, on receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same, he shall fix a date for hearing the party or parties desiring the memorandum to be recorded and shall inform such party or parties and, if, he thinks fit, any other party concerned, of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded.
- (2) If the parties to be informed are not present, a written notice shall be sent to them in Form-XXVIII or Form-XXIX, as the case may be, and the date fixed in such a notice shall be not less than seven days after the date of the issue of the same.
- (3) If, on the date fixed under sub-rule (1), 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 should proceed in accordance with sub-rule (2).
- (4) If, on the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in Form-XXVII to any party who did not receive information under sub-rule (1).
- 64. Procedure on refusal to record memorandum.**—(1) If, in' any case the Competent Authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal.
- (2) 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.

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

65. Registration of memorandum for record.—In recording a memorandum of agreement, the Competent Authority shall cause the same to be entered in a register in Form-XXX and shall cause an endorsement to be entered under his signature on a copy of a accepted memorandum to be retained by him in the following terms, namely:-

“The memorandum of agreement bearing serial number of.. 20..... in the register has been recorded this..... day of 20.....

Signature

Competent Authority.”

66. Qualifications of Competent Authority under sub-section (1) of section 91.—(1) The person to be appointed as the Competent Authority for the purpose of this Chapter shall be a Gazetted officer from West Bengal Labour Service not below the rank of Deputy Labour commissioner having education qualification as determined for the post by the State Government.

- (2) person to be appointed as Competent Authority for the purpose of this Chapter shall have experience of at least ten years of handling matters of Industrial Relations the West Bengal Labour Service.

67. Application for claim and procedure for disposal of application.—(1) Save as otherwise provided in the rules the procedure to be followed by the Competent Authority in the disposal of cases under the Code, or these rules and by the parties in such cases shall be regulated in accordance with the rules contained in this Chapter.

- (2) Application for claim:- Any application of the nature referred to in section 93 may be sent to the Competent Authority by speed post with registration or may be presented to him or to any of the subordinate authorized by him in this behalf or electronically and, so sent or presented, shall unless the Competent Authority otherwise directs, be made in duplicate in the appropriate Form (Form-XXXI or Form-XXXII or Form-XXXIII, as the case may be) and shall be signed and verified by the applicant in the manner prescribed by Order VI, rule 15 of the Code of Civil Procedure, 1908 (Act No. 5 of 1908).

- (3) Production of documents: -

- (a) when the application for relief is based upon a document, the document shall be appended to the application;
- (b) any other document which the applicant desires to tender in evidence shall be produced at or before the first hearing;
- (c) any document which is not produced at or within the time specified in sub-rule (1) or (2), as the case may be, shall not without the sanction of the Competent Authority be received in evidence on behalf of the applicant;
- (d) nothing in this rule applies to any document which is for the purposes of cross-examining a witness or is handed to a witness to refresh his memory.

- (4) Application presented to wrong Competent Authority: -

- (a) if it appears to the Competent Authority on receiving the application that it should be presented to another Competent Authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Competent Authority to whom it should be presented;
- (b) if at any stage of case it appears to Competent Authority that the application should be entertained by another Competent Authority, he shall send the file of the case to the Authority which has the jurisdiction and inform about the same to applicant and other parties;

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- (c) the Competent Authority to whom the case has been transferred, shall continue to proceed as if the previous proceedings were done before him, if he is satisfied that it will not adversely affect the interest of parties.
 - (5) Examination of applicant: -
 - (a) on receiving the application of the nature referred to in section 93, the Competent Authority may examine the applicant on oath or may send the application to any Gazetted officer, subordinate to him, in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority;
 - (b) the substance of any examination made under sub-rule one shall be recorded in the manner provided for the recording of evidence in section 97.
 - (6) Summary dismissal of application: -
 - (a) the Competent Authority may after considering the application and the result of any examination of the applicant, summarily dismiss the application for reasons to be recorded if he is of the opinion that there are no sufficient grounds for proceeding thereon: Provided that dismissal of the application under this clause shall not itself preclude the applicant from presenting a fresh application for the settlement of the same matter;
 - (b) if the application is not summarily dismissed by the Competent Authority, he shall issue notice to the opposite party or parties against whom relief is sought together with copy of application and other documents appended.
 - (7) Notice to opposite parties: - If the Competent Authority does not dismiss the application under sub-rule (6), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application together with the notice of date on which he will dispose of the application and may call the parties to produce on that date, any evidence which they may wish to tender.
 - (8) Submission of parties: -
 - (a) where the opposite party desires to contest the claim, it may file a written statement accompanied by relevant documents and evidence, if any, and where no written statement has been filed, the Competent Authority shall proceed to examine the opposite party upon the claim and shall reduce the result of such examination to writing;
 - (b) if the opposite party files the written statement, the applicant may file rejoinder with documents.
 - (9) Framing of issues:
 - (a) after considering any written statement and the result of any examination of the parties, Competent Authority may frame issues for decision of the case, if he thinks necessary;
 - (b) where the issues of law and facts are framed and if the Authority is of the opinion that the case may be decided on issues of law, he shall proceed to hear on those issues and after decision on the issues of law, hearing on the issues of facts shall be proceeded.
 - (10) Evidences and summoning of witnesses: -
 - (a) after framing of issues, the parties may submit their evidence on affidavit on which opposite party shall have the right of cross-examination;
 - (b) on an application made by any party to the proceedings and on deposit of fees and expenses fixed by the Competent Authority, the Competent Authority may summon any witness whose evidence he thinks is necessary for just decision of the case;
 - (c) evidences of all witnesses shall be recorded in the presence of Competent Authority and shall be attested by his signature and seal.
 - (11) Reasons for postponement to be recorded: - If the Competent Authority finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.

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

(13) Diary:- Competent Authority shall cause to be maintained a brief diary of the proceedings on an application.

(14) Right of entry for local inspection:- The Competent Authority before whom any proceeding relating to an injury by accident is pending may, at any time enter the place where the employee was injured or where the employee ordinarily performed his work, for the purpose of making a local inspection or of examining any persons likely to be able to give information relevant to the proceedings: Provided that the Competent Authority shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

(15) Procedure in connection with local inspection:-

- (a) if the Competent Authority proposes to conduct local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representative notice of his intention to conduct such inspection unless in his opinion the urgency of the case renders the giving of such notice impracticable;
- (b) such notice may be given orally or in writing and in the case of an employer, may be given to any person on whom notice of claim can be served under sub-section (2) of section 88 or to the representatives of such person.
- (c) any party or the representative of any party, may accompany the Competent Authority at a local inspection;
- (d) the Competent Authority after making local inspection shall note briefly in a memorandum any facts observed and shall show the memorandum to any party who desires to see the same and on payment of the prescribed fees, shall supply any party with a copy thereof.
- (e) the memorandum shall form part of the record.

(16) Powers of summary examination:-

- (a) the Competent Authority during local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relating to such a case, whether such person has been or is to be called as a witness in the case or not, and whether any or all of the parties are present or not;
- (b) no oath shall be administered to a person examined under clause (i);
- (c) statements made by persons examined under sub-rule (1) if reduced to writing, shall not be signed by the person making the statement nor shall they except as hereinafter provided, be incorporated in the record or utilized by the Competent Authority for the purpose of arriving at a decision in the case;
- (d) if a witness who has been examined under clause (i) makes in evidence any material statement, contradicting any statement made by him in such examinations and reduced to writing the Competent Authority may call his attention to such a statement, and shall in that case direct the parties be furnished with the relevant part of such a statement for the purpose of examining or cross-examining the witness;
- (e) any statement or part of the statement which is furnished to the parties under clause (iv) shall be incorporated in the record;
- (f) where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under clause (i) and may utilize such a statement for the purpose of justifying his acceptance of, or refusal to accept, the agreement reached.

(17) Agreement to abide by Competent Authority's decision:-

- (a) if a party states in writing his willingness to abide by the decision of the Competent Authority, the Competent Authority shall enquire whether the other party is willing to abide by his decision;
- (b) if the other party agrees to abide by Competent Authority's decision, the fact of his agreement shall be recorded in writing and signed by him;
- (c) if the other party does not agree to abide by the Competent Authority's decision, the first party shall not remain under an obligation so to abide.

