

(Authoritative English Text of this Department Notification No. LEP-A003/12/2026 dated 22nd May, 2026 as required under clause (3 of article 348 of the Constitution of India)

**Government of Himachal Pradesh
Department of Labour, Employment & Overseas Placement**

No. LEP-A003/12/2026 Dated Shimla-2 22nd May, 2026

Notification

In exercise of the powers conferred by sections 154, 156 and 158 of the Code on Social Security, 2020 (36 of 2020) read with section 23 of the Himachal Pradesh General Clauses Act, 1968 (10 of 1968), the Governor, Himachal Pradesh proposes to make the Code on Social Security (Himachal Pradesh) Rules, 2026

The same are hereby published in the Rajpatra (e-Gazette), Himachal Pradesh, for the information of the general public;

If any person(s) likely to be affected by these draft rules, have any objection(s) or suggestions with regard to these rules may send the same to the Labour Commissioner, Himachal Pradesh, (email lep-hp@nic.in) within a period of forty five days from the date of publication of the said draft rules in the Rajpatra (e-Gazette), Himachal Pradesh;

Objections and suggestions, if any, received from any person with respect to the said draft rules before expiry of the period specified above, shall be considered by the State Government.

DRAFT RULES

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called the Social Security (Himachal Pradesh) Rules, 2026.

(2) They extend to the whole of Himachal Pradesh.

(3) They shall come into force after the date of their final publication in the Rajpatra (e-Gazette), Himachal Pradesh.

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

- a) "Appellate authority" means an officer not below the rank of Deputy Labour Commissioner of State Labour Department to be specified by the State Labour Department under section 56(8).
- b) "Assessing Officer" means a state gazetted officer not below the rank of Labour Officer of State Labour Department appointed by the State Government for assessment of cess under section 103(2) of this code.
- c) "authority" means the State Government or the officer not below the rank of Deputy Labour Commissioner specified by the State Government under sub-section (3) of section 72;
- d) "career centre (Central)" means that career centre as notified by the Central Government;
- e) "career centre (Regional)", means that Career Centre as notified by the State Government ;
- f) "cess collector" means an officer not below the rank of Labour Officer of State Labour Department as appointed by the State Government for collection of cess under sub-section (2) of section 100 of the Code ;
- g) "chairperson" means the Chairperson of the Himachal Pradesh Unorganised Workers' Social Security Board or Himachal Pradesh Building and other Construction Workers Welfare Board;
- h) "Member Secretary" means an officer not below the rank of Joint Labour Commissioner or any Class-I Gazetted Officer as notified by the State Government for the purposes of Himachal Pradesh Unorganised Workers' Social Security Board.
- 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 (36 of 2020);
- k) "electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
- l) "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;
- m) "form" means a form appended to these rules;

- n) “fund” means the Social Security Fund and Building and Other Construction Workers’ Welfare Fund.;
- o) “Government Securities” means Government Securities as defined in the Government Securities Act, 2006 (38 of 2006);
- p) “immovable property” includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- q) “movable property” means property of every description except immovable property;
- r) “nodal officer” means an officer not below the rank of Joint Labour Commissioner as notified by the State Government to supervise and monitor the functions of Beneficiary Registering Officer of the BOCW Welfare Board.
- s) “nomination” means nomination made under section 55;
- t) “Registered Medical Practitioner” means a medical practitioner who possesses any recognised medical qualification as defined in clause (i) of section 2 of the Indian Medical Council Act, 1956 and who is enrolled on a Indian Medical Register as defined in clause (d) and on a State Medical Register as defined in clause (k) of the said section;
- u) “register of women employees” means a register of women employees maintained under rule 27;
- v) “schedule” means the schedule of the Code;
- w) “section” means a section of the Code;
- x) “State Government” means the Government of Himachal Pradesh; and
- y) “year” shall mean the financial year, that is to say, beginning from the first day of April and ending with the thirty-first day of March of the year following.

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

CHAPTER II

SOCIAL SECURITY ORGANISATIONS

A. HIMACHAL PRADESH UNORGANISED WORKERS’ SOCIAL SECURITY BOARD

- 3. Manner of exercising the powers and performance of the functions by the Himachal Pradesh Unorganized Workers Social Security Board under Section 6(9), the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies under sub-section (12) and time, place and rules of procedure relating to the transaction of business under sub-section (14) of section 6.- (1) Constitution of the Himachal Pradesh Unorganised Workers’ Social Security Board,-**

- (i) The Board constituted under section 6 shall be called as ‘Himachal Pradesh Unorganised Workers’ Social Security Board and the headquarters of the Board shall be either at Shimla or Dharamshala as notified by the Government. The ‘Himachal Pradesh Unorganised Workers’ Social Security Board constituted by the State Government shall consist of the following members, namely:-

- (a) Minister of Labour and Employment of the concerned State as Chairperson, ex officio;
 - (b) Principal Secretary or Secretary (Labour) as Vice-Chairperson;
 - (c) one member representing the Central Government in the Ministry of Labour and Employment;
 - (d) State Government shall seek nomination from amongst the representatives of associations of unorganized sector workers and employers' associations of unorganized sector, in the Himachal Pradesh Unorganized Workers' Social Security Board, in the category of sub-clauses (i) and (ii) of clause (d) of sub-section (10) of section 6 in such a manner, as decided by the Government.
 - (e) The State Government shall seek nomination of two Legislative Assembly Members from the Speaker of the Vidhan Sabha (House of the People) under sub-clause (iii) of clause (d) of sub-section (10) of section 6.
 - (f) The State Government shall nominate five persons under sub-clause (iv) of clause (d) of sub-section (10) of section 6 from amongst persons of eminence in the field of labour welfare, management, finance, law and administration.
 - (g) The State Government shall nominate ten members under sub-clause (v) of clause (d) of sub-section (10) of section 6 representing Departments of State Government, concerned with the matters related to the welfare of the unorganized sector workers.
 - (h) Member-Secretary as notified by the State Government.
- (ii) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination unless otherwise so decided by the State Government.
- (iii) A member shall be eligible for re-nomination:
 Provided that a member, other than an ex-officio member, shall not hold the office for more than total of two terms.
- (iii) A member nominated under sub-clauses (i), (ii) and (iii) of clause (d) of sub-section (10) of the section 6, shall cease to be a member of the Board if he ceases to represent the category of interest from which he was so nominated:
- Provided that out of seven persons nominated under sub-clause(i), one member each from the Scheduled Caste, the Scheduled Tribe, the Minorities and Women shall be represented.
- (iv) A member nominated under sub-clause (iii) of clause (d) of sub-section (10) of the section 6 shall cease to be a member of the Board if he ceases to be a member of the State Legislative Assembly to which he was so elected.
- (v) No person shall be chosen as, or continue to be, a member of the Board, if such person attracts any provision(s) of section 8.
- (vi) Member Secretary of the Himachal Pradesh Unorganised Workers' Social Security Board shall be notified by the State Government who shall be an officer not below the rank of Joint Labour Commissioner of Labour and Employment Department, Himachal Pradesh or any Class-I Gazetted Officer as notified by the State Government.

