

अण्डमान तथा
Andaman And



निकोबार राजपत्र
Nicobar Gazette

सत्यमेव जयते
असाधारण

EXTRAORDINARY

प्राधिकार से प्रकाशित

Published by Authority

सं. 32 पोर्ट ब्लेयर, सोमवार, 28 फरवरी, 2022

No. 32, Port Blair, Monday, February 28, 2022

अण्डमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
सचिवालय / SECRETARIAT

NOTIFICATION

Port Blair, dated the 28th February, 2022.

No. 29/2022/F.No. Gen. Sec./11/Code-Wages/LC-2021/208.—In exercise of the powers conferred by Sections 154 & 156 of the Code on Social Security, 2020 (Central Act No.36 of 2020) read with Sub- Section 80 (b) of Section 2 thereof, the Lieutenant Governor, (Administrator), Andaman and Nicobar Islands, hereby proposes to make following rules to carry out the provisions of the said Code.

Accordingly, as mandated under Sub-section (1) of Section 154, Sub-section (1) of Section 156 & clause (a) of Section 158 of the said Code, the Draft Rules is hereby published for inviting objections and suggestions thereupon from the persons to be affected thereby. Any objections or suggestions should reach within a period of 45 days from the date of the draft publication to the office of the Labour Commissioner, Labour Department, Andaman and Nicobar Administration, Supply Line, Port Blair-744101, email- lcdet@and.nic.in.

DRAFT RULES

CHAPTER - I

PRELIMINARY

1. **Title and commencement:**— (1) These rules may be called the Code on Social Security (A & N Islands) Rules, 2022.
 - (2) They extend to the whole of UT of Andaman Nicobar Islands.
 - (3) They shall come into force after the date of their final publication in the Official Gazette.
2. **Definitions:**— (1) In these rules, unless the subject or context otherwise requires,—
 - (a) "Board" means the Andaman and Nicobar Islands Unorganized Workers Social Security Board or the Andaman and Nicobar Islands Building and Other Construction Workers Welfare Board, as the case may be;
 - (b) "Chairperson" means the Chairperson of the Andaman and Nicobar Islands Unorganized Workers Social Security Board or the Andaman and Nicobar Islands State Building Workers Welfare Board, as the case may be;
 - (c) "Code" means the Code on Social Security, 2020 (Central Act 36 of 2020);
 - (d) "Form" means a Form appended to these rules;
 - (e) "Administration" means the Andaman & Nicobar Administration;

- (f) "Scheduled Bank" means a Bank included in the Second Schedule of the Reserve Bank of India Act, 1934 (Central Act 2 of 1934); and
- (g) "Section" means a Section of the Code.

(2) All the other words and expressions used herein but not defined, and defined in the Code, shall have the same meaning as respectively assigned to them in the Code.

CHAPTER - II Social Security Organisations

3. Constitution of the Andaman and Nicobar Islands Unorganised Workers' Social Security Board:—

(1) The Andaman & Nicobar Islands Unorganised Workers' Social Security Board shall be constituted under Sub-section (9) of Section 6 of the Code by Notification in the Official Gazette to exercise the powers conferred on, and to perform the functions assigned to it under this Code.

(2) In nominating the members under clause (d) of Sub-section (10) of Section 6 of the Code, the Andaman and Nicobar Administration shall consider the nominations from the unorganised workers, employers of unorganised workers and eminent persons from civil society.

4. Constitution of the Andaman & Nicobar Islands Building and other Construction Workers' Welfare Board :—

(1) The Andaman & Nicobar Islands Building and other Construction Workers' Welfare Board shall be constituted by Notification in the Official Gazette under Sub-section 7 of the Code to exercise the power conferred on and perform the function assigned to it under Section 7 and Chapter VIII of the Code.

5. **Term of office of nominated member:—** A nominated member of the Board other than *ex-officio* member, shall subject to the pleasure of the Andaman & Nicobar Administration, hold office for a period not exceeding three years from the date of his nomination or till the reconstitution of the Board whichever is earlier.

6. **Reconstitution of the Board:—** (1) The Andaman & Nicobar Administration shall initiate the process for reconstitution of the Board, six months prior to the expiry of the term of the Board.

(2) If the new Board is not re-constituted after completion of the term of the Board, such arrangements may be made for discharging the function of the Board as may be decided by the Andaman & Nicobar Administration for the period till the new Board is constituted, through a Notification.

(3) 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.

7. **Procedure for meetings of the Board:—** (1) Subject to any rules that may be made by the Central Government in this regard, the Board shall meet at least once in four months or earlier as may be necessary at such place as may be determined by the Chairperson.