(18) Judgment: -

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

68. Indemnity claimed under sub-section (2) of section 85.—(1) Where the opposite party claims that the compensation is recoverable from him, he shall, when first called upon to answer the application, present a notice of such claim to the Competent Authority, accompanied by the prescribed fee, and the competent authority shall thereupon issue notice to such person in Form- XXXIV.

(2) If a person served with the notice under sub-rule (1) desires to contest the applicant's claim for compensation, or the opposite party's claim to be indemnified, he shall appear before the Competent Authority on the date fixed for the hearing of the case or on any date to which the case may be adjourned and if so appears, shall have all the rights of a party to the proceedings and in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit its own liability indemnify the opposite party for any compensation recovered from him: Provided that, if any person so served appears subsequently and satisfies the Competent Authority that he was prevented by any sufficient cause from appearing, the Competent Authority shall after giving notice to the aforesaid opposite party, hear such person and may set-aside or vary any award made against such person under such terms as may be just.

(3) If the opposite party is himself a principal employer and claims to be indemnified by a person standing to him in the relation of a contractor, from whom the compensation could have been recovered, he shall, on or before the date fixed in the notice under sub-rule (1), present a notice of such claim to the Competent Authority, accompanied by the prescribed fee, and the Competent Authority shall thereupon issue notice to such person in Form-XXXV.

(4) If any person served with the notice under sub-rule (3), desires to contest the applicant's claim for compensation or the claim under sub-rule (3) to be indemnified, he shall appear before the Competent Authority on the date fixed in the notice in Form- XXXV or on any date to which the case is adjourned and if he so appears shall have all the rights of a party to the proceedings and in default of so appearing, he shall be deemed to admit the validity of any award made against the original opposite party or the person served with the notice under sub-rule (1) and to admit his own liability to indemnify the party against whom such award is made for any compensation required from him: Provided that, if any person so served appears subsequently and satisfies the Competent Authority that he was prevented by any sufficient cause from appearing, the Competent Authority shall after giving notice to the aforesaid opposite party, hear such person and may set-aside or vary any award made against such person under his rule on such terms as may be just.

(5) In any proceeding in which a notice has been served on any person under sub--rule (1) or sub-rule (3) the Competent Authority shall, if he awards compensation, record in his judgment a finding in respect of each of such

persons, whether he is or is not liable to indemnify any of the opposite parties and shall specify the party or any other person to whom he is liable to indemnify.

69. Procedure in connected cases.—(1) Where two or more cases pending before a Competent Authority arise out of the same accident and any issue involved in common to two or more such cases, may, so far as the evidence bearing on such issues is concerned be heard simultaneously.

(2) Where action is taken under sub-rule (1) the evidence bearing the common issue or issues, shall be recorded on the record of one case, and the Competent Authority shall certify under his hand on the record of any such other case, the extent to which the evidence so recorded applies to such other case, and the fact that the parties to such other case had the opportunity of being present, and, if they were present, of cross-examining the witnesses.

70. Scale of fee.— Fees relating to proceedings of the case shall be such as determined by the State Government from time to time: Provided that if Competent Authority is satisfied that the applicant is unable, by reason of poverty or any other reason, to pay the prescribed fees he may remit any or all of such fees: Provided further that if the case is decided in favour of the applicant, the prescribed fees which, had they not been remitted, would have been due to be paid maybe added to the cost of the case and recovered in such manner as the Competent Authority in his order regarding costs may direct.

71. Incidental costs.—(1) Any party to the dispute who desires to get certified copies of decision, decree, or other document may get the same on payment of cost at the following rate, namely : -

- (a) the cost for the copies of any document of record or statement or order or decree shall be Rs. 2/- per page along with Rs. 10/- for the application for the copies;
- (b) the cost of service of summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the Court and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as may be specified;
- (c) the Court, whenever it finds either on application of applicant or otherwise that the applicant is unable to pay the cost, may exempt the applicant from the payment of cost.

(2) Any person who is not a party to dispute, may get the certified copy of decision, decree or other documents except the confidential documents, on payment of the fees prescribed in above mentioned clauses.

72. Time limit for disposal of application.—(1) Every application under the Code shall be tried as expeditiously as possible, and endeavor shall be made to conclude the trial within six months from the date of service of notice of the application on the opposite party.

(2) In the cases, where the period of six months has been expired, hearing shall be conducted day-to-day.

73. Certain provisions of Code of Civil Procedure, 1908 to apply.— Save as otherwise expressly provided in the Code under these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908 (Act No. 5 of 1908), namely, those contained in Order V rules 9 to 13 and 15 to 30, order IX, order XII rules 3 to 10, order XV rules 2 to 21, order XVII and order XXIII rule 1 shall apply to proceedings before Competent Authorities in so far as they may be applicable thereto: Provided that-

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

CHAPTER VII**CESS IN RESPECT OF BUILDING AND OTHER CONSTRUCTION WORKERS**

- 74. Time limit to deposit the amount of cess.**— (1) If an employer fails to pay the amount of cess payable within sixty days of the completion of the construction work, or within such time as may be specified in the assessment order, or within thirty days from the date on which the assessment order is made, whichever is earlier, such employer shall be liable to pay interest on the amount of cess so payable, at such rate as may be prescribed by the Central Government under section 101, from the date on which such payment was due till the date on which such amount is actually paid :

Provided that where the approval of a construction work by a local authority is required, every application for such approval shall be accompanied by a crossed demand draft in favour of the West Bengal Building and Other Construction Workers Welfare Board payable at Kolkata for an amount of cess payable at the notified rates on the estimated cost of construction:

Provided further that where the duration of the project or construction work exceeds one year, cess shall be paid within sixty days of completion of one year from the date of commencement of work and every year thereafter at the notified rates on the cost of construction incurred during the relevant period.

(2) Date of payment of cess shall be the date on which the amount is deposited with the cess collector or the date of deduction at source or the date on which the draft has been deposited with the local authority, as the case may be.

(3) In case an application for review or restoration is received by an Assessing Officer against assessment order, the same shall be dealt with strictly in accordance with the standard operating procedure (S.O.P) approved and issued by the State Government.

- 75. Fees for appeal under sub-section (2) of section 105.**—(1) An employer aggrieved by an order of assessment or an order imposing penalty made by assessing officer may file an appeal against such order, within 90 days of the receipt of such order to the appellate authority.

(2) 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) Such appeal may be admitted if, accompanied by a fee equivalent to 0.5 percent of the amount in dispute or penalty or both, as the case may be, subject to maximum of 25000 (twenty-five thousand) rupees. The said amount shall be deposited in the West Bengal Building and Other Construction Workers Welfare Fund.

Provided that, on succeeding in the appeal, the appellant shall submit an application along with the copy of the appellate order before the assessing officer for refund of the amount deposited. A copy of the appellate order shall also be forwarded to Secretary, The West Bengal Building and Other Construction Workers Welfare Board, for refund of the said amount.

- (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 thirty days in view of the observation made by the Appellate Authority: Provided that, if the amount of cess is proposed to be enhanced the assessee shall be given an opportunity of being heard.
- (7) 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 he deems appropriate.
- (8) 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, the West Bengal Building and Other Construction Workers Welfare Board within five days of the date on which such order is made.
- (9) An order in appeal, reducing the amount of cess, shall also ask the Secretary of The West Bengal Building and Other Construction Workers Welfare Board to refund the excess cess stating clearly the specified time to the appellant.
- (10) 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 shall be paid or refunded.
- (11) No appeal shall lie against the order of the appellate authority under this rule.

CHAPTER VIII

FINANCE AND ACCOUNTS

- 76. Conditions to acquire hold sale or otherwise transfer any movable or immovable property under sub-section (1) of section 120.—(1) Acquisition of property:** - Subject to the provisions of sub-rule (3) and such conditions as may, from time to time, be laid down by the West Bengal Building and Other Construction Workers Welfare Board or by the West Bengal Unorganized Workers Social Security Board, with the prior permission of State Government, the Secretary/ Chief Executive Officer of respective Board may, for the purposes of the Code, acquire on behalf of the Board, movable or immovable property:

Provided that, prior approval of the State Government on a resolution passed by Board in this regard, shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding thirty six months, or for the acceptance of any gift or bequest of property burdened with an obligation.