(2) Manner of exercising the powers and performance of the functions of the Himachal Pradesh Unorganised Workers' Social Security Board,-(a) Functions of the Board:- The Board shall perform the following functions, namely:-

- (i) Recommend and monitor social security schemes for unorganized workers;
- (ii) Oversee registration of unorganized workers on the common electronic portal;
- (iii) Advise the State Government on implementation of schemes under the Code.
- (iv) Ensure awareness, facilitation and outreach;
- (v) Perform such other functions as assigned by the State Government consistent with the Code.

(b) The Board, for discharging its functions as assigned to it, under sub-section (15) of section 6, may constitute a committee to deliberate and recommend on the specific issue(s) as may be assigned to such committee.

(c) Such committee(s) may co-opt members from the Board or outside as the case may be, from the field(s) of the experts, on which the committee is required to deliberate.

(3) Reconstitution of the Board,- (a) State Government shall initiate the process for reconstitution of the Himachal Pradesh Unorganised Workers' Social Security Board, prior to six months of expiry of the term of the Board.

(b) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging the functions of the Board as may be decided by the State Government for the period till the new Board is constituted, through a notification.

(c) Consequent upon institution of such arrangement, all actions taken shall have the same effect as if it has been carried out by the Board itself.

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

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

(c) The power to accept the resignation of a member shall vest with the State Government.

(5) Change of Address - If a member changes his address, he shall notify his new address to the Member-Secretary of the Board who shall thereupon enter his new address in the official records:

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

(6) Manner of filling vacancies-When a vacancy occurs or is likely to occur in the membership of the Board, Member Secretary of the Board shall submit a report to the State Government and on receipt of such report, the State Government may, by notification, nominate a person to fill the vacancy in the manner prescribed under rule 3 above and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

(7) Procedure for removal of a member from the State Social Security Board for Unorganised Workers,- (a) During the pendency of the proceeding, if any, under clauses (b) and (c) of sub-section (2) of section 8, for removal of a member of the Himachal Pradesh Unorganised Workers' Social Security Board, such member shall abstain from the meeting(s) of the Board.

(b) The decision of the State Government, on the debarment, dis-qualification and removal of any member under section 8, shall be final.

(8) Meeting.— (a) The Board shall meet at such places and at such times as may be decided by the Chairperson.

(b) The Board shall meet at least once in three months.

(c) 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.

(d) In case of any matter of urgency meeting by circulation or other mode may be held.

(e) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence the meeting of the Board shall be chaired by the Vice-Chairperson.

(9) Notice of meeting and list of business.—

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

(10) Quorum.-

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

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

(ii) The Chairperson may debar any member, other than ex-officio members, from taking part in the Meeting of the Board if :-

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

(b) In the view of the State Government, such member has ceased to represent the interest which he purports to represent on the Himachal Pradesh Unorganized Workers Social Security Board.

(11) Disposal of business.— (i) Every question considered at a meeting of the Himachal Pradesh Unorganized Workers Social Security Board shall be decided by a majority of the votes of the members of the

Board concerned present and voting. In the event of an equality of votes the Chairperson shall exercise an additional casting vote.

- (ii) The Chairperson may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to members of the Himachal Pradesh Unorganized Workers Social Security Board and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of members received within the time-limit allowed and if the opinions are equally divided, the opinion of the Chairperson shall prevail:

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

- (12) **Allowances to non-official members.**— (a) The travelling allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.
(b) The non-official members of the Board shall be paid travelling allowance for attending the meeting of the Board at such rates as are admissible to the Group 'A' Officer of the State Government and daily allowances shall be calculated at the maximum rate admissible to Group 'A' Officers of the State Government in their respective places.
- (13) **Terms and conditions of service of Officers and employees of Social Security Board under clause (1) of sub-section (2) of section 156.** (a) The Officers and employees of Social Security Board may be taken on deputation from the State Government for a maximum period of three years.
(b) In case where the Officers and employees of the Social Security Board are not drawn from amongst the services of the State Government, the Social Security Board may make appointments subject to such terms and conditions of service as it may determine, subject to the approval of State Government.
(c) The salaries and allowances payable to officers and employees of the Social Security Board shall not be higher than those admissible to the State Government employees of equivalent status.
- (14) **Powers of the State Government:-** The State Government may issue such directions to the Board as may be necessary for effective implementation of the provisions of the Code.

B. THE HIMACHAL PRADESH BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD.

- 4. **The terms and conditions of appointment and salaries and other allowances payable to the Chairperson and other members of the Board, manner of filling of casual vacancies under sub-section (4), the terms and conditions of appointment and salary and other allowances payable to the Secretary and other officers and employees of the Board under clause (c) sub-section 5 of Section 7:-(1) Constitution of the Himachal Pradesh Building and Other Construction Workers Welfare Board:-** The Himachal Pradesh Building and Other Construction Workers Welfare Board shall consist of -

- (i) a Chairperson appointed by the State Government;
- (ii) a member nominated by the Central Government;

- iii) not more than five persons representing the building and other construction works appointed by the State Government;
- (iv) not more than five persons from among the employers of construction and building workers appointed by the State Government ; and
- (v) not more than five members representing the State Government of whom one shall be the Chief Inspector of Inspection of Building and Construction of the State, one shall be a representative of Finance Department, one shall be a representative of Law Department, one shall be a representative of Labour Department not below the rank of Joint Labour Commissioner being the Nodal Officer to supervise and monitor the functions of the Beneficiary Registering Officers designated by Himachal Pradesh Government and one shall be a representative of Welfare Department:

Provided that one of the nominated members of the Himachal Pradesh Building and Other Construction Workers Welfare Board shall be a woman provided that the number of members appointed under clauses (iii), (iv) and (v) of sub- rule (i) shall be equal.

- (2) **The Term of office:-**The term of office of the Chairperson and the members of the Board other than the ex-officio members shall be three years from the date of their appointment unless otherwise so decided by the State Government. A member shall be eligible for re-nomination:

Provided that a member, other than an ex-officio member, shall not hold the office for more than total of two terms.

- (3) **Filling up of casual vacancies:** - A member nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the members in whose place he is nominated.
- (4) **Meeting of the Board:** - The Himachal Pradesh Building and Other Construction Workers Welfare Board shall ordinarily meet once in three months:

Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Himachal Pradesh Building and Other Construction Workers Welfare Board call a meeting there of.

- (5) **Notice of meeting and list of business:** - Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by registered post or by special messenger, to each member fifteen days before the meeting:

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice of not less than three days shall be deemed sufficient.

- (6) **Chairperson to preside at meetings. –**

- (i) The Chairperson shall preside over every meeting of the Board, and if, for any reason the Chairperson is unable to attend the meeting any member nominated by the Chairperson in this behalf shall preside over the meeting.
- (ii) When the Chairperson is absent and no member has been nominated by the Chairperson under sub- rule (i), the members present shall elect one of them to preside over the meeting and the members so elected shall exercise all the powers of the Chairperson in conducting the meeting.

(7). **Absence from the Meeting.** - If any member does not attend two consecutive meetings of the board without intimation to the Chairperson, he shall be deemed to have resigned from the Board.

(8) **Quorum.**—

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

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

(iii) The Chairperson may debar any member, other than ex-officio members, from taking part in the Meeting of the Board if-

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

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

(9) **Transaction of business.** - Every question considered at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the event of any equal votes the Chairperson shall have and exercise a casting vote.

(10) **Minutes of the meeting:** - Every decision taken at a meeting of the Himachal Pradesh Building and Other Construction Workers Welfare Board shall be recorded in a book of minutes at the same meeting and signed by the Chairperson. The book of minutes shall be a permanent record.