(2) Members of the Board shall be given seven clear days notice of the meeting specifying the date, time and place of the meeting and business to be transacted thereat:

Provided that, seven days notice shall not be necessary, where in the opinion of Chairperson, business of an emergent nature has to be transacted.

(3)(a) The quorum for the meeting shall be one third of the total members, having the presence of at least one member each representing the Andaman & Nicobar Administration, employers and the workers.

(b) If there is no quorum as laid down in sub-rule 3(a) above, the Chairperson shall after waiting for thirty minutes after the expiration of the appointed hour, adjourn the meeting to such hour on some other future day as he may deem fit. A notice

of such adjourned meeting shall be sent to every member of the Board and the business which would have been brought before the original meeting, had there been a quorum there at shall be brought before the adjourned meeting and may be disposed of at such meeting, whether the required quorum is there or not.

- (c) All matters coming before the meeting of the Board shall be decided by majority of the members present and voting shall be held only, if required at the meeting. In case of equality of votes, the Chairperson shall have the casting vote.
- (d) Votes shall be taken by show of hands and the names of persons voting in favour and against any proposition shall be recorded only, if any member requests the Chairperson to do so.
- (e) The Board shall keep minutes of the proceedings of each meeting of the Board, and shall include therein the names of the members present.
- (f) A copy of such minutes shall be submitted by the Board to the Andaman & Nicobar Administration as soon as they are confirmed by the Board.

(4) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence the Vice Chairperson shall preside over such meeting in his place with the consent of the Chairperson.

8. Allowance of members:— (1) The Travelling Allowance of an official member of the Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official members of the Board shall be entitled to the payment of travelling and daily allowance as prescribed by the A & N Building & Other Construction Workers Welfare Board.

9. Resignations and manner of filling vacancies:— (a) Any member of the Board may at any time resign by writing under his hand addressed to the Andaman & Nicobar Administration and his seat shall become vacant on acceptance of resignation.

(b) In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the Board shall forthwith communicate the occurrence to the Andaman & Nicobar Administration, and the vacancy shall be filled in not later than ninety days from the date of occurrence of the vacancy. The Chairperson or member so nominated shall hold the office for the remainder of the term of office of the Chairperson or Member, as the case may be, in whose place he is nominated.

(c) If a Member changes his address, he shall notify his new address to the Chief Executive Officer or Member Secretary as the case may be, who shall thereupon enter his new address in the official record:

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.

10. Terms and conditions of service of Officers and Employees of the Board:—

(1) The terms and conditions of service, salaries and allowances of the Secretary, Member Secretary, other officers and employees of the Board shall be as follows, namely:-

- (i) The Chief Executive Officer shall be an officer from the Central Services Group- 'A';
- (ii) The Other officers and employees shall be determined by the A & N Building & Other Construction Workers Welfare Board;

- (iii) The salaries and allowances payable to the Member Secretary, Secretary or other officers and employees of the Board shall not be higher than those admissible to the Andaman & Nicobar Administration employees of equivalent cadre and rank; and
- (iv) The cadre strength and method of recruitment, promotions and creation of any posts and disciplinary action shall be as determined by the Cadre and Recruitment Rules of the Boards.
- (2) The Chief Executive Officer or the Member Secretary, as the case may be, of the respective Board shall have the power to conduct the day to day Administration of the Board subject to the provisions of the Code, Rules and directions.
- (3) The Chief Executive Officer or Member Secretary of the Board shall have full disciplinary powers over the outsourced staff of the Board and the Chief Executive Officer shall have full disciplinary powers of a Head of the Department of the A & N Administration over deputed officials / any other officials of the Board.
- (4) The Chief Executive Officer or Member Secretary of the Board shall be the Head of the Department in so far as the affairs of the Board are concerned and the Chief Executive Officer shall have powers of administrative approval of Heads of Department and the Member Secretary shall have powers of administrative approval as determined by the Finance Department of A & N Administration from time to time.
- (5) The official place of business of the Board shall be at Port Blair.
- (6) The Chief Executive Officer or Member Secretary, as the case may be, shall have the power to allocate official responsibilities and duties within and between the officials and employees of the Board subject to general or special orders of the Andaman & Nicobar Administration.
- (7) The Board shall be responsible for executing its projects and schemes.

CHAPTER - III GRATUITY

11. **Payment of Gratuity** :— The competent authority shall invest the Gratuity amount for the benefit of minor under the third proviso to Sub-section (1) of Section 53 of the Code, in term deposit with the State Bank of India or any Nationalised Bank.
12. **Nomination** :— (1) A nomination under Sub-section (1) of Section 55 of the Code shall be made in **Form I** and submitted in duplicate by personal service by the employee, after taking proper receipt or by sending through Registered Post Acknowledgment due or electronically to the employer by an employee,—
- (i) who is already in employment on the date of commencement of these rules, ordinarily, within ninety days from such date; or
 - (ii) who completes one year, after the date of commencement of these rules, ordinarily, within thirty days of the completion of one year:

Provided that, nomination in **Form I** 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 a nomination in **Form-I** 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-I** duly attested by him or his authorized representative and the other copy shall be maintained in the establishment.