- (2) Disposal of property - Subject to the provisions of sub-rule (3) and such conditions as may be laid down by the Board from time to time, the Secretary/Chief Executive Officer of the Board may -

- (a) dispose of, by sale or exchange, any movable property belonging to the Board, the value of which does not exceed Rupees fifty lakh in each case, or grant a lease of any immovable property belonging to the Board for a term not exceeding twelve months;
- (b) with the prior approval of the State Government on a resolution passed by the Board in this behalf, lease, sell or otherwise dispose of any movable or immovable property belonging to the Board.

- (3) Procedure for execution of contracts –**

- (a) the Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of the Code;
- (b) every contract made under or for any purpose of the Code shall be made on behalf of the Board by the Secretary/ Chief Executive Officer of the Board;

- (c) every contract entered into by any person as provided in clause (b) shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged:

Provided that the common or official seal, as the case may be, of the Board shall be affixed to every contract for amounts exceeding rupees five lakh.

77. Manner of investment of Board's not immediately required funds or any money which is held by Board under sub-section (2) of section 120.—(1) Subject to the conditions and prior approval, as may be prescribed by the Board, from time to time, may invest any money or funds in Central or State Government securities, within the ambit of the guidelines issued by the State Government, vested in it, which are not immediately required.

(2) All expenses incurred in respect of, and loss, if any, arising from any investment shall be charged to the Board's Fund and the profit, if any from the sale of any investment shall also accrue to the Board's Fund.

(3) Any investment made under this Rule may, subject to the provisions of sub rule (1), be varied, transposed or realised from time to time:

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

(4) The State Government may, at any time, direct the vacation in part or in whole, or prohibit investment in any security or class of securities or any land or building.

(5) All dividends, interest or other sums received in respect of any investment shall, as soon as possible after receipt, be paid into or credited to the account of the Board's Fund.

78. Raising and re-payment of loans under sub-section (3) of section 120.—(1) In pursuance of a resolution passed at a meeting of the Board, and with the prior approval of the State Government, the Board may, raise loans for the purposes of the Code.

(2) In particular and without prejudice to the generality of the foregoing power, the Board may raise loans for the acquisition of land and/or the raising of buildings thereon; or to repay a loan raised under this sub-rule; or for any other purpose approved by the State Government.

(3) All loans under this sub-rule shall be obtained-

- (a) from the Central Government on such rates of interest and such terms as to the time and method of repayment as the Central Government may specify; or
- (b) from the State Government on such rates of interest and such terms as to the time and method of repayment as the State Government may specify; or
- (c) with the approval of the State Government from a nationalized Bank.

(4) Where a loan is obtained from such bank specified in clause (c) of sub-rule (3) the Board may, with the approval of the State Government, grant mortgages of all or any of the property vested in it for securing the repayment of the sums so advanced, with interest.

(5) All payments due from the Board for interest on and repayment of loans shall be made in such manner and at such times as may have been agreed upon:

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

(6) No expenditure incurred out of any loan shall be charged to capital, except with the previous sanction or under the directions of the State Government.

(7) The Board shall submit to the State Government an annual statement by the thirtieth day of April each year, an annual statement showing the loans raised and repayments made, during the preceding year.

79. Conditions and manner of writing off irrecoverable dues under section 121.— Where the West Bengal Building and Other Construction Workers Welfare Board or the West Bengal Unorganized Workers Social Security Board, as the case may be, is of the opinion that the amount of contribution, cess, interest and damages due to the Board has become irrecoverable, the West Bengal Building and Other Construction Workers Welfare Board or West Bengal Unorganized Workers Social Security Board as the case may be, or any other officer authorised by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely:-

- (a) establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
- (b) decree obtained by the Board could not be executed successfully for want of sufficient assets of the defaulting employer; or
- (c) claim for contribution is not fully met by-
 - (i) the Official Liquidator in the event of factories/establishments having gone into liquidation; or
 - (ii) the Competent Authority for payments in being Nationalized or taken over by the Government.

CHAPTER IX

AUTHORITIES AND COMPLAINEE

80. Appointment of Inspector-cum- Facilitators.—(1) The State Government may, by notification, in the Official Gazette, appoint such number of its officers as it thinks fit to be Inspector-cum-Facilitators for the purpose of this Code and rules made thereunder, in relation to the provisions for which the appropriate Government is the State Government and may assign to them such local limits as it may think fit.

(2) Every Inspector-cum-Facilitator shall be deemed to be public servants within the meaning of sub-section (28) of section 2 of the Bharatiya Nyay Sanhita, 2023 (Act No 45 of 2023).

81. Form and manner for maintenance of records and registers and other particulars and details under.—(1) In addition to the forms attached to these rules, the employer of every establishment employing employees shall prepare and maintain the records and registers required to be maintained under sub-section (a) of Section 123 of the Code, in clause (a) of section 123 accordance with the Code on Wages, 2019 and the rules made thereunder, and shall preserve them for a period of five years from the date of the last entry made therein.

(2) Every employer shall issue wage slips electronically or in physical form to employees in Form-IX as specified in the West Bengal Code on Wages Rules, 2026.

(2) The employer of every establishment in which women employees are employed, shall prepare and maintain register of women employees in Form-XXXVI electronically or otherwise and shall enter in there particulars of all women workers in the establishment and the same shall always be available for inspection under notified inspection scheme by the Inspector-cum-Facilitator.

(3) The employer of every building and other construction work and for whom the appropriate Government is State Government, to which the Chapter VIII of the Code applies, shall maintain a record of cess paid in respect of building and other construction work he has undertaken in Form-XXXVII.

82. Manner and form for display of notices at the work places of the employees under clause (b) of section 123.— The employer of every establishment in which employees are employed, shall display all notices and information, as are required under the various provisions of the Code and these rules, in such form, as they are appended to these rules, at a conspicuous place and at the notice board of the establishment where employees may easily get an access to these notices and information.

- 83. Manner and period of filing returns to the officers or authority under clause (d) of section 123.**—(1) The employer to which the provisions of Chapter V and Chapter VI of the Code applies, on or before 28th or 29th of February, as the case may be, in each year, upload verified annual return in Form-XXXVIII online on the designated portal giving information as to the particulars specified, in respect of the preceding year:

Provided that during inspection, the Inspector-cum-Facilitator may require the production of accounts, books, registers 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 (Act No. 21 of 2000).

(2) If the employer to which the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the designated portal a further unified return in Form-XXXVIII referred to in clause (1) in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

(3) Every employer shall file such returns electronically on the portal of Labour Commissioner, West Bengal or otherwise to Competent Authority, appointed under the various provisions of the Code and rules made thereunder.

CHAPTER X

OFFENCES AND PENALTIES

Application for composition of offences under section 138 and manner thereof

- 84. Compounding of offences.**—(1) The officer authorised by the State Government, (hereinafter in this rule referred to as the Compounding Officer) by notification, for the purposes of compounding of offences under sub-section (1) of section 138 shall issue electronically a compounding notice in Form-XXXIX for the offences which are compoundable under section 138.
- (2) The person so noticed under sub-rule (1) may apply in Part-III of the Form-XXXIX to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.
- (3) The Compounding Officer shall issue a composition certificate in Part-IV of the Form-XL within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- (4) If a person so noticed fails to deposit the composition amount within the time specified by the Compounding Officer, the prosecution shall be instituted before the Competent Court against such person for the offences in respect of which the compounding notice was issued.
- (5) For the compounding of an offence after the institution of prosecution in a Competent Court in respect thereof, the provisions of sub-section (6) of section 138 shall apply.

CHAPTER XI

EMPLOYMENT INFORMATION AND SHARING

- 85. Manner of establishment and maintenance of Career Centre and the career services under clause (9) of section 2.**—(1) The State Government may establish, run and maintain Career Centre or modify and declare its already established office or employment exchange or both or a portal or authorize any other such centre as Career Centre by notification. Until such notification, existing local Employment Exchanges would function as Career Centre (Regional).
- (2) The State Government may also enter into an agreement with any institution, local authority, local body or private body for running a Career Centre.

(3) The Career Centre established under sub-rules (1) and (2) above shall inter-alia perform the following functions namely:-

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

86. 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 Centres:-

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

Explanation: -

1. Establishment in "public sector" means an establishment owned, controlled or managed by-
 - (a) the Government or a Department of the Government;
 - (b) a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (Act No. 18 of 2013);
 - (c) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned, controlled or managed by the Government; and
 - (d) a local authority.
2. "Establishment in private sector" means an establishment which is not an establishment in public sector and with ordinarily 50 or more employees or such number of employees as may be notified by the Central Government.