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

(i) Non official members shall be entitled for travelling allowance and daily allowance at the rate admissible to the Class-1 Gazetted Officers of State Government.

(ii) Salary and allowances to the Chairperson of the board, if required, shall be fixed by State Government by notification.

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

(i) The State Government shall appoint an officer not below the rank of Joint Labour Commissioner, Department of Labour, Employment & Overseas Placement, Himachal Pradesh or any Class-I Gazetted Officer as notified by the State Government, as Ex-officio Secretary of the Himachal Pradesh BOCW Welfare Board.

(ii) The Officer(s) and other staff of the Board shall be appointed by the Board with the prior approval of the State Government.

(iii) The Officer(s) and staff of the Board shall be paid salary and other allowances as fixed by the State Government and shall be paid from the fund of the Board.

(13). Power, duties and functions of the Himachal Pradesh Building and Other Construction Workers Welfare Board. –

(i) the Board shall be responsible for, -

- (a) all matters connected with the administration of the fund;
- (b) laying down policies for the deposits of the amount of the fund;
- (c) submission of annual budget to Government for sanction;
- (d) submission of annual report to Government on the activities of the Board;
- (e) proper maintenance of accounts;
- (f) collection of contribution to the fund and other charges;
- (g) launching of prosecution for and on behalf of the Board;
- (h) speedy settlement of claims and sanction of advances and other benefits; and
- (i) proper and timely recovery of any amount due to the Board.

Notwithstanding the welfare schemes mentioned in the sub-section (6) of the section 7, the Himachal Pradesh Building and Other Construction Workers' Welfare Board shall also formulate following scheme(s) for the Building workers as may be specified by the State Government:

- (1) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries;
- (2) frame educational schemes for the benefit of children of the beneficiaries; and
- (3) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant.

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

CHAPTER III

EMPLOYEES' STATE INSURANCE COURT

5. Constitution of Employees' Insurance Court: (i) The State Government shall by notification constitute an Employees' Insurance Court in each District of the State.

(ii) The Employees' Insurance Court shall consist of a single judge, not below the rank of Chief Judicial Magistrate/Senior Civil Judge of each District.

6. Manner and time within which second appeal may be filed to the Employees' Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of section 37.-(1) The Insured Person or the Corporation may appeal to the Employees' Insurance Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

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

(2) The application to the Employees' Insurance Court, shall be in **Form-I**.

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

- (i) An application under section 49 shall be presented in triplicate in **Form II** and shall contain the following particulars:-
 - (a) the Name of the Court in which application is brought ;
 - (b) full name description including age, occupation and full postal address of applicant and the opposite party ;
 - (c) where the applicant or the opposite party is a minor or a person of unsound mind, a statement to that effect and the full name, age, occupation and full postal address of his or her guardian, next-of-kin, or any other person authorized to act on his or her behalf ;
 - (d) the fact constituting the cause of action and the date when it arose ;
 - (e) the facts showing that court has jurisdiction ; and
 - (f) the relief which the applicant claims ;
 - (ii) Every application shall be verified in the same manner as a pleading in a Civil Court.
 - (iii) All the documents on which the application is based or has desired by applicant shall be appended to application with an accurate list thereof; and
 - (iv) All application shall be entered in a register in **Form- III** to be maintained by the Court.
- (2) Proceeding of Employees Insurance Court.—**(i) Every application to the Court shall be brought within 3 years on which the cause of action arose or as the case may be, the claim become due.
- (ii) Where at any stage it appears to the Court that the application should be presented to another Court, or should be entertain by the another Court, the first mention Court shall send the application or file of the case to the Court empowered to deal with it and shall inform the applicant and the opposite party accordingly and the Court to which application or file is transferred shall continue the proceedings as if the previous proceedings or any part of it had been taken before it;
 - (iii) The Court shall follow the rules of code of civil procedure in respect of summoning of the parties, service of summon, procedure of hearing, framing of issues, statement and production of evidence, method of recording evidence, cross examination of witness and other related matters.
- (3) Fees and Costs.—**
- (i) The fee payable on an application in respect of any matter referred to in section 49 of the Code shall be Rs. 100/-.

- (ii) The fee and costs payable in respect of any other matters shall be such as prescribed by the relevant laws prescribed for the time being in force.
- (iii) All fees and costs referred to in this rule shall be collected by means of Court fee stamps.

CHAPTER IV

GRATUITY

8. 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 by the employer for the benefit of such minor in term deposit with any of the Scheduled Commercial Bank.

9. Time, form and manner of nomination by an employee under sub-section (1), the time to make fresh nomination under sub-section (4), the form and manner of modification of a nomination under sub-section (5) and the form for fresh nomination under sub-section (6) of section 55.- (1) A nomination shall be in **Form-IV** and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer,

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

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

- (2) Within thirty days of the receipt of nomination in **Form-IV** under sub-rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in **Form-IV** duly attested either by the employer or an officer authorised in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be retained.
- (3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of section 55, duplicate in **Form-IV** to the employer and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).
- (4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in **Form-IV** to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply *mutatis mutandis* as if it was made under sub-rule (1).

- (5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression in the presence of two competent witnesses, who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be, and shall be submitted by the employee electronically or by registered post acknowledgement due to the employer.
- (6) A nomination, fresh nomination or notice of modification of nomination shall take effect from the date of receipt thereof by the employer.

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

(1) Application for Gratuity:- (a) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form-V** to the employer:

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

Provided further that an employee on fixed term employment shall be eligible for gratuity, the employer shall pay gratuity on pro rata basis:

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

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

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

- (c) A legal heir of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within one year from the date of gratuity became payable to him, in **Form-V** to the employer.
- (d) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (a), (b) and (c) of sub-rule (1) shall be deemed to be operative from the date of such commencement.
- (e) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision.
- (f) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

(2) **Notice for payment of gratuity:** (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-VI** 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-VI** to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible.

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

(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-VI** shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.

(e) A notice under sub-section (2) of section 56 shall be in **Form-VI**.

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

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

(4) **Application to competent authority for direction under clause (b) of sub-section (5) of section 56.**-(a) If an employer-

- (i) refuses to accept a nomination under rule 7 or to entertain an application sought to be filed under sub-rule (1), or
- (ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or
- (iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in **Form-VII** to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:

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

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

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

- (b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The competent authority shall record thereon an order either according to 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 clause (e) of sub-rule (5) may, on good cause being shown within thirty days of receipt of the said order, be reviewed and the application re-heard after giving not less than fourteen days' notice to the opposite party of the date fixed for rehearing of the application :

Provided further that the time limit for disposal of application for direction shall not exceed 120 days from the date of filing of the application before the Competent Authority. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the application.