(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 of the Code in duplicate in **Form-I** 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-I** to the employer in the manner prescribed in Sub-rule (1) and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis as, if it were 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 witnesses, who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be.

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

13. Determination of Amount of Gratuity :— (1) An employee or nominee, as the case may be, who is eligible to receive gratuity under the Code or any person authorised, in writing, to act on their behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form- II** either electronically or by registered post acknowledgement due or in person to the employer:

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

Provided further that a nominee may give application in plain paper with relevant particulars which shall be accepted.

(2) A legal heir of an employee who is eligible for payment of gratuity under the third proviso to Sub-section (1) of Section 53 of the Code shall apply ordinarily within one year from the date, the gratuity became payable to him in **Form -II** to the employer.

(3) 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 the 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 of the area for his decision.

(4) 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- III** 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- III** to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible. In the case of denial of gratuity a copy of the notice shall be endorsed to the competent authority.

(5) In case of payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in **Form-III** under sub- clause (i) of sub- rule (4) 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.

(6) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (i) of sub-rule (4) 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.

(7) A notice under Sub-section (2) of Section 56 of the Code in Form-III shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.

(8) 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.

14. Application to competent authority for direction under clause (b) of Sub-section (5) of Section 56:—

(1) If an employer,—

(i) refuses to accept a nomination under rule 13, or

(ii) issues a notice under clause (i) of sub-rule (4) of rule 13 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 rule 13 fails to issue notice as required under clause (i) of sub-rule (4) of rule 13 within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, shall within one hundred eighty days of the occurrence of the cause for the application, apply in Form-IV 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 on sufficient cause being shown by the applicant, after the expiry of the specified period.

(2) Application under sub-rule (1) 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.

15. Procedure for dealing with application for direction :— (1) On receipt of an application under rule 14, the competent authority shall, by issuing a notice in Form-V, by electronically or registered post acknowledgment due or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorised representative together with all relevant documents and witnesses, if any.

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

(3) A party appearing by an authorised representative shall be bound by the acts of the representative.

(4) After completion of hearing on the date fixed under sub-rule (1) 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.

(5) 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 shall dismiss the application:

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

(6) 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) The competent authority shall authorise a clerk of his office to administer oaths for the purpose of making affidavits.

(8) 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-V** either to give evidence or to produce documents or for both purposes on a specified date, time and place.

(9) Subject to the provisions of sub-rule (10) any notice, summons, process or order issued by the competent authority may be served either personally or by registered post acknowledgement due or electronically or in any other manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908).

(10) 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.

(11) The competent authority shall record the particulars of each case under Section 56 of the Code and at the time of passing orders shall sign and date the particulars so recorded.

(12) 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.

(13) 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.

(14) If a finding is recorded under sub-rule (4) 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-VI** 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.

(15) 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.

(16) 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.

(17) 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.

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

(19) 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.

(20) 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.

(21) 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.

(22) 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-VI 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.

(23) Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (14), 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 -VII for recovery thereof under Section 129 of the Code.

16. **Competent Authority and Appellate Authority :—** (1) The Andaman & Nicobar Administration by Notification appoint any officer not below the rank of Assistant Labour Commissioner of the Labour Department to be the Competent Authority for implementation of any provision of Chapter V of the Code.

(2) The Andaman & Nicobar Administration may by Notification appoint any officer above the rank of the Competent Authority appointed under sub-rule (1) as Appellate Authority for the purpose of Section 56 of the Code.

(3) 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.

(4) 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.

(5) 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.

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

(7) 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.

(8) 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.

(9) 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.

**CHAPTER -IV
MATERNITY BENEFIT**

- 17. Appeal against order of the Inspector- cum- Facilitator :—** An appeal against the order of the Inspector-Cum-Facilitator under Sub-section (3) of Section 72 of the Code may be made to the respective jurisdictional Assistant Labour Commissioner of the Labour Department, A & N Administration.

**CHAPTER -V
EMPLOYEE'S COMPENSATION**

- 18. Amount towards funeral expenses, if the injury results in death of the employee :—** The Employer shall deposit a sum not less than rupees twenty five thousand with the competent Authority towards the expenditure of the funeral of the deceased employee which shall be paid to the eldest of the surviving dependant or where the employee did not have a dependant or was not living with his dependant at the time of his death, to a person who actually incurred such expenditure:

Provided that, the Andaman & Nicobar Administration may, by Notification from time to time, enhance the amount specified above.