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

- (a) The following vacancies, namely :-
 - (i) all vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the Central Government, occurring in establishments in respect of which the Central Government is the appropriate Government under the Code; and
 - (ii) vacancies which an employer may desire to be circulated to the Career Centre outside the State shall be reported to such Career Centre (Regional) as may be specified by the State Government by notification.
- (b) vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on state or inter-state or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Central Government by notification.

(3) Form and manner of reporting of vacancies, -

- (a) the vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the State Government.
- (b) the vacancies shall be reported in the format given at Form-XLI, 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 (i) shall be reported in writing or through official e-mail or digitally as the case may be, to the specified Career Centre.

(4) Time limit in the reporting of vacancies: Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least forty days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.**(5) Maintenance of records-**

- (a) after commencement of this Code in the State or area thereof, the employers in every establishment in the public sector in that State or area shall maintain records manually or electronically or digitally about-
 - (i) total number of employees (regular, contractual or fixed term employment) on 31st March of every year
 - (ii) persons recruited during the year ending on 31st March;
 - (iii) occupational details of its employees on 31 st March of every year;
 - (iv) vacancies for which suitable candidates were not available during the year ending on 31 st 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 fixed term employment) on 31st March of every year;
 - (ii) persons recruited during the year ending on 31st March;
 - (iii) occupational details of its employees on 31st March of every year;

- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - (v) approximate number of vacancies likely to occur during the next financial year.
- (6) **Submission of returns** - An employer shall furnish to the concerned Career Centre (Regional) yearly returns in Form EIR (Employment Information Return) as given at Form-XLII Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the State Government by way of a notification, within thirty days of the due date namely 31st March of the year.
- (7) **Declaration of Executive Officer** - The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centre (Regional) of the State Government, shall declare in writing an officer looking after the work of Career Centre (Regional) of the respective State shall be the Competent Authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

CHAPTER XIII

MISCELLANEOUS

87. **Time within which the State Board, shall forward its view to the appropriate Government under sub-section (1) section 143.**—The State Board shall as the case may be, forward its advice on the application seeking exemption under section 143 of the Code to the appropriate government within six months of receipt of proposal for exemption. If State Board or the Corporation, as the case may be, is unable to provide its advice within the said period, the appropriate government may extend the time limit or take action on the application of, exemption, as it may deem fit.
88. **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 Corporation or organisation as may be specified in the regulations; and
 - (b) in case of change of legal status of an establishment which has been granted exemption under section 143 of the Code, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc. the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption, to the appropriate Government;
- (2) For the purposes of Chapter III, the establishment and/or employer, after the grant of exemption, shall comply with all such terms and conditions as may be specified in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be, framed under section 15 of the Code.
89. **Manner of determining the misuse of any benefit by an establishment or by any other person under section 148.**—On the recommendation of the Employees State Insurance Corporation, if the State Government is satisfied that any establishment or any person has misused any benefit provided to him or her under the Code or these rules, then the State Government may by notification, deprive such establishments or other person, as the case may be, from such benefit for such time as may be specified in the notification: Provided that no such order shall be passed unless an opportunity of being heard is given to such establishment or other person, as the case may be.
90. **Submission of copy of the form to the office of the Director General, Labour Bureau under clause (zv) of sub--section (2) of section 155.**— A copy of Form-XIII (Notice for payment or rejection of claim of gratuity) shall be shared electronically or otherwise with the Competent Authority of the State Government and the Director General, Labour Bureau.

FORM-I**[See clause (c) of sub-rule (1) of rule 42]****Application for second appeal before Employee's Insurance Court**

Before the Employees' Insurance Court, at..... AB (add description and address of applicant)

.....
Against
CD (add description and address of opposite party/parties)

Other Particulars of Application as specified in rule-45

1

2

3

Date

Signature of Applicant

(Verification by the applicant)

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

Date:

Signature of applicant

FORM-II**[Seeclause(d) of sub-rule (2) of rule42]****List of documents produced before Employee's Insurance Court**

Before the Employees' Insurance Court,

at..... AB (add description and
address of applicant)

.....
Against
CD (add description and address of opposite party/parties)

List of documents produced by Applicant/Opposite party :

1. Name and other particulars of party presenting document:
2. Description:
3. Subject:

S.no.	Description of the document	The date which the document bears
1	2	3

Signature of the
party or pleader or
any
Authorized representative

FORM-III**[See sub-rule (3) of rule 42]****Register of proceedings**

Employees' Insurance Court, at.....

Register of proceedings in the year 20

Date of presentation of application	No. of proceedings	Name of the applicant	Address	Application description
1	2	3	4	5

Name of opposite party	Details of opposite party	Address	Particulars	Value of claim amount, if any	When the cause of action arise
6	7	8	9	10	11

Day for the parties to appear	Appearance applicant	Opposite party'	Date	Final order for whom	For what of amount
12	13	14	15	16	17

Appeal				Execution			Other remarks, if any
Date of description of appeal, if any	Judgement of appeal	Date of application	Against whom	For what of amount of money	Amount of cost	Date of order transferring to another Civil Court at.....	
18	19	20	21	22	23	24	25

FORM-IV
[See clause(a) of sub-rule (6) of rule 42]

Before the Employees' Insurance Court, at

Summons for disposal of proceedings

To,

(Name, description and address)

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

Take notice, that in default of your appearance on the above mentioned, the case will be heard and decided in your absence.

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

COURT

Notice:

1. If you apprehend that you or your witness will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness to produce, on applying to the Court and on depositing the necessary expenses.
2. If you admit the claim you should pay the money into Court together with the cost of the proceedings to avoid execution of the decree which may be passed against you in person or property or both.

FORM-V
[See sub-rule(6) of rule42]

Before the Employees' Insurance Court, at.....

Summons for Settlement of issues

To,

.....
(Name, description and address)

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

Take notice, that in default of your appearance on the above mentioned, the case will be heard and decided in your absence.

Given under my hand and the seal of the Court, on thisday of20....

COURT

Notice:

1. If you are apprehend that you will witness will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness to produce, on applying to the Court and on depositing the necessary expenses.
2. If you admit the claim you should pay the money into Court together with the cost of the proceedings to avoid execution of the decree which may be passed against you in person or property or both.

FORM-VI

[See clause (e) of sub-rule (14) of rule 42]

Application for setting aside the *ex-parte* order

Before the Employees' Insurance Court, at.....

The

Subject: Application for setting aside the *ex-parte* order dated.

Sir,

With due respect, undersigned humbly states as follows:-

(ground of application and prayer from Court should be stated below)

1.....

2.....

3.....

Date:

Signature of the applicant

(Verification by the applicant)

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

Date:

.....
Signature of applicant

FORM-VII

[See clause (e) of sub-rule (14) of rule 42]

Notice for disposal of application regarding setting aside the *ex-parte* order

The Employees Insurance Court, at.....

AB (add description and address of applicant)

.....

Against

CD (add description and address of opposite party/parties)

.....

Case number of 20.....

To,

.....

**Subject: Notice for disposal of application of..... (name of party) for
setting aside the *ex-Parte* order dated**Whereas, the above named..... has made application to this Court, you are
hereby warnedTo appear in the Court, in person or by a pleader duly instructed, at..... o'clock in the..... noon on
the..... day of..... 20..... to show cause against the application, filling where in the said application' will
be heard and determined *ex-parte*.

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

COURT

FORM-VIII

[See clause (b) of sub-rule (15) of rule 42]

Summons to witness

The Employees' Insurance Court, at

AB (add description and address of applicant)

Against

CD (add description and address of opposite party/parties)

Case number of 20.....

To,

.....

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

A sum of Rupeesas your travelling and other expenses and subsistence allowance forOne day, is deposited with this Court and will be tendered to you, on the day you appear before the Court. If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non- attendance laid down in the rule 12 of Order XVI of the Code of Civil Procedure, 1908 (Act no. 5 of 1908).

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

COURT

Notice:

1. If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons, if you cause such document to be produced in the Court on the day and hour aforesaid.
2. If you were detained beyond the day aforesaid, sum of Rupeeswill be tendered toYou for each day's attendance beyond the day specified.

FORM-IX

[See clause (a) of sub-rule (2) of rule 43]

Decree in case

The Employees' Insurance Court, at.....