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

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

- (8) **Summoning and attendance of witnesses.-** The competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the competent authority just, issue summons to any person in **Form-VIII** either to give evidence or to produce documents or for both purposes on a specified date, time and place.
- (9) **Service of summons or notice.-** (a) Subject to the provisions of clause (b), any notice, summons, process or order issued by the competent authority may be served either in person or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908).
- (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.
- (10) **Maintenance of records of cases by the competent authority.-** (a) The competent authority shall record the particulars of each case under section 56 and at the time of passing orders shall sign and date the particulars so recorded.
- (b) The competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet.
- (c) Any record, other than a record of any order or direction, which is required by these rules to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.
- (11) **Direction for payment of gratuity:** If a finding is recorded under clause (d) of sub-rule (5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in **Form-IX** electronically or registered post acknowledgement due 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.
- (12) **Appeal.-** 1. Any person aggrieved by an order passed by the competent authority under sub-section (5) of section 56 may within sixty days from the date of receipt of order, prefer an appeal to the appellate authority who shall be an officer not below the rank of Deputy Labour Commissioner, Himachal Pradesh. Upon filing of an appeal, the Appellate Authority shall examine the appeal on merits and may grant stay of the impugned order or pass such other orders as deemed appropriate.
- 2(a) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgement due or electronically.
- Provided that no such appeal shall be entertained before the Appellate Authority unless or until the awarded amount in dispute is deposited with such Authority.

- (b) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought.
 - (c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.
 - (d) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.
 - (e) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.
 - (f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent authority returning his records of the case.
 - (g) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him.
 - (h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in **Form-IX** 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.
 - (i) The time limit for disposal of appeal shall not exceed 90 days from the date of filing of appeal. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.
- (13) **Application for recovery of gratuity.**- Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (11) or sub-rule (12) , as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in **Form X** for recovery thereof under section 129.

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

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

12. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58.-

The State Government shall by notification appoint an officer not below the rank of Labour Officer of the State Labour Department as Competent Authority for each zone for implementation of provisions of this chapter.

CHAPTER V

MATERNITY BENEFIT

13. Authority to whom a complaint under sub-section (1) of section 72 and an appeal under sub-section (3) of, section 72.-

(1) **Complaint under sub-section (1) of section 72.**— (a) A complaint under sub-section (1) of section 72 shall be made in writing in **Form-XI**.

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

Provided that the time limit for disposal of complaint shall not exceed 120 days from the date of filing of complaint. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the complaint.

(2) **Appeal under sub-section (3) of section 72.**— (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the appellate authority who shall be an Officer not below the rank of Deputy Labour Commissioner, Himachal Pradesh has prescribed by the State Government by way of notification. Upon filing of an appeal, the Appellate Authority shall examine the appeal on merits and may grant stay of the impugned order or pass such other orders as deemed appropriate.

Provided that no such appeal shall be entertained before the appellate authority until or unless the amount in dispute as per the order of Inspector-cum-Facilitator is deposited with the appellate authority.

(b) The aggrieved person shall prefer an appeal in writing to the prescribed Authority in **Form-XII** and file other supporting documents and no such appeal shall be entertained before the appellate authority without depositing the awarded amount in dispute with him. Further proceedings in the present matter shall remain stayed until the final disposal of the appeal by the Appellate Authority.

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

- (d) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the prescribed Authority shall give his decision within a period of 90 days from filing of the application before him. In case of non-appearance by either of the parties, a maximum of three opportunities may be given before disposal of the appeal.

CHAPTER VI

EMPLOYEE'S COMPENSATION

- 14. Amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer under sub-section (7) of section 76.**—If the injury of employee results in death, the employer shall in addition to compensation to be deposited under the code with competent authority a sum of Fifteen thousand rupees or such amount as may be notified by the State Government for payment of the same to the eldest surviving dependents of the employee towards the expenditure of the funeral of such employee or where the employee did not have the dependent or was not living with his dependent at the time of his death to the person who actually incurred such expenditure.
- 15. Application for review of half-monthly payment under sub section (1) of section 79:**
Application for review of half-monthly payment under section 79(1) of the Code may be made without being accompanied by the certificate of a medical practitioner,—
- (a) by the employer, on the ground that since the right to compensation was determined, the employee's wages have increased;
 - (b) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;
 - (c) by the employee, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the employee's condition such as to warrant such cessation;
 - (d) either by the employer or by the employee on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means; 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.
- 16. Class of employers and the form of notice-book under sub-section (4) of section 82.**—
Every employer to which the code applies shall maintain a notice book in accordance with sub-section (4) of section 82 in **Form- XIII**.
- 17. Interval for medical examination under the proviso to sub-section (1) of section 84.**—
An employee who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being for more than twice in the first month following the accident or more than once in any subsequent month.
- 18. Form of statement to be submitted by the employer under sub-section (1) of section 88.**—

The Statement for fatal accident required by sub section (1) of section 88 shall, be in **Form XIV**

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

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

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

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

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

- (4) If on such date the competent authority decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send information to that party.
- (5) Registration of memorandum accepted for record.- In recording a memorandum of agreement, the Competent authority shall cause the same to be entered in a register in **Form XVII** and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following terms, namely-

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

(Signature) Competent authority”

20. Qualifications and Experience for competent authority under sub-section (1) of Section 91.—

A. State Government by notification shall appoint a Gazetted Officer with following experience and qualification as Competent Authority for the purposes of this chapter:

- (a) Has served as a Labour Officer for a minimum continuous period of five years or,
- (b) Has rendered not less than ten years of cumulative service, comprising at least two years as a Labour Officer and at least eight years as a Labour Inspector, and possess any of the following prescribed qualifications;
 - (i) Degree of Law or Post Graduate Degree in any stream from a recognized University or Institution.
 - (ii) Degree/Diploma in Labour Laws, PGDPM & Labour Welfare or any other equivalent course in personal management, human resource development, industrial relations and legal affairs.

- B. State Government shall appoint competent authority for each zone and in case any officer is not eligible due to lack of experience or qualification, charge of his zone shall be given to the such officer of neighboring zone by way of notification only.

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

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

22. Time-limit for disposal of application and cost incidental to the proceedings under sub-section (4) of section 93.—(1) The competent authority shall dispose the application within six months from the date of application received.

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

(a) the cost for the copies of any document of record or statement or order or decree may be notified by the State Government from time to time ;

(b) the cost of service or summons or notices or expenses of witnesses or the cost payable in respect of any matter not referred before shall be such amount as may be specified in each case by the competent authority and such amount or any other sum of money payable under this rule shall be paid in such manner and within such time as may be notified by State Government; and

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

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

23. Manner of authentication of memorandum under section 97-

(1) Evidence:-

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

- (ii) On application by any party to the proceedings and on deposit of fees and expenses fixed by the competent authority, the competent authority may summon any witness whose evidence, he thinks necessary for just decision of the case.
- (iii) The evidence of all witnesses shall be recorded in the presence of competent authority and shall be authenticated by his signature and seal.

(4) Provisions of Code of Civil Procedure, 1908 to apply.—

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

Provided that: -

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

CHAPTER VII

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

24. Time limit to pay the amount of Cess under section 101.-

- (i) The cess levied under the sub-section (1) of section 100 shall be paid by an employer, within thirty days of the completion of the construction work or within thirty days of the date on which assessment of cess payable is finalized, whichever is earlier, to the cess collector.
- (ii) Notwithstanding the provisions of sub-rule (i), where the duration of the project or construction work exceeds one year, cess shall be paid within thirty days of completion of one year from the date of commencement of work and every year thereafter at the notified rates on the cost of construction incurred during the relevant period.

25. If an employer fails to pay any amount of cess payable under section 100 within thirty days from the completion of the construction work or within thirty days of the date on which assessment of cess payable is finalized, such employer shall be liable to pay interest at such rate as may be prescribed by the Central Government, on the amount of cess, to be paid, for the period from the date on which such payment is due till such amount is actually paid.

26(1)(i) A return under clause (d) of Section 123 shall be filed by the employer to the Assessing Officer of his area.