- 19. Conditions when application for review is made without certificate of a medical practitioner under Sub-section (1) of Section 79 :—** Application for review of a half monthly payment under Section 79 may be made without being accompanied with a Medical Certificate,—

- (a) by the employer, on the ground that's since the right to compensation was determined the workman's wages have increased;
- (b) by the workman, on the ground that since the right to compensation was determined his wages have diminished;
- (c) by the workman, 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 changed in the workman's condition such as to warrant such cessation;
- (e) either by the employer or by the workman, 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; and
- (f) either by the employer or by the workman, on the ground that the determination of compensation, there is a mistake or error apparent on the face of the record.

- 20. Restriction on number of examinations :—** A workman 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 more than twice in the first month following the accident or more than once in any subsequent month.

- 21. Notice book :—** A notice book in Form VIII shall be maintained in all establishment where in 500 workmen or more are employed as required under Sub-section (4) of Section 82 of the Code.

- 22. Power to require from employers' statement regarding fatal accident :—** (1) The notice under Section 88 of the Code by the competent Authority shall be in Form IX.

(2) The reply of the employer thereto shall be in Form IX.

- 23. Form of memorandum :—** (1) Memorandum of Agreement sent to the Competent Authority under Sub-section (1) of Section 89 of the Code shall be in duplicate and shall be in as close conformity as the circumstances of the case admit with Form XA, XB, XC, as the case may be.

(2) The Register of Memorandum shall be in Form XD.

24. Qualifications :— Subject to the provisions of the Section 91 of the Code, the Andaman & Nicobar Administration may by Notification appoint any Assistant Labour Commissioner of the Labour Department or who has been notified as a Conciliation Officer under Section 43 of the Industrial Relations Code, 2020 (Central Act No.35 of 2020) to be the Competent Authority for such area as it thinks fit for the purpose of this Code.

25. Procedure of Competent Authority :— Save as otherwise provided in these rules, procedure to be followed by Competent Authority in the disposal of cases under the Code or these rules and by the parties in such cases shall be regulated in the following manner, namely:—

(1) Applications :—

- (i) Any application of the nature referred to in Section 93 of the Code may be sent to the Competent Authority by registered post or may be presented to him or to any of his subordinates authorised by him in this behalf and if so sent or presented, shall, unless the Competent Authority otherwise directs, be made in duplicate in Form XIA or XIB as the case may be and shall be signed by the applicant.
- (ii) There shall be appended to every such application a certificate, which shall be signed by the applicant to the effect that the statement of facts contained in the application is to the best of his knowledge and belief accurate.

(2) Production of documents :—

- (i) When the application for relief is based upon a document, the document shall be appended to the application.
- (ii) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.
- (iii) Any document which is not produced at or within the time specified in sub-rule (1) or (2) as the case may be, shall not without the sanction of the Competent Authority be admitted in evidence on behalf of the party who should have produced it.
- (iv) Nothing in this rule applies to any document which is produced for the purpose of cross-examining a witness or handed to a witness to refresh his memory.

(3) Application presented to wrong Competent Authority :—

- (i) If it appears to the Competent Authority on receiving the application that it should be presented to another Competent Authority he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reason for returning it and the designation of the Competent Authority to whom it should be presented.
- (ii) If it appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant and the opposite party, if he has received a copy of the application under sub-rule(8) accordingly.
- (iii) The Competent Authority to whom the application is transferred under sub-clause (2) may continue the proceedings as if the previous proceedings or any part of it had been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudiced.

(4) Examination of applicant :—

- (i) On receiving such application, the Competent Authority may examine the applicant on oath, or may send the application to any officer authorised by Andaman & Nicobar Administration in this behalf and direct such officer to examine the applicant and his witnesses and forward the record thereof to the Competent Authority.
- (ii) The substance of any examination made under sub-clause (i) shall be recorded, in the manner provided for the recording of evidence in Section 97 of the Code.