AB (add description and address of applicant)

Against

CD (add description and address of opposite party/parties)

Case number of 20..... Claim for

This case coming on this day of final disposal before in the presence of
 for the applicant and of for the opposite part, it is ordered and decreed the
 and the sum of Rupees be paid by the to
 the on account of the cost of
 his suit, with interest thereon, at the rate of percent per annum from this date
 to the date of realization.

Costs of Suits

Item	Cost (in Rupees)
Stamp for application	
Stamp for power	
Stamp for written statement	
Stamp for exhibits	
Pleader's fee	
Subsistence for witness	
Service of summons and notices	
Competent Authority's fees	
Any other expenses	
Total	

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

COURT

FORM-X**[See clause (a) of sub-rule (1) of rule 44]****Application for execution of Decree**

Before The Employees' Insurance Court, at

A B (add description and address of applicant)

.....

Against

C D (add description and address of opposite party/parties)

.....

Case number of 20.....

Before this Court, the Decree Holder, hereby apply for execution of the decree herein below set forth-

Number of proceedings	Name(s) of Party/ Parties	Date of Decree	Whether an appeal preferred from Decree	Payment of adjustment made, if any
1	2	3	4	5

Previous application, if any with date and result	Amount with interest due upon the Decree or other relief granted thereby together with particulars of any cross Decree	Amount of costs, if any awarded	Against whom to be executed	Mode in which the assistance of the Court is required
6	7	8	9	10

7. I pray that the total amount of Rupees(together with interest on the principal sum up to date of payment) and the cost of taking out this execution be realized by attachment and sale of the opposite party's movable property as per annexed list and paid to me.

**** (when attachment and sale of immovable property sought)** I pray that the total amount of Rupees

..... (together with interest on the principal sum up to date of payment) and the cost of taking out this execution be realized by attachment and sale of the opposite party's immovable property specified at the foot of this application and paid to me.

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

Date: The day of 20

(Signature)
Decree Holder

FORM-XI**[See sub-rule (1), (2), (3), (4) of rule 49]****Nomination/ Fresh nomination/ Modification of nomination for Gratuity****(* strike off whichever is not applicable.)**

To,

.....

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

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

or

I, Shri/Srimati/Kumari.... (fullname) whose particulars are given in the statement below, hereby give notice that the nomination filled by me on date and recorded under your reference number..... Dated..... shall stand modified in the following manner

(* strike out whichever is not applicable.)

2. 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 or sub-section (33) of section 2 of Code on Social Security, 2020.
3. I hereby declare that I have no family within the meaning of clause (h) of section 2 of the Payment of Gratuity Act, 1972 or sub-section (33) of section 2 of the Code.
4. I hereby declare that-
- My father/mother/parents is/are not dependent on me.
 - My husband's father/mother/parents is/are not dependent on my husband.
5. I have excluded my husband from my family by a notice dated to the Competent Authority in terms of clause (33) of section 2 of the said code.
7. strike off whichever is not applicable.
8. Nomination made herein invalidates my previous nomination-

NOMINEE(S)

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

Manner of acquiring a "family"

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

STATEMENT

1. Name of the Employee in full
2. Sex
3. Religion
4. Whether unmarried/married/widow/widower
5. Department/branch/section where employed
6. Post held with ticket no., or serial no,if any
7. Date of appointment
8. Permanent address
 Village Thana Sub-Division Post office
 District..... State Pin code e-mail id: Mobilenumber:.....

Place:

Signature/thumb-impression of the employee

Date:

Declaration by witness

I,.....hereby declare that the above nomination form has been signed/thumbimpressed 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 Designation

Date:

Name and the address of the establishment

or rubber stamp thereof.

Acknowledgement by the employee

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

Date:

Signatureof the employee.

FORM-XII**[See clause (a) of sub-rule (1) of rule 50]****Application of Gratuity By An Employee/Nominee/ Legal Heir**

To,

.....

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

Sir/Madam,

..... (name of employee/ nominee/ legal heir)/nominee of
 Late.....(name of employee)/as a legal heir of..... (name of 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 my superannuation/retirement/resignation after completion of no! less than five years of continuous
- a. service/total disablement due to accident/ total disablement due to disease/ on termination of contract period under fixed term employment with effect from the.....; or
 - b. death of the aforesaid employee while in service/ superannuation..... after completion ofyears of service/ total disablement of the aforesaid employee due to accident or disease while in service with effect from the.....; or
 - c. death of aforesaid employee of your establishment while in service/ superannuation..... (date) without making any nomination after completion ofyears of service/ total disablement of the aforesaid employee due to accident or disease while in service with effect from.....

Necessary particulars relating to my appointment in the establishment/details of applicant (nominee/ legal heir) are given in the statement below:

STATEMENT

1. Name of employee, in full (if the gratuity is claimed by employee):
 - a. Marital status of employee (unmarried/ married/ widow/widower):
 - b. Full address of employee;
 - c. I was rendered totally disabled as a result of accident/ disease from: (give the details of the nature of disease or accident with evidence);
- 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. Full address of nominee/ legal heir:
 - e. Date of death and proof of death of the employee:
 - f. Reference number of recorded nomination, if available:
 3. Department /Branch/Section where last employed:
 4. Post held with Ticket No. or Serial No. if any:
 5. Date of appointment:
 6. Date and cause of termination of service:
 7. Total period of service of the employee:
 8. Amount of wages last drawn by the employee:.
 9. Total gratuity payable to the employee/ share of gratuity claimed by a nominee/ legal heir:
 10. Payment may please be made by crossed bank cheque/ credit in my bank account number code.....
 Name of the Bankbranch

Place:

Yours faithfully,

Date:

Signature/ Thumb impression of the
 applicant/employee.

FORM-XIII**[See clause (a), (b), (d), (e) of sub-rule (2) of rule 50]****Notice for payment/rejecting claim of Gratuity****(strike out the words not applicable)**

To

.....

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

1. You are hereby informed that,-

a. 'as required under sub-clause (i) of clause (a) of sub-rule (2) of rule 50, a sum of Rs.....
(Rupees only) is payable to you as gratuity/ as your share of gratuity in terms of nomination made
by on and
recorded in this
.....as a legal heir ofan employee of this establishment; or

b. *as required under sub-clause (ii) of clause (a) of sub-rule (2) of rule 50, that your claim for
payment of gratuity, as indicated on your application in Form-XII under the said rules, is not
admissible for the reasons stated below:(here specify the reason).

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

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

4. Brief statement of calculation:

- a. Date of appointment:
- b. Date of termination/ superannuation/ resignation/disablement/death:
- c. Total period of service of the employee concerned years months
- d. Wages last drawn:
- e. Proportion of the admissible gratuity payable in terms of nomination/ as a legal heir:
- f. Amount payable;

* strike out para,if not applicable

Place:

Signature of the employer/

Date:

authorized officer

Name or description of the
establishment or rubber stamp their]
of

Copy to:

1. The Competent Authority..... (in case of denial of gratuity)

FORM-XIV**[See clause (a) of sub-rule (1) of rule 52]****Application for Direction for payment of gratuity**

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

Application No:Date:

BETWEEN

(Name in full of the applicant with full address)

AND

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

1. The applicant is an employee of the above-mentioned employer/a nominee of latean employee of the above-mentioned employer/a legal heir of late.....and employee of the above- mentioned employer, and is entitled to payment of gratuity under section 53 of the Code on Social Security, 2020 on account of his own/aforesaid employee's superannuation on..... (date)/his own retirement/ aforesaid employees resignation on (date) completion of.....years of continuous service/his own/aforesaid employees' total disablement with effect from (date) due to accident/disease/ death of aforesaid employee on
2. The applicant submitted an application under rule 52 of the West Bengal Code on Social Security Rules, 2026 on the but the above-mentioned employer refused to entertain it/issued a notice dated the.....under clause (b) and (e) of sub-rule (2) of rule 52, offering an amount of gratuity which is less than my due/issued a the under sub-clause (ii) of clause (a) of sub-rule (2) of rule 52. rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.
3. The applicant submits that there is a dispute on the matter (specify the dispute).
4. The applicant furnishes the necessary particulars in the annexure hereto and prays that (the Competent Authority may be pleased to determine the amount of gratuity payable to the petit oner and direct the above-mentioned employer to pay the same to the petitioner.