- (ii) Every employer, within thirty days of commencement of this work or payment of cess, as the case may be, furnish to the Assessing Officer, information in **Form-XVIII-D**.
- (iii) Any change or modification in the information furnished under clause (i) shall be communicated to the Assessing Officer immediately but not later than thirty days from the date of affecting the modification or change.

2.(i) The Assessing Officer, on receipt of information in **Form XVIII-D** from an employer shall make a scrutiny of such information furnished and, if he is satisfied about the correctness of the particulars so furnished, he shall make an order of assessment within a period not exceeding six months from the date of receipt of such information in **Form XVIII-D**, indicating the amount of cess payable by the employer and endorse a copy thereof a copy

thereof to the employer, to the Board and to the cess collector and dispatch such order within five days of the date on which such order is made.

- (ii) If on scrutiny of information furnished, the Assessing Officer is of the opinion that employer has under-calculated or miscalculated the cost of construction or has calculated less amount of cess payable, he shall issue notice to the employer for assessment of the cess.
- (iii) On receipt of such notice, the employer shall furnish to the Assessing Officer as reply together with copies of documentary or other evidence in support of his claim, within fifteen days of the receipt of the notice;
Provided that the Assessing Officer may, in the course of assessment, afford an opportunity to the assessee to be heard in person, if he so requests to substantiate his claim.
- (iv) If the employer fails to furnish the reply within the period specified under clause (iii), or where an employer fails to furnish information in **Form XVIII-D**, the Assessing Officer shall proceed to make the assessment on the basis of available records, and other information incidental thereto.
- (v) The Assessing Officer may, at anytime while the work is in progress, authorize Inspector-cum-Facilitator to make such enquiry at the work site or from documentary evidence or in any other manner as he may think fit for the purpose of estimating the cost of construction as accurately as possible.

27. Fees for appeal under sub-section (2) of section 105.-

An appeal preferred under sub-section(1) of section 105 shall be accompanied by a non-refundable fee equivalent to two percent of the amount in dispute which shall be total amount assessed minus self assessed amount deposited or penalty or both, as the case may be, under such appeal. Upon filing of an appeal, the Appellate Authority shall examine the appeal on merits and may grant stay of the impugned order or pass such other orders as deemed appropriate.

CHAPTER VIII

FINANCE AND ACCOUNTS

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

The State Government may notify the conditions after consultation with Finance Department.

29. Conditions and manner of writing off irrecoverable dues under section 121.-

- (1) Where Himachal Pradesh Unorganised Worker's Social Security Board is of the opinion that the amount of contribution, cess, interest and damages due to the Social Security Board has become irrecoverable, the Board or any other officer authorised by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely: —
 - (i) establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
 - (ii) decree obtained by the Social Security Board could not be executed successfully for want of sufficient assets of the defaulting employer;

CHAPTER IX

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

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

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

(1) (a) The employer of every establishment shall maintain:-

- (i) Register of women employees in **Form – XVIII.**
- (ii) Register of Employees, Attendance-cum-Muster rolls, Wages, Overtime, Deduction & Damage or Loss in **Form-XVIII-A.**
- (iii) Register of building workers employed by employer in **Form-XVIII-B.**
- (iv) Register of Establishments in **Form-XVIII-C.**
- (v) Furnishing of information of Cess in **Form XVIII-D.**
- (vi) The Notice of Opening, change and closure of establishments in form **XVIII-E(a), E(b), E(c).**

(b) Registers under this chapter shall be maintained electronically or otherwise.

(c) Entries in the registers shall be made in English and Hindi or the language understood by a majority of persons employed.

(d) Every employer shall produce records and registers, on demand before the Inspector cum-Facilitator or any person authorized in that behalf by the State Government.

(e) All the registers and other records shall be preserved in original for a period of five calendar years from the date of last entry made therein.

(2) Every employer shall issue wage slips, electronically or otherwise to the employees under clause (c) of section 123 before 24 hours of payment of wages in **Form-XVIII-A.**

(3) In respect of establishment which are required to maintain register under the rules framed under the Code on Wages, 2019 or the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020), the following registers and wage slip required to be maintained by the employer of the establishment under those codes and rules made thereunder shall be deemed to be maintained by the employer under these rules, namely:-

- (i) Register of employees.
- (ii) Register of Attendance-cum-Muster Roll.
- (iii) Register of Wages, over time and deductions.
- (iv) Wage slip.

(4) All registers and other records required to be maintained under the Code and the Rules made thereunder shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a place within a radius of three kilometers and such information shall be shared with the Labour Officer of the area concerned.

(5) (a) The employer to which the provisions of Chapter V and Chapter VI of the Code applies, on or before the 28th or 29th day of February in each year, upload a unified annual return in

Form-XIX online on the web portal of the State Government of the Department of Labour and Employment and also submit a copy of the same to the Competent authority of the area and office of the Labour Commissioner, Himachal Pradesh till the State Portal is developed, giving information as to the particulars specified, in respect of the preceding year:

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

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

- (b) If the employer to which the provisions of Chapter V and Chapter VI of the Code applies sells, abandons or discontinues the working of the establishment, then, he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance, as the case may be, upload online, on the web portal of the State Government of the Labour and Employment Department, a further unified return in **Form XIX** referred to in clause(a) and also submit a copy of the same to the Competent authority of the area and office of the Labour Commissioner, Himachal Pradesh till the State Portal is developed, in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.
- (6)(i) The employer shall display conspicuously a notice at or near the main entrance of the establishment in bold letters in English and in a language understood by the majority of the employees specifying the name of the officer with designation authorized by the employer to receive on his behalf notices under the Act or the rules.
- (ii) A fresh notice shall be displayed immediately after the notice referred to in sub-rule(i) becomes illegible or require a change.
- (7)(i) The employer shall cause to display at the conspicuous place of the workplace of an establishment under his control, notice showing the rates of wages of the building workers working in such establishment, hours of work of such worker, their wage periods, date of payment of such wages, names and addresses of the Inspectors-cum-Facilitators having jurisdiction to such establishment and date of payment of unpaid wages to such workers, in English, Hindi and in local language understood by the majority of such building workers.
- (ii) A copy of notice referred to in sub-rule (i) shall be sent to the Inspector-cum-Facilitator having jurisdiction and whenever any change occurs relating to the facts contained in such notice, such change shall be communicated by the employer to such Inspector.

CHAPTER X

OFFENCES AND PENALTIES

- 32. The form and manner of making application for the compounding of an offence under sub-section (4) of section 138.-** (i) The State Government by notification shall appoint a gazetted officer not below the rank of Labour Officer for the purpose of compounding of offences under sub-section (1) of section 138.

- (ii) The compounding notice shall be issued electronically or otherwise in **Form-XX** for the offences which are compoundable under section 138.

CHAPTER XI

EMPLOYMENT INFORMATION AND MONITORING

- 33. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre under sub-section (2) of section 139.-** (1) **Reporting of Vacancies to Career Centers:** (a) After the commencement of the Code in the State of Himachal Pradesh, the employer in every establishment in public sector in the State, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the State Government.
- (b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre (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 **five** working days from the date of receipt of reporting of vacancies.