- (5) Summary dismissal of application :—
- (i) The Competent Authority may, after considering the application and the result of any examination of the applicant under sub-rule (4) summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.
 - (ii) The dismissal of the application under sub-clause (i) shall not preclude the applicant from presenting a fresh application.
- (6) Preliminary inquiry into application :— If the application is not dismissed, the Competent Authority may, for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party and, if upon Considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.
- (7) Notice to opposite party :— If the Competent Authority does not dismiss the application under sub rule (5) or (6), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application and may call upon the parties to produce on that date any evidence which they may wish to render.
- (8) Appearance and examination of opposite party :—
- (i) The opposite party may, and if so, required by the Competent Authority, shall at of before the first hearing or within such time as the Competent Authority may permit, file a written statement dealing with claim raised in the application, an any such written statement shall form part of the record.
 - (ii) If the opposite party contests the claim, the Competent Authority may, and, if no written statement has been filed, shall, proceed to examine him upon the claim and shall reduce the result of the examination to writing.
- (9) Framing of Issues :—
- (i) After considering any written Statement and the result of any examination of the parties, the Competent Authority shall ascertain upon what material propositions of fact or law the parties are at variance, and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.
 - (ii) In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion concern points of fact and those which concern points of law.
- (10) Power to postpone trial of issues of fact where issues of law arise:— When issues both of law and of fact arise in the same case, and the Competent Authority is of opinion that the case may be disposed of on the issues of law only, he may try those issues first, and for that purpose may, if he thinks fit, postpone the settlement of the issues of fact until after the issues of law have been determined.
- (11) Diary :— The Competent Authority shall maintain under his hand a brief diary of the proceedings on an application.
- (12) Reasons for postponement to be recorded:— If the Competent Authority finds it impossible to dispose of an application at one hearing, he shall record the reasons which necessitate a postponement.
- (13) Judgment :—
- (i) The Competent Authority, in passing orders, shall record concisely in a judgment his finding on each of the issues framed and his reasons for such findings.
 - (ii) The Competent Authority, at the time of signing and dating his judgment, shall pronounce his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of clerical or arithmetical mistake arising from any accidental slip.

- (14) Summoning of witnesses :— If an application is presented by any party to the proceedings for the citation of witnesses the Competent Authority shall, on payment of the prescribed expenses and issue summons for the appearance of such witnesses unless he considers that their appearance is not necessary for the just decision of the case.
- (15) Exemption from payment of costs:— If the Competent Authority is satisfied that the applicant is unable, by reason of poverty, to pay the specified fees, he may remit any or all of such fees.
- (16) If the case is decided in favour of the applicant the specified fees which, had they not been remitted, would have been due to be paid, may be added to the cost of the case and recovered in such manner as the Competent Authority in his order regarding costs may direct.
- (17) Right of entry for local inspection:— The Competent Authority before whom any proceeding relating to an injury by accident is pending may at any time for the purpose of making a local examination enter the place where workman was injured, or where the workman ordinarily performed his work, or for examining any persons likely to be able to give information relevant to the proceedings:

Provided that, the Competent Authority shall not enter any premises of any industrial establishment except during the ordinary working hours of that establishment, save with the permission of the employer or of some person directly responsible to him for the management of the establishment.

(18) Procedure in connection with Local Inspection :—

- (i) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place he shall give the parties or their representatives notice of his intention to conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.
- (ii) Such notice may be given orally or in writing and in the case of an employer, may be given to any person upon whom notice of a claim can be served under Sub-section (3) of Section 82 of the Code or to the representatives of any such person.
- (iii) Any party or the representative of any party, may accompany the Competent Authority at a local inspection.
- (iv) The Competent Authority after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and on payment of the prescribed fee shall supply any party with a copy thereof.
- (v) The memorandum shall form part of the record.

(19) Power of summary examination :—

- (i) The Competent Authority during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case whether such person has been or is to be called as a witness in the case or not, and whether any or all the parties are present or not.
- (ii) No oath shall be administered to a person examined under sub-clause (i).
- (iii) Statements made by person examined under sub-clause (i) if reduced to writing, shall not be signed by the person making the statement, nor shall they except as hereinafter provided, be incorporated in the record or utilized by the Competent Authority for the purpose of arriving at a decision in the case.
- (iv) If a witness who has been examined under sub-clause (i) makes in evidence any material statement contradicting any statement made by him in such examination and reduce to writing, the Competent Authority may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement, for the purpose of examining or cross-examining the witnesses.
- (v) Any statement or part of statement which is furnished to the parties under clause (iv) shall be incorporated in the record.
- (vi) Where a case is settled by agreement between the parties the Competent Authority may incorporate in the record any statement made under sub-clause (i) and may utilise such

statement for the purpose of justifying his statement or refusal to accept, the agreement reached.

(20) Procedure where indemnity is claimed under Section 85 (2):—

- (i) Where the opposite party claims that, if compensation is recovered against him, he will be entitled under Sub-section (2) of Section 85 to be indemnified by a person not being a party to the case, he shall when first called upon to answer the application present a notice of such claim to the Competent Authority accompanied by the prescribed fee and the Competent Authority shall thereupon issue notice to such person in **Form XIIA**.
- (ii) If any person served with a notice under sub-clause(i) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Competent Authority on the date fixed for the hearing of the case or on any date to which the case may be adjourned and if he so appears, shall have all the rights of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

Provided that, if any person so served appears subsequently satisfies the Competent Authority that he was prevented by any sufficient cause from appearing, the Competent Authority shall after giving notice to the aforesaid opposite party, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be just.