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

Date:

Signature/ Thumb impression of the applicant

ANNEXURE

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

Date:

Signature/ Thumb impression of the applicant

Place:

FORM-XV**[See clause (a) of sub-rule (2), sub-rule (3) of rule-52]**

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

To,

Whereas Shri..... an employee under you/a nominee(s)/legal heirs)
 Of

Shri an employee under the above-mentioned employer, has/have
 filed an application under sub-rule (1) of rule 52 of the West Bengal on Social Security Rules, 2026 alleging
 that-

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

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at
 (place) either personally or through a person duly
 authorized in this behalf for the purpose of answering all material questions relating to the application on the
 day of
 20 at

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

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

Whereas your attendance is required to give evidence/you are required to produce the documents
 mentioned in this list below, on behalf of..... in the case arising out of the claim
 for gratuity by form and referred to this Authority by an application under section 56 of
 the Code on

Social Security, 2020, you are hereby summoned to appear personally before this
 Authority on the..... day of20
 at 'O'clock in the forenoon/afternoon and to
 bring with you for to send to this Authority, the said documents. List of documents- 1. 2. 3.

Given under my hand and seal, thisday of 20.

Note:

1. Strike out the words and paragraphs not applicable.
2. The portion not applicable to be deleted.
Competent Authority under the Code on Social Security Code, 2020
3. The summons shall be issued in duplicate. The duplicate is to be signed and returned by the persons served before the date fixed.
4. In case the summons is issued only for producing a document and not to give evidence it will be sufficient compliance to the summons if the documents are caused to be produced before the Competent authority on the day and hour fixed for the purpose.

FORM-XVI**[See sub-rule (4), (7) of Rule 52]****Notice For Payment of Gratuity as determined by Competent/Appellate Authority**

To, (Strike cut the words not applicable)

.....

(Name and address of employer)

1. Whereas of an employee
 (address) under you/a nominee(s)/legal heirs) of
 latean
 employee under you, filed an application under section 56 of the Code on Social
 Security, 2020, before me; or whereas a notice was given to you onrequiring you to make
 payment of Rs toas gratuity
 under the Code on Social Security, 2020;

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

whereas you/the applicant went in appeal before the appellate authority, who has decided that an
 amount of Rsis due to be paid to Shri/Smt./Kumari as
 gratuity due under the Code on Social Security, 2020.

Now, therefore, I hereby direct you to pay the said sum of Rs to Shri/Smt./Kumari

.....within thirty days of the receipt of
 this notice withan intimation thereof to me.

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

Copy to:

Competent Authority under the Code on Social
Security Code, 2020

1. The Applicant withan advice to contact the employer for collectingpayment.
2. The Appellate Authority, (if applicable).

Note: Strike out paragraphs if not applicable.

FORM-XVII**[See Rule 54]****Application for Recovery of Gratuity**

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

Application No:

BETWEEN

Date:

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

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

1. The applicant is an employee of the above-mentioned employer/a nominee of late..... an employee of the above-mentioned employer/a legal heir of late..... an employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated the under sub-rule (7) of rule 52 or sub-rule (8) of rule 54 of West Bengal Code on Social Security Rules, 2026 for payment of a sum of Rs..... as gratuity payable under the Code on Social Security, 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs due..... to me as gratuity in terms of your direction.

Signature/Thumb impression of applicant.

Date:

Place:

Note: Strike out the words not applicable.

FORM-XVIII**[See sub-rule(1) of rule 55]****Complaint to the Inspector-cum-Facilitator**

The Inspector-cum-Facilitator,

.....

(Under The Code on Social Security, 2020)

Sir,

I,..... (name of woman) employed in.....
.....(name and full
address of the establishment) or I (name), a person nominated under section 62
by or a legal representative of (name of woman) employed
in (name and full address of the establishment) having fulfilled the conditions
laid down in the Code on Social Security , 2020 and the Rules there under, am entitled to Rs
..... being maternity benefit and,/ or Rsbeing 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.

Date:

Place:

>

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

Full address of the women/ nominee/legal representative:

Signature of an Attester

(in case the woman/ nominee/ legal representative is unable to sign and affixes thumb impression)

FORM-XIX**[See sub-rule (2) of rule 55]****Appeal before Appellate Authority under Chapter VI of the Code**

To,

The Appellate Authority,
 (Appointed under Chapter VI of the Code on Social Security, 2020)

.....(Address)

Sir,

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

1. '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 63 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
2. 'Shri..... Inspector-cum-Facilitator, having directed under sub-section (2) of section 72 to pay the maternity benefit or other amount being
 (Nature of amount) to which (Name of woman) is said to be entitled/to set aside my discharge or dismissal during or on account of absence from work in accordance with the provisions of this Chapter V of the Code on Social Security, 2020.

I prefer this appeal under sub-section (3) of section 72. In view of the facts mentioned in the memorandum attached hereto and other documents filed herewith it is submitted that the woman is entitled to the maternity benefit or the said amount and hence the order of the Inspector-cum-Facilitator in the copy of which is enclosed, may be set aside.

*Strike out unnecessary portion.

Date:

Place:

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

Full address of the woman/nominee/ legal representative:

Signature of an Attester

(in case the woman/ nominee/ legal representative is unable to sign and affixes thumb impression)

[See rule 58]

[illegible]

FORM-XXI**[See sub-rule (1) of rule 60]****Notice to be sent by the competent authority in fatal accidents**

Whereas I have received information thatan, employee employed by you inhas died, as a result of an accident arising out of and in the course of employment, I hereby require you in accordance with sub - section (1) of section 88 of the Code to submit to me within thirty days of the receipt of this notice, the enclosed Form with the particulars, required in paragraph 1 and 2 and the particulars required in either paragraph 3 of paragraph 4, duly filled.

In the event of your admitting liability to pay compensation, the necessary deposit must under sub-section (1) of Section 88 of the Code be made within thirty days of the receipt of this notice.

Date :

Competent Authority
Seal

FORM-XXII**[See sub-rule (1), (2) of rule 60]****Statement to be submitted by the employer to Competent Authority in Fatalaccidents**

To,
The Competent Authority for Employee's Compensation,

Sir/Madam,

1. In reply of your notice dated of 20 which was received by me on 20 it is submitted that residing at employee over/ under 15 years of age and employed in met with an accident on the day of 20 as a result of which he died on the day of 20 ... The monthly wages of the deceased amounted to rupees
2. The circumstances in which the deceased met his death were as follows-
.....
.....
3. I admit liability to pay as compensation on account of the deceased's death with the amount of rupees .. which was/ will be deposited with you on or before the day of 20
4. I disclaim liability to pay compensation on account of the deceased's death on the following grounds-

Name of deceased employee:

Name of establishment:

Date:

Place:

Signature of employer

Seal

FORM-XXIII**[See rule 61]****Memorandum of agreement in case of temporary disablement**

To,
The Competent Authority for Employee's Compensation,

Sir/Madam,

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

The sudden injury has resulted in temporary disablement to the employee whereby it is submitted that he will be prevented for earning more than of his previous wages for a period of..... month. The said employee has been in receipt of half monthly payment which have continued from the day of 20..... until day of 20..... amounting to rupees..... in all. The said employee's monthly wages are estimated rupees..... The employee is over the age of 15 years/ will reach the age of 15 years on.....

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

Date:

Signature of employer

Witness of
employer:

1.

2.

Signature of workmen

Witness of
employee:

1.

2.

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

Receipt

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

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

Date:

Signature of employee

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

Signature of witness

FORM-XXIV**[See Rule 61]****Memorandum of agreement in case of permanent disablement**

To,
The Competent Authority for Employee's Compensation,

.....
Sir/Madam,

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

.....
The said employee's monthly wages are estimated rupees.....The employee is over the age of 15 years/ will reach the age of 15 years on.....It is further submitted that..... the employer of the said employee has agreed to pay and the said employee has agreed to accept the sum of rupees..... in full settlement of all and every claim under the Code on Social Security, 2020 in respect of disablement stated above and all disablement now manifest.

It is, therefore requested that this memorandum duly be recorded.

Date:

Signature of employer

Witness of employer:

1.

2.

Signature of workmen

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).

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 Centre for getting suitable candidates as per their requirements.

Witness of employee:

1.

2.

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

Receipt

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

In accordance with the above stated agreement, I have this day received the sum of rupees

Date: Signature of employee,

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

Signature of witness

FORM-XXV**[See rule 61]****Memorandum of agreement**

To,
The Competent Authority for Employee's Compensation,
.....