Explanation: (1) **“Establishment in public sector”** means an establishment owned, controlled or managed by -

- (i) the Government or a Department of the Government;
 - (ii) a Government company as defined in clause (45) of section 2 of the Companies Act, 2013(No. 18 of 2013) ;
 - (iii) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned, controlled or managed by the Government ; and
 - (iv) a local authority.
- (2) **“Establishment in private sector”** means an establishment which is not an establishment in public sector with ordinarily 20 or more employees or such number of employees as may be notified by the State Government.
- (3) The State Government, having no career centre or digital portal of its own, may specify by notification, reporting of vacancies by establishments in an area thereof to the digital portal or to the Career Centre of 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 State Government, occurring in establishments in respect of which the Government is the appropriate Government under the Code ; and

- (ii) Vacancies which an employer may desire to be circulated to the Career Centers outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre(Central) 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 Centre Government by notification.
- (3) **Form and manner of reporting of vacancies:** (a) The vacancies shall be reported in writing or through official email or digitally to the Career Centre concerned specified by the State Government.
- (b)The vacancies shall be reported in the format given at **Form-XXI**, furnishing as many details as practicable, separately in respect of each type of vacancy.
 - (c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule(3), shall be reported in writing or through official email or digitally, as the case may be, to the specified Career Centre.
- (4) **Time limit in the reporting of vacancies:** (a) Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least thirty days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.
- (b) Vacancies, required to be reported to the Career Centre (Central), shall be reported at least forty days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.
- (5) **Maintenance of records:** (a) After commencement of the Code in the State, the employers in every establishment in the public sector in the State shall maintain records manually or electronically or digitally about,-
- (i) total number of employees (regular, contractual or fixed term employment) on *31st March* of every year;
 - (ii) persons recruited during the year ending on *31st March*;
 - (iii) occupational details of its employees on *31st March* of every year;
 - (iv) vacancies for which suitable candidates were not available during the year ending on *31st March*; and
 - (v) approximate number of vacancies likely to occur during the next financial year.
- (b) The 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) as on *31st March* of every year;
 - (ii) persons recruited during the year ending on *31st March*;
 - (iii) occupational details of its employees as 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 Format EIR (Employment Information Return) as given at **Form-XXII**. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the State Government in notification, within thirty days of the due date namely 31st March of the year.
- (7) **Declaration of Executive Officer:** The Director of Employment or Officer of his equivalent or above rank, controlling the work of Career Centers (Regional) of the State Government, will declare in writing an officer looking after the work of Career Centers (Regional) as “Executive Officer” for each district for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139, or authorize any person in writing to exercise those rights and perform duties.
- (8) **Levy of penalty under the Chapter XIII of the Code:** The Director of Employment or an officer of his equivalent or above rank, controlling the work of Career Centers (Regional) of the State shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

CHAPTER XII

MISCELLANEOUS

34. **Manner of establishment and administration of the Social Security Fund under sub-section (5) of section 141.-** (1) All the following funds received shall be credited to separate account(s) and called as Social Security Fund and all expenses towards the scheme (s) notified under section 109 (2) for the Unorganised Workers, shall be met out of this fund .-
 - (a) under sub-section (5) of section 141 of the Code on Social Security, 2020 (36 of 2020); and
 - (b) under sub-section (1) of section 115 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).
- (2) The State Government shall identify the source (s) for initial funding/ replenishing the Social Security Fund from time to time.
- (3) The fund shall be administered by the State Government through an agency designated by the State Government in the manner, as notified by the State Government.
- (4) Directions of the State Government, if any, shall be complied by the agency designated for administration of the Social Security Fund.
- (5) The Statement of accounts of the Social Security fund shall be maintained by the agency, in the form(s) and manner as specified by the State Government and shall be submitted to the State government from time to time.
- (6) The accounts of the Social Security Fund shall be audited by the Principal Accountant General (A & E) Himachal Pradesh, Shimla.
35. **Time within which the Central Board or the Corporation, as the case may be, shall forward its view to the State Government under sub-section (2) section 143.-** The Central Board or the Corporation, as the case may be, shall forward its views on the application seeking exemption under section 143 to the State Government within six months of receipt of proposal for exemption. If Central Board or the Corporation, as the case may be, is unable to provide its

views within the said period, the State Government may extend the time limit or take action on the application of exemption, as it may deem fit.

36. 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 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, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc., the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption, to the State Government.
- (2) For the purposes of Chapter III, the establishment and/or employer, after the grant of exemption, shall comply with all such terms and conditions as may be specified in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be, framed under section 15 of the Code.

37. Conditions for management of the trust under sub-section (5) of section 143, which has been granted exemption under sub-section (1) of section 143, under Chapter III.- (1) A Board of Trustees shall be established for the management of the Provident Fund or the Pension Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time.

- (2) The Board of Trustees shall consist of such equal number of representatives each of the employers and employees as may be prescribed in the Provident Fund Scheme or the Pension Scheme, as the case may be.
- (3) The employer of such exempted establishment shall be the Chairperson of the Board of Trustees. The Chairperson may exercise a casting vote in an event of equality of votes. However, arm's length principles shall be maintained by the Chairperson in all meetings of the Board of Trustees.
- (4) The Board of Trustees shall meet at least once in every three months and shall function in the accordance with the guidelines that may be issued from time to time by the Central Government or the Central Provident Fund Commissioner or any officer authorized by him.
- (5) The terms and conditions, including the tenure of office of the Trustees, the procedure and manner for election or nomination of the representatives of the employees and of employers to the Board of Trustees, disqualification and cessation of trusteeship, re-election or re-nomination of trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all such other matters and conditions for the management of the Trust shall be as provided for in the Provident Fund Scheme or the Pension Scheme, as the case may be.
- (6) In case of any dispute or doubt on any general issues within the ambit of these terms and conditions, the matter shall be referred to the Regional Provident Fund Commissioner in

whose jurisdiction the head office of the establishment is located. The decision of the Regional Provident Fund Commissioner in the matter shall be final and binding.

- 38. Submission of form to the office of competent authority.**—A copy of Form VI (notice for payment or rejecting claim of gratuity) shall be shared electronically with the competent authority in auto-mode.
- 39. Repeal and saving.**— The Himachal Pradesh Maternity Benefits Rules, 1973, The Payment of Gratuity (Himachal Pradesh) Rules, 1972, The Himachal Pradesh Unorganised Workers' Social Security Rules, 2015; and The Himachal Pradesh Building and other Construction Workers (RE & CS) Rules, 2008 are hereby repealed. Notwithstanding such repeal, anything done or any action taken under these rules shall be deemed to have been done or take under these rules.

By Order,

Secretary(LE&OP) to the
Government of Himachal Pradesh

Endst. No. LEP-A003/12/2026 Dated Shimla-2 the 22nd May, 2026

Coy forwarded for information and necessary action to:-

1. All the Administrative Secretaries to the Government of Himachal Pradesh, Shimla-2
2. The Addl. Legal Remembrance-Cum Addl. Secretary(Law) to the Government of Himachal Pradesh, Shimla-2.
3. Spl. Pr. Secretary to Chief Secretary to the Government of Himachal Pradesh-171002.
4. The Labour Commissioner-cum-Director of Employment, Himachal Pradesh, Shimla.
5. All the Head of Departments in Himachal Pradesh.
6. All the Deputy Commissioners in Himachal Pradesh.
7. The Secretary, HP BOCW Welfare Board, Old SDM Office, Gandhi Chowk, Hamirpur, Himachal Pradesh.
8. Guard File.