- (iii) If or not he desires any person to contest served the with applicant's a notice under claim sub-clause(i) for compensation whether or the opposite party's claim to be indemnified, claims that being a contractor he is himself a principal and is entitled to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under sub-clause(i) present a notice of such claim to the Competent Authority accompanied by the prescribed fee and the Competent Authority shall thereupon issue notice to such person in **Form XII B**.
- (iv) If any person served with a notice under sub-clause (iii) desires to contest the applicant's claim for compensation, or the claim under sub- clause (iii) to be indemnified he shall appear before the Competent Authority on the date fixed in the notice in **Form XII B** on or any date to which the case may be adjourned and if he so appears shall have all the rights of a party to the proceedings in default of so appearing, he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under sub-clause (i) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

Provided that, if any person so served appears subsequently and satisfies the Competent Authority that he was prevented by any sufficient cause from appearing, the Competent Authority shall, after giving notice to all parties on the record, hear such person and may set aside or vary any award made against such person under this rule upon such terms as may be just.

- (v) In any proceeding in which a notice has been served on any person under sub- clause (i) or sub-clause (iii), the Competent Authority shall, if he awards compensation, record in his judgment a finding in respect of each of such persons whether he is or is not liable to indemnify any of the opposite parties and shall specify the party, if any, whom he is liable to indemnify.

(21) Procedure in connected cases :—

- (i) Where two or more cases pending before a Competent Authority arise out of the same accident, and any issue involved is common to two or more such cases, such cases may so far as the evidence bearing on such issues is concerned, be heard simultaneously.
- (ii) Where action is taken under sub- clause (i), the evidence bearing on the common issue or issues shall be recorded on the record of one case and the Competent Authority shall certify

under his hand on the record applies to such other case and the fact that the parties to such other case had the opportunity of being present, and if they were present, of cross-examining the witnesses.

- (22) Certain provisions of Civil Procedure Code, 1908 (Central Act No. 5 of 1908) to apply. Save as otherwise expressly provided in the Code or these rules, the following provisions of the First Schedule to the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908), namely, those contained in Order V, Rule 9 to 30; Order VII, Rules 9 to 18; Order IX; Order XIII; Order XVI; Order XVII and Order XXIII, Rules 1 to 3; shall apply to proceedings before Competent Authority, 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 construe them with such alterations not affecting the substance as may be necessary or proper to adopt them to the matter before him;
- (b) the Competent Authority may, for sufficient reasons proceed otherwise than in accordance with the said provisions, if he is satisfied that the interests of the parties will not thereby be prejudiced.
- (23) Any form other than a receipt for compensation which is by these rules required to be signed by a Competent Authority may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.
- (24) Apportionment of compensation among dependants:— The provisions of this part, except those contained in sub-rule (8), (9) and (20) shall, as far as may be, apply in the case of any proceedings relating to the apportionment of compensation among dependants of a deceased workman.
- (25) Every application made to the Competent Authority under Section 93 of the Code shall be disposed off by the Competent within six months from the date it is presented to the Competent Authority:

Provided that, if the Competent Authority is unable to dispose off the application within the stipulated period of six months, he shall at the time of final disposal of the application state the reasons therefore in the Diary Maintained under sub -rule (11) of this rule.

CHAPTER- VI

CESS IN RESPECT OF BUILDING AND OTHER CONSTRUCTION WORKERS

26. **Time limit for Payment of Cess** :— The date of payment of cess shall be the date on which the amount is deposited with the Cess Collector or the date of deduction at the source or the date on which the amount has been deposited with local authority.
27. **Fee for Appeal** :— (1) Every employer who intends to prefer an appeal under Sub-section (1) of Section 105 of the Code shall pay a fee equivalent to 0.5 percent of the amount specified in the order of assessment.
- (2) The fee so collected shall be deposited by the Appellate Authority to the Board.

CHAPTER- VII

FINANCE AND ACCOUNTS

28. **Accounts** :— (1) The income and expenditure of the Social Security Organisation shall be maintained in such forms and registers as determined by the laid down norms.
- (2) **Approval of the Budget** :- The budget estimates for every financial year shall be prepared and laid before the Board on or before the 31st day of January of the previous financial year and after it is

approved by the Board the same shall be forwarded to the Secretary (Labour), Andaman & Nicobar Administration for approval on or before the 10th February. The Secretary (Labour), Andaman & Nicobar Administration shall approve the Budget before the 28th February, after making such amendments and alterations as it considers necessary.