Sir/Madam,

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

The said injury has resulted in temporary disablement to the said employee, who is at present in the receipt of wages amounting to rupeesper month. The said employee monthly wages prior to the accident are estimated at rupees

The workmen is subject to a legal disability by reason of It is further submitted that the employer of the said employee has agreed to pay and on behalf of the said employee has agreed to accept half-monthly payments at the rate of the period of the said temporary disablement. This agreement is subject to the condition that the amount of half-monthly payments may be varied in accordance with the provisions of the Code on account of ar. alteration in the earnings of the said employee during disablement. It is further stipulated, that all rights of commutation under sub-section (3) of section 93 of the Code are unaffected by this agreement.

It is, therefore requested that this memorandum duly be recorded.

Date:

Signature of employer

Witness of
employer:

- 1.
- 2.

Signature of workmen

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).

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 Centre for getting suitable candidates as per their requirements.

Witness of employee:

- 1.
- 2.

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

Receipt

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

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

Date:

Signature of employee

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

Signature of witness

FORM XXVI**[See sub-rule (1) of rule 62]****Notice to parties to record memorandum of settlement**

Whereas in agreement to pay compensation is said to have been reached between

‘..... and whereas has/

have applied for registration of the agreement under sub-section (1) of section 89 of the Code, notice is hereby given that the said agreement will be taken into consideration on day of
..... 20..... and that any objection to the registration of the said agreement should be made on that date.

In the absence of valid objections, it is my intention to proceed to the registration of the agreement.

Enclosed: Copy of memorandum of settlement

Date:

Competent Authority.
Seal

FORM-XXVII**[See sub-rule (3) of Rule 62 and sub-rule (4) of Rule 63]****Notice to parties for refusal to record memorandum of settlement**

To,

1 (Name and address of the employer)

2 (Name and address of the employee)

Take notice that registration of the agreement to pay compensation said to have been reached between youand.....on theday of.....20has been refused for the following reasons:

1

2

3

Date:

Competent Authority.

Seal

FORM-XXVIII
[See sub-rule (2) of Rule 63]

Show-cause Notice to parties for refusal to record memorandum of settlement

To,

- 1 (Name and address of the employer)
- 2 (Name and address of the employee)

Whereas, an agreement to pay compensation is said to have been reached between

..... and.....andwhereashas/ have applied

for registration of the said agreement under sub-section (1) of section 89 of the Code and whereas it appears to me, that the said agreement ought not to be registered for the following reasons, namely-

- 1
- 2
- 3

an opportunity will be afforded to you of showing cause on why the said agreement should be registered on day of 20..... If no adequate cause is shown on this day, the registration of the agreement will be refused.

Date:

Competent Authority.

Seal

FORM-XXIX

[See sub-rule (2) of rule 63]

Show-cause Notice to parties for refusal to record memorandum of settlement

To,

- 1 (Name and address of the employer)
- 2 (Name and address of the employees)

Whereas, an agreement to pay compensation is said to have been reached between

..... and.....andwhereashas/have appliedfor registration of the said agreement under sub-section (1) of section 89 of the Code and whereas it appears to me, that the said agreement ought not to be registered for the following reasons, namely-

- 1
- 2
- 3

an opportunity will be afforded to the said for showing cause on.....dayof

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

Date:

Competent Authority.

Seal

FORM-XXX**[See Rule 65]****Register of agreement for the year 20.....**

S.No	Date of agreement	date of registration	Employer	Employee	Initial of Competent Authority	Reference to orders rectifying the register
1	2	3	4	5	6	7

FORM XXXI
[See sub-rule (2) of rule 67]
Application for Compensation by employee

To,
 The Competent Authority for Employee's Compensation

..... (Applicant residing at)

Versus

..... (Opposite Party residing at)

Sir/Madam,

It is hereby submitted that: -

1. The applicant, an employee, employed by (contractor with) the opposite party on the day of 20 received personal injury by accident arising out of and in the course of his employment. The cause of the injury was (here insert briefly in ordinary language the cause of the injury)-
2. The applicant sustained the following injuries namely: -
3. The monthly wages of the applicant amount of Rs, The applicant is over/under the age of 15 years.
4. It is submitted that-
 - a. Notice of the accident was served on the day of
 - b. Notice was served as soon as practicable on the day of
 - c. Notice of the accident was not served (in due time) by reason of-
5. The applicant is accordingly entitled to receive: -
 - a. half monthly payment of Rs. From the day of 20 _____ to day of 20 _____
 - b. a lump sum payment of Rs.
3. The applicant has taken the following steps to secure a settlement by agreement, namely, but it has proved impossible to settle the question in dispute because _____ .
 You are therefore requested to determine the following questions in dispute, namely: --
 - a. Whether the applicant is a workman within the meaning of the Code;
 - b. Whether the accident arose out of or in the course of the applicant's employment;
 - c. Whether the amount of compensation claimed is due, or any part of that amount;
 - d. Whether the opposite party is liable to pay such compensation as is due;
 - e. any other issues (as required)

Date:20.....

Signature/ Thumb impression of the applicant

Place:

* strike out of the clauses which are not applicable.

FORM-XXXII**[See sub-rule (2) of rule 67]****Application for order to Deposit Compensation**

To,

The Competent Authority for Employee's Compensation

.....

.....{Applicant residing at)

Versus

..... (Opposite Party residing at)

Sir/Madam,

It is hereby submitted that: --

1. A workman employed by (a contractor with) the opposite party on the -----day of _____ 20_____ received personal injury by accident arising out of an in the course of employment resulting in his death on the day of _____ 20_____. The cause of injury was (here insert briefly in ordinary language the cause of the injury) _____.
2. The applicants) is/are dependent(s) of the deceased workman being his _____
3. The monthly wages of the deceased amount Rs. ----- -- ----- The deceased was over/underthe age of 15 years at the time of his death.
4. It is submitted that-
 - a. Notice of the accident was served on the dayof. _____
 - b. Notice was served as soon as practicable on. _____
 - c. Notice of the accident was not served (in due time by reasonof)
5. The deceased before his death received as compensation the total sum of Rs. _____
6. The applicant(s) is/are accordingly entitled to receive a lump sum payment of Rs.. _____

You are, therefore, requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

Date: _____ 20_ _____

Place: _____

Signature/ Thumb impression of the applicant

strikeout of the clauses which are not applicable.

FORM-XXXIII**[See sub-rule (2) of Rule 67]****Application for Commutation**

The Competent Authority for Employee's Compensation

.....

..... Applicant residing at)

Versus

..... (Opposite Party residing at)

Sir/Madam,

It is hereby submitted that -

1. The applicant/opposite party has been in receipt of half monthly payment from _____ to _____ in respect of temporary disablement by accident arising out of and in the course of his employment.
2. The application is desirous that the right to receive half-monthly payments should be redeemed.
3. It is submitted that-
 - a. The opposite party is unwilling to agree to the redemption of the right to receive half-monthly payments.
 - b. The parties have been unable to agree regarding the sum for which the right to receive half-monthly payment should be redeemed.

You are therefore requested to pass order—

- a. directing that the right to receive half-monthly payments should be redeemed.
- b. Fixing a sum for the redemption of the right to receive half-monthly payments.

Date: _____ 20 _____

Place:

Signature/ Thumb impression of the applicant

* strikeout of the clauses which are not applicable.

FORM-XXXIV**[See sub-rule (1) of Rule 68]****Notice**

Whereas a claim for compensation has been made by applicant, against _____ and the said has claimed that you are liable under sub-section (3), (4) of Section 93 of the Code on Social Security, 2020 to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim;

you are hereby informed that you may appear before me on _____ day of _____ 20____ at _____ O'clock and contest the claim for compensation made by the said applicant or the claims Tor indemnity made by the opposite party.

In default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for the compensation recovered from him.

Date:
Competent Authority

Seal

FORM-XXXV**[See sub-rule (3) and sub-rule (4) of Rule 68]****Notice**

Whereas a claim for compensation has been made by _____ applicant against _____ and the said has claimed that _____ is liable under sub-section (3), (4) of Section 93 of the Code on Social Security, 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim:

and whereas the said _____ on notice served has claimed that you _____ stand to him in the relation of a contractor from whom the applicant could have recovered compensation;

you are hereby informed that you may appear before me on _____ day of _____ 20____ at _____ O'clock and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party _____.