(Arvind Kumar Sharma)
Under Secretary (LE&OP) to the
Government of Himachal Pradesh

FORM I
(See rule 6)
Appeal to Employees' Insurance Court

To,

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

Sir,

I....., the undersigned, employee of.....(Name and full address of the establishment) Feel aggrieved by the order ofunder sub-section 7 (a) of section 37 for the reasons attached hereto, prefer this second appeal under sub-section 7(b) of section 37 and request that the saidbe ordered
.....

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

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

Date

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

Form II

[See rule 7 (1)(i)]

In the Employees, Insurance Court at

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

Applicant
(add description and residence)

Against

.....
.....

Opposite Party (add description and residence) Other Particulars of Application specified in
rule 6(2).....

.....
.....

Signature of Applicant

Date

(verification by the applicant)

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

Date

Signature

FORM III
[(See rule 7(1)(iv)]

Employee's Insurance Court at

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

.....

1	2	3	4	5	6	7	8	9	10	11	12	13
Date of presentation of application	No of proceedings	Name	Description	Place of residence	Particulars	Amount of value, if any	place of residence	particulars	amount or value, if any	when the cause of action accrued	day of parties to appear	applicant
		Applicant			opposite party		Claim				appearances	

	14	opposite-party
final	15	date
	16	for whom
	17	
	18	order
appeal	19	Date of Decision of appeal, if any
	20	judgement in appeal
execution	21	Date of application
	22	against whom
	23	For what, and amount of money
	24	amount of costs
	25	Date of order transferring to another Civil court
	26	other remarks, if any

FORM-IV
[(See rule 9(1),(2), (3) and (4)]

Nomination/Fresh Nomination/Modification of Nomination

To.....

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

I, Shri/Shrimati/Kumari.....(Name in full here)whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/ have acquired a family within the meaning of clause (33) of section 2 of Code on Social Security, 2020 with effect from the(date here) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

or

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

**Strike out unnecessary portion.*

2. I hereby certify that the person(s) mentioned is/are member(s) of my family within the meaning of clause(33) of section 2 of the Code on Social Security, 2020.

3. I hereby declare that I have no family within the meaning of clause (33) of section 2 of the said Code.

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

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

5. I have excluded my husband from my family by a notice dated the..... to the competent authority in terms of clause (33) of section 2 of the said Code.

6. Nomination made herein invalidates my previous nomination.

Nominee(s)

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

Manner of acquiring a “Family”

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

Statement

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

Village..... Post-Office..... Thana.....
Sub-Division..... District..... State.....
Pin-Code..... E-mail ID..... Mobile
Number.....

Place:

Date:

Signature/Thumb-impression of the Employee

Certificate by the Employer

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

Employer's Reference No., if any

Signature of the employer/Officer authorised
Designation

Date:

Name and address of the establishment or
rubber stamp thereof.

Acknowledgement by the Employee

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

Date:

Signature of the Employee

FORM-V
[(See rule 10(1))]

Application for Gratuity by an Employee/Nominee/Legal Heir
(Strike out the words not applicable)

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

Sir/Madam,

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

- (a) my superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/ on termination of contract period under fixed term employment with effect from the.....or;
- (b) death of the aforesaid employee while in service/superannuation on.....after completion of.....years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the..... or;
- (c) death of aforesaid employee of your establishment while in service/superannuation on.....(date) without making any nomination after completion ofyears of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from.....

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

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

or

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

Yours faithfully,

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

Place:

Date:

FORM-VI

[(See rule 10(2))]

Notice for Payment/Rejecting claim of Gratuity

(Strike out the words not applicable)

To,.....

.....

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

You are hereby informed that

(a) *as required under sub-clause (ii) of clause (a) of sub-rule (2) of rule 9 of the Social Security(Himachal Pradesh) Rules, 2021, that your claim for payments of gratuity as indicated on your application in **Form-IV** under the said rules is not admissible for the reasons stated below:

Reasons (Here specify the reasons); or

(b) *as required under sub-clause (i) of clause (a) of sub-rule (2) of rule 9 the Social Security (Himachal Pradesh) Rules, 2021 that a sum of Rs.(Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made byonand.....recorded in thisas a legal heir of.....an employee of this establishment.

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

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

4. Brief statement of calculation

(a) Date of appointment

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

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

(d) Wages last drawn

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

(f) Amount payable:

**strike out para, if, not applicable*

Place:

Date:

Signature of the Employer/authorised officer.

Name or description of establishment or
rubber stamp thereof.

Copy to:

(1)The Competent Authority.

(2) The Labour Commissioner, H.P.

FORM-VII

[(See rule 10(4))]

Application for Direction

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

Application No.

Date:

BETWEEN

(Name in full of the applicant with full address)

AND

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

1. The applicant is an employee of the above-mentioned employer/a nominee of late..... an employee of the above-mentioned employer/a legal heir of late..... and employee of the 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 the Social Security (Himachal Pradesh) Rules, 2021 on thebut the above-mentioned employer refused to entertain it/issued a notice dated the..... under clauseof sub-rule of ruleoffering an amount of gratuity which is less than my due/issued a notice dated the under clause..... of sub-rule.....of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.
3. The applicant submits that there is a dispute on the matter (specify the dispute).
4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.
5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to the best of his knowledge and belief.

Place:

Date:

Signature/Thumb impression of the applicant.

ANNEXURE

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

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

Place:

Date:

Signature/Thumb-impression of the applicant

FORM – VIII

[(See rule 10 (5) and (8)]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

(Name and address of the employer/applicant)

Whereas Shrian employee under you/a nominee(s)/legal heir(s) of Shri.....an employee under the above-mentioned employer, has/have filed an application under the Social Security(Himachal Pradesh) Rules, 2021 alleging that----

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

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at(place)either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the day of20..... at 'O' clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

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

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

List of documents-

- 1.
- 2.
3. so on

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

Competent Authority
under the Code on Social Security Code, 2020

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

FORM – IX

[(See rule 10 (11) and (12)]

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

To,

(Name and address of employer)

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

Whereas a notice was given to you onrequiring you to make payment of Rs..... to Shri/Smt./Kumari.....as gratuity under the Code on Social Security, 2020.

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

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

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

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

Competent Authority
under the Code on Social Security Code, 2020

Copy to:

1. The Applicant- He is advised to contact the employer for collecting payment.
 2. The Appellate Authority if applicable.
- Note.--- *(Strike out paragraphs if not applicable)*

FORM – X
[(See rule 10(13))]
Application for Recovery 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/Trust/Insurer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/a nominee of late.....
an employee of the above mentioned employer/a legal heir of latean employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated theunder the Social Security (Himachal Pradesh) Rules, 2021 for payment of a sum of Rs..... as gratuity payable under the Code on Social Security, 2020.
2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.
3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs.due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place:

Date:

Note.—Strike out the words not applicable.

FORM X-A
[See rule-11(3)]

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

A. Establishment Details.

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

B. Details of Employer:

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

C. Manager/ Agent Details:

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

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

E. Others Details:-

Signature/ E-sign/digital sign of employer

Dated:-

Place:-

FORM – XI
[See rule 13(1)(a)]

Complaint to the Inspector-cum-Facilitator

To,

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

Sir,

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

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

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

Place:

Date:

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

Full address of the women/nominee/legal representative.