- (3) The budget amended or altered and approved shall constitute the budget of the Board for the financial year and shall be issued under the seal of the Board and signed by the officer or officers of the Board duly authorized in this behalf.
 - (4) An authenticated copy of the approved budget shall be forwarded to the Andaman & Nicobar Administration before the 15th of March.
 - (5) The Board shall submit to the Andaman & Nicobar Administration and Central Government as soon as may be after the 1st of April every year and not later than 31st day of October an Annual Report in **Form XIII** on the working of the Board during the preceding year ending on 31st March of the year along with audited copy of Accounts together with an Auditor's Report.
 - (6) The Boards may from time to time invest any moneys vested in it which are not immediately required for expenses of the Board in any Nationalised Bank, Scheduled Banks as the Board thinks it fit and proper.
 - (7) The Boards may open such accounts in the name of the Chief Executive Officer or Member Secretary as the case may be, necessary for receipt of fees, subscription amount, cess or any other source of income to the Boards and Administrative account as the case may be.
 - (8) All accounts of the Board shall be held in the name of the Chief Executive Officer or Member Secretary, as the case may be and he shall be the drawing and disbursing officer.
 - (9) All expenses for the Administration of the Fund, Fees and Allowances of the Members of the Board, salaries, leave salaries, joining time pay, travelling allowance, compensatory allowance, charge allowances, pension contribution and other benefits of personal expenses for the legitimate needs of the Board and the stationery expenses shall be met from administrative account of the Board.
29. **Holding of Property etc., by Social Security Organisation** :— The 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 of the Code shall be as decided by the Board by a resolution approved by not less than 2/3 majority.

CHAPTER –VIII

AUTHORITIES ASSESSMENT, COMPLIANCE AND RECOVERY

30. **Register of Women Employees** :— (1) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in **Form XIV** electronically or in hard copy and shall enter therein particulars of all women employees in the establishment.
- (2) The register shall always be available for inspection scheme for the Inspector-cum-Facilitator.
 - (3) The employer may enter in the register of women employees such other particulars as may be required for any other purpose of the Code.
31. **Records** :— Records kept under the provision Chapter V of the Code and rules framed thereunder shall be preserved for a period of two years from the date their preparation.
32. **Annual Returns** :— (1) The employer to which the provisions of Chapter V of the Code applies, on or before the last day of February in each year, upload a unified consolidated annual return in **Form XV** online or Offline on the web portal of the Labour Department, A & N Administration giving information as to particulars specified in respect of the preceding year:

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

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

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

CHAPTER –IX

INSPECTION SCHEME

- 33. Inspection Scheme :—** (1) The Andaman & Nicobar Administration may by Notification in the Official Gazette appoint such persons as it thinks fit for such area as may be specified in the Notification for the purpose of implementing all the provisions of the Code other than those contained in Chapter III and IV.
- (2) The inspection scheme laid down by the Andaman & Nicobar Administration under Sub-section (2) of Section 122 of the Code shall make provisions for,—
- Fixing minimum number of establishments that need to be inspected in a specific month.
 - Inspection of unregistered establishment which are not covered within the inspection scheme.
 - Inspection of specific establishment based on the complaint of a substantial number of workmen of the establishment or a Trade Union as the case may be.
- (3) The Inspector-cum-Facilitator appointed under the Code may call for any Register or record maintained by the Employer under —
- The Industrial Relations Code, 2020 (Central Act 35 of 2020).
 - The Code on Wages, 2019. (Central Act 29 of 2019).
 - The Occupational Safety, Health and Working Conditions Code, 2020. (Central Act 37 of 2020).
 - Any other legislations pertaining to social security or service conditions of workmen which he considers proper and necessary for the purpose of the Inspection.

CHAPTER- X

OFFENCES AND PENALTIES

- 34. Cognizance of Offences :—** (1) The Andaman & Nicobar Administration may by Notification in the Official Gazette appoint any person not below the rank of Labour Inspector under Sub-section (1) of Section 136 of the Code for such area as it thinks fit to make a complaint before the appropriate court for the purpose of offences relating to the provisions of the Code and Rules, Regulation or Schemes made or framed there under for which the Andaman & Nicobar Administration is the appropriate authority.
- (2) The Andaman & Nicobar Administration may by Notification in the Official Gazette appoint any person not below the rank of Assistant Labour Commissioner of the Labour Department, A & N Administration for such area as it thinks fit for the purpose of compounding of offences under Sub-section (1) of the Section 138 of the Code in respect of those provisions for which the Andaman and Nicobar Administration is the appropriate authority.