In default of your appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Date;

Competent Authority
Seal

FORM-XXXVI

[See sub-rule (3) of Rule 81]

REGISTER OF WOMEN EMPLOYEES

Name of establishment:

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

Month	No. of days employed	No. of days laid off	No. of days not employed	Remarks
1	2	3	4	5

6. Date on which the woman gives notice under section 62;
7. Date of discharge/dismissal, if any;
8. Date of production of proof of pregnancy under section 62;
9. Date of birth of child;
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/ tubectomy operation/death / adoption of child;
11. Date of production of proof of illness referred to in section 65;
12. Date with the amount of maternity benefit paid in advance of expected delivery;
13. Date with the amount of subsequent payment of maternity benefit;
14. Date with the amount of bonus, if paid, under section 64;
15. Date with the amount of wages paid on account of leave under section 65(1) 865(3);
16. Date with the amount of wages paid on account of leave under section 65(2) and period of leave granted;
17. Name of the person nominated by the woman under section 62;
18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment;
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid;

For the use of the Inspector-cum-Facilitator.

Signature of the employer of the establishment authenticating the entries in the register of women employees.

FORM-XXXVII**[See sub-rule (4) of Rule 81]****Record of Cess paid by the employer of building and other construction work**

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 (UP-PWD or CPWD or RERA or some other rates as the case may be) along with documents (original)	
12	Total incurred cost of the construction work	
13	Total amount of cess payable	
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) Year 1. 1st year 2. 2nd year 3. 3rd year	Amount (in rupees)
16	Total of the cess paid (Sl.No. 14 + 15)	
17	Amount of outstanding cess (Sl. No. 13 - Sl. No. 15)	
18	Proof of payment of outstanding Cess, if any	
19	Amount of overpaid cess, if applicable	
20	Amount of cess assessed by the Assessing Officer	
21	Amount of outstanding cess to be paid by the employer	
22	Amount of penalty for non-payment of cess imposed / outstanding cess claimed by the Assessing Officer.	

FORM-XXXVIII

(See sub-rule (1) and sub-rule (2) of rule 83]

A. General Part:**Unified Annual Return**

- 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 die employer. Address of
 the employer: House No./Flat No Street No./Plot No.....
 Town District State.....pin code.....
 e-mail ID..... Telephone Number..... Mobile number.....
- c. Name of die manager or person responsible for supervision and control of establishment
 Address: House No./Flat No.....Street No./Plot No.....
 Town District State..... pin.....
 code e-mail ID Telephone Number Mobile number

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

S.No.	Name of the Code	Details of registration (if any)	
		registration no.	year
1	2	3	4
1	The Code on Occupational Safety Health and working condition code 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:

1	Name of the employer in the case of a contractor's establishment
2	Date of commencement of the establishment.
3	Number of Contractors engaged in the establishment during the year.
4	Total Number of days during the year on which Contract Labour was employed.
5	Total number of man-days worked by Contract Labour during the year.

D. Working hours and weekly days rest-

1	Number of days worked during the year.
2	Number of man-days worked during the year.
3	Daily hours of work.
4	Weekly day of rest.

E. Maximum number of persons employed in any day during theyear-

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

F. Wage rate (category wise)

Category	Rates of wages	No. of workers							
		Regular				Contract			
		Male	Female	Adolescent	Children	Male	Female	Adolescent	Children
Highly skilled									
Skilled									
semiskilled									
un-skilled									

G. Details of payments:

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

H. Number of workers who were granted leave with wages during theyear:

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

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

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

J. Leave granted as Maternity benefits under the Code on Social Security, 2020:

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

Declaration

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

Date:

Place:

Signature of employee/Authorized signatory
Seal (if any)

FORM-XXXIX

[See sub-rule (1) of Rule 84]

Notice to the employer for an offence committed under the provisions of the Code for the first time for compounding of offences under sub-section (1) of section 138

Notice No.....

Date:.....

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

PART-I

1.	Name of the person:
2.	Name and Address of the establishment:
3.	Registration No. of the establishment:
4.	Particulars of the offence:
5.	Provisions of the Code/Scheme/ Rules/Regulations under which the offence is committed:
6.	Compounding amount required to be paid towards composition of the offence:
7.	Name and details of account for depositing the amount specified in serial no. 6:

PART-II

In view of the above, you have an option to pay the entire amount mentioned in serial no. 6 in Part-I within fifteen days from the date of issue of this notice and return the application duly filled in Part - III of this notice.

In case the said amount is not paid within the specified time, necessary action for filing of prosecution shall be initiated without giving any further opportunity in this regard.

Date:

Place:(Signature)

(Name and Designation of
Compounding Officer)

To:

..... (Employer/Establishment)

.....(Name and registration number)

.....(Address)

PART-III

[See sub rule (2) of rule 84]

Application under sub-section (4) of section 138 for compounding of offence

Ref: Notice NoDate:.....

The undersigned has deposited the entire amount as specified in serial 6 of Part-I and the details of payment are given below with a request to compound the offences mentioned In Part-I.

8. . Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):

9. Details of the prosecution, if filed for the violation of above-mentioned offences may be given:

10. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence:

11. Any other information which the applicant desires to provide:

Date:

Place:

To:

.....(Compounding Officer)

.....(Name of the Office)

Signature of the applicant
(Name and Designation)

Form- XL**PART-IV****[See sub rule (3) of rule 84]****Composition Certificate****Ref: Notice No..... Date:.....**

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

**(Signature)
Name and Designation of the
Compounding Officer**

Date:.....**Place:.....****To: (Employer/Establishment)****.....(Name and registration number)****.....(Address**

Form XLI
[See clause (b) of sub-rule (3) of rule-86]

Form for Reporting vacancies to Career Centers
(Separate forms to be used for each type of posts)

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

4.	Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Caste (SC), Scheduled Tribe (ST). Economically Weaker Sections (EWS), Other Backward Classes (OBC), Ex-serviceman and persons with disabilities (pwd), etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
5.	Category	Number of vacancies to be filled	
		Total	
	a. Scheduled Caste b. Scheduled Tribe c. OBC		*By Priority candidates (Applicable for State Government Vacancies)

	d. EWS e. Ex-Serviceman f. Persons with disabilities(pwd) g. women h. Others(specify)		
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.		
7.	Place of work (Name of the town/village and district, pin code .etc. in which it is situated)		
8.	Mode of Application (email, online, in writing, etc) and Last date for receipt of applications.		
9.	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address, telephone No., website address in case of online)		
10.	Mode of Recruitment {Through Career Centre, Placement Agency , self- management, any other mode(specify) }		
11.	Would like to prefer submission of list of eligible candidates registered with Career and Counseling 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 and Counseling Centre)

13.	Name, address, email id of the Career and Counseling Centers
14.	Date of receipt of Vacancies
15.	NIC Code of the establishment/
16.	NCO Code of Die post
17.	Unique Vacancy ID(number)

Date:

Signature

Name & Designation of
 Authorised Signatory of **Career and
 Counseling Centre**
 Seal

NOTE:

1. Career and Counseling Centers 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 and Counseling Centers, 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 and Counseling Centers.

FORM-XLII
[See sub-rule (6) of Rule 86]

Form EIR (Employment: Information Return)

Yearly Return to be submitted to the **Career and Counseling Centers** (Regional) for the Year ended.....

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

Name & Address of the Employer				
Whether - Head Office				
Branch Office Type of Establishment (Public /Private Sector)				
Nature of business/Principal activity				
Establishment Registration No. under the Code				
1. (a) EMPLOYMENT Total number of manpower of establishment including working proprietors/partners/contingent paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid).				
Category	On the last working day of the previous Year	On the last working day of the Year under report		
MEN				
WOMEN				
Other (Transgender)				
TOTAL:				
PWD (persons				
with disabilities) out of above total				
2. Number of vacancies* occurred and reported to Career and Counseling Centers during the year and the number of vacancies filled during the year.				
Occurred	Reported		Filled	Source(Career and Counseling Centers t NCS Portal/Govt. Recruiting agencies/Private Placement Organisations /others)
	Career and Counseling Centers (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 unfilled vacancies/posts		
	Skill/qualifications (educational / technical/ experience) prescribed	Essential	Desirable
1	2	3	4

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

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

Occupation	Number of employees Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/ expansion ore- organisation.				
Description	Men	Women	Others (trans-gender)	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 Operatorsoon.

By order of the Governor,

(NABAKUMAR BARMAN)

**Special Secretary to the
Government of West Bengal**