FORM-XII
[See rule 13(2) (b)]

Appeal

To,

The Authority,

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

Sir,

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

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

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

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

**Strike out unnecessary portion.*

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

Place:.....

Date:.....

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

Form XIII
(Notice Book of the Accidents)
(See rule 16)

Name of the Establishment.....

Nature of Business

Date of opening.....

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

Name of the employer/occupier.....

1	Date of accidents
2	Short detail of Accident
3	Name of the injured person
4	Whether accident result in death
5	Whether accident result in total disablement
6	Whether accident result in partial disablement
7	Whether accident result in Temporary disablement
8	Amount of Compensation paid to employee or his dependent
9	Amount of Compensation deposited to Competent Authority
10	Date of payment or deposit of Compensation

FORM XIV
(See rule 18)

Statement of Fatal Accidents

To

Competent Authority,
.....

Sir,

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

2. The circumstances relating to the death of the employee/employees were as under: -
a. Time of accident.
b. Place where the accident occurred.
c. Manner in which deceased was/were employed at the time.
d. Cause of the accident.
e. Any other relevant particulars.

3. I am responsible for payment of compensation.

4. Details of employee
a. Name of the employee
b. Age of the employee
c. Wages of the employee

5. The establishment is not responsible for payment of compensation due to reasons mentioned below

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

FORM XV
(See Rule 19)

Memorandum of Agreement

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

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

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

Rs. on Rs. on

Rs. on Rs. on

Rs. on Rs. on

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

Dated20..... .

Signature of employer Witness

Signature of employee Witness

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

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

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

Dated20.... .

Employee

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

Witness

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

FORM XV-A
(See rule 19)
Memorandum of Agreement

It is hereby submitted that on the day of 20 personal injury was caused to residing at by accident arising out of said in the course of employment in The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs. per month/no wages.

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

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

Dated 20.... .

Signature of employer Witness

Signature of employee Witness

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

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

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

Employee

Dated20 .

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

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

FORM XV-B
(See rule 19)
Memorandum of Agreement

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

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

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

Rs. on Rs. on

Rs. on Rs. on

Rs. on Rs. on

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

Dated20..... .

Signature of employer Witness

Signature of dependant(s)

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

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

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

Dated20.... .

Dependant(s)

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

Witness

FORM XVI
[(See rule 19(2))]

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

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

Dated20

Competent Authority

FORM XVII
{See rule 19(5)}

Register of Agreement for year 20.....

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

FORM – XVIII
[(See rule 31(1)(a)(i))]

REGISTER OF WOMEN EMPLOYEES

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

Month	No. of days employed	No. of days laid off	No. of days not employed	Remarks
a	b	c	d	e

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

FORM-XVIII-A**[(See rule-31(1)(a)(ii)]****REGISTER OF EMPLOYEES, ATTENDANCE-CUM-MUST ROLLS, WAGES, OVERTIME, DEDUCTION & DAMAGE OR LOSS**

Name of the Establishment:

Name of the Owner:

Name of the Employer:

PAN/TAN of the Employer:

Labour Identification Number (LIN):

Sr. no. in Employee Register	Name of the employee	Designation / Department	Duration of Payment of Wages (Monthly/Fortnightly /Weekly/Daily/Piece rated)	Wage Period From - To	Total no. of days worked during the period	Total overtime (hours worked or production in case of piece workers)	Rates of wages		
							Basic	D A	Allowances
1	2	3	4	5	6	7	8	9	10

Overtime earning	Nature of acts and omissions for which fine imposed with date	Amount of fine imposed	Damage or loss caused to the employer by neglect or default of the employee	Amount of deduction from wages	Total amount of wages paid	Date of Payment	Attendance	
							Date	Signature
11	12	13	14	15	16	17	18	19

FORM XIX
[(See rule 31(5)(a))]
Unified Annual Return

A. General Part:

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

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

S. No.	Name	Whether Registration obtained (Yes/No)	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Code on Occupational Safety Health and working condition code, 2020.		
02.	The Code on Social Security, 2020		
03.	Any other Central Labour Law for the time being in force that requires registration.		

C. Details of Employer, Contractor and Contract Labour:

01.	Name of the employer in the case of a contractor's establishment.	
02.	Date of commencement of the establishment.	
03.	Number of Contractors engaged in the establishment during the year.	

04.	Total Number of days during the year on which Contract Labour was employed.	
05.	Total number of man-days worked by Contract Labour during the year.	
06.	Name of the Manager or Agent (in case of mines).	
07.	Address House No./Flat No. Street/Plot No. Town District State Pin Code E-mail ID Telephone Number Moblie Number	

D. Working hours and weekly rest day:

01.	Number of days worked during the year.	
02.	Number of mandays worked during the year.	
03.	Daily hours of work.	
04.	Weekly day of rest.	

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

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

F. Wage rates (Category Wise):

Category	Rates of Wages	No. of workers							
		Regular				Contract			
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly Skilled									
Skilled									
Semiskilled									
Unskilled									

G. (a) Details of Payments:

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

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

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

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

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

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

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

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

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

Declaration

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

Place

Sign. Here

Date

FORM-XX
[See rule 32]

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

Ref: Notice No.....

Date:

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

1. Details of the compounding amount deposited (Copy of electronically generated receipt to be attached):
2. Details of the prosecution, if filed for the violation of above-mentioned offences may be given:
3. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence:
4. Any other information which the applicant desires to provide:

Signature of the applicant
(Name and Designation)

Date:

Place:

To:

.....(Compounding Officer)

.....(Name of the Office)

.....(Address)

FORM-XXI

[See rule 33 (3)(b)]

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

1	Particulars of the employer: Name: Address with pin code: Telephone No. : Mobile No.: Email address : Name and Type of Establishment (Central Government, State Government, PSU, Autonomous, Private, etc) Registration No of establishment under the 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 Castes (SCs), Scheduled Tribes(STs), Economically Weaker Sections(EWSs), Other Backward Classes(OBCs), Ex-serviceman and persons with disabilities (pwd), etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
5.	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c)OBC (d)EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify)	Total	*By Priority candidates *(Applicable for Central Government vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details, if any. For others: Mention minimum total emoluments per month with other details, if any.		
7.	Place of work (Name of the town/village 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 obtain list of eligible candidates registered with Career Centre		Yes/No
12	Any other relevant information		

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

(For Official Use- to be filled by Career Centre)

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

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

NOTE:

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

FORM-XXII

[See rule 33(6)]

Form EIR (Employment Information Return)**Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....**

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

Name and 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 <i>manpower of establishment</i> including working <i>proprietors/partners/contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid).		
Category	On the last working day of the previous Year	On the last working day of the Year under report
MEN		
WOMEN		
Other (Transgender)		
TOTAL : PWD(persons with disabilities) out of above total		

(EIR-continued)

2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year				
Occurred	Reported		Filled	Source (Career Centre/ NCS Portal/ Govt. Recruiting Agencies/ Private Placement Organisations/ others)
	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

--	--	--	--	--

*As per the provisions of the Code on Social Security, 2020 (Chapter XIII) and Rules made thereunder.

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.)

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

Occupation	Number of employees				
	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/ expansion or re-organisation.				
Description	Men	Women	Others (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 Operator.....so on.

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

To

The Career Centre,

.....

Note:-

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

2. The main purpose in obtaining the information from employers is to know (i) the vacancies/employment opportunities available;

(ii) type of personnel who are in short supply; and (iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.