- (3) The officer authorized by the Andaman & Nicobar Administration by Notification for the purposes of compounding of offences under Sub-section (1) of Section 138 shall issue electronically or otherwise a compounding notice in **Form-XVII** for the offences which are compoundable under Section 138.
- a) The person so noticed may apply in Part-III of the **Form-XVII** to the officer electronically and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.
- b) The Compounding Officer shall issue a composition certificate in Part-IV of **Form-XVII** within ten days of receipt of the composition amount, to such person from whom such amount has been received in satisfaction of the composition notice.
- c) If a person so noticed fails to deposit the composition amount within the prescribed time, the prosecution shall be instituted before the Competent Court or the offence in respect of which the compounding notice was issued, against such person.
- d) Composition after institution of prosecution.—
- i. The Court may compound any compoundable offence at any time after filing of a complaint under Section 138 of the Code;
- ii. The provisions of Section 320 of the Code of Criminal Procedure, 1973 shall apply to such compositions.

CHAPTER- XI MISCELLANEOUS

35. **Social Security Fund** :— (1) Subject to the provisions of Sub-section (5) of Section 141 of the Code, the other sources of the Social Security Fund for the welfare of the Unorganised Workers may include,—
- (a) Any grants from the Central Govt. or Andaman & Nicobar Administration as the case may be;
- (b) Any contribution from the Unorganised Workers towards Registration or Membership; and
- (c) Any donations from Private Organisations or Bodies.
- (2) The funds of the Board shall be spend for implementing the various schemes of the Unorganised Workers and such other salaries, allowances and administrative expenses as determined by the Board.
- (3) The Forms or Registers prescribed by the Code on Social Security (Central) Rules, 2020 may mutatis mutandis be adopted by every employer, employee, authority or Inspector where such forms or Registers are not specifically provided under these rules.

FORM-I

[(See rule 12(1), (2), (3) and (4)]

Nomination/Fresh Nomination/Modification of Nomination

(Strike out the words not applicable)

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 a 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.....Thana.....Sub-division.....
 Post Office..... PIN Code District
 State/UT 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

Date:

Signature of the Employer / Officer Authorized
 Designation
 Name and Address of the establishment or
 Rubber Stamp thereof

Acknowledgement by the Employee

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

Date:

Signature of the Employee

FORM-II

[(See rule 13 (1) and (2)]

Application for Gratuity by an Employee / Nominee / Legal Heir

(Strike out the words not applicable)

To,

.....

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

Sir/Madam,

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

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

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

1. Name of employee in full, (if, the gratuity is claimed by an employee)

- a. Marital status of employee (unmarried / married / widow / widower)
 b. Address in full of employee

or

2. Name of nominee / legal heir (if the gratuity is claimed by nominee / legal heir)

- a. Name of Employee
 b. Marital status of nominee / legal heir (unmarried / married / widow / widower)
 c. Relationship of nominee / legal heir with the employee

- d. Address in full of nominee / legal heir
 - e. Date of death and proof of death of the employee
 - f. Reference No. of recorded nomination, if available
3. Department / Branch / Section where last employed
 4. Post held by employee
 5. Date of appointment
 6. Date and cause of termination of service
 7. Date of Death
 8. Total period of service of pthe employee
 9. Total wages last drawn by the employee
 10. Total gratuity payable to the employee / share of gratuityclaimed 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-III

[[See rule 13 (4)]]

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 Rule 13 of the Code on Social Security (Andaman & Nicobar Islands) Rules, 2021, that your claim for payments of gratuity as indicated on your application in **Form-I** under the said rules is not admissible for the reasons stated below:

Reasons (Here specify the reasons); or

- (b) *as required under Rule 13 the Code on Social Security (Andaman & Nicobar Islands) Rules, 2021 that a sum of Rs.(Rupees.....) is payable to you as gratuity / as your share of gratuity in terms of nomination made by.....on.....andrecorded in this.....as a legal heir of.....an employee of this establishment.

2. *Please call aton..... (Here specify place).....
 (date) at.....(time) for collecting your payment of gratuity crossed cheque.
3. Amount payable shall be sent to you through Demand Draft or shall be credited in your Bank Account as desired by you.
4. Brief statement of calculation—
- | | |
|--|---|
| (a) Date of appointment | : |
| (b) Date of termination / superannuation / resignation / disablement / death | : |
| (c) Total period of service of the employee concerned | : |
|years..... months | : |
| (d) Wages last drawn | : |
| (e) Proportion of the admissible gratuity payable in terms of nomination / as a legal heir | : |
| (f) Amount payable | : |

**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: The Competent Authority in case of denial of gratuity.

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

FORM-IV

[(See rule 14(1))]

Application for Direction

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

Application No.:

Date:

BETWEEN

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

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

The applicant is an employee of the abovementioned employer / nominee of Late.....
an employee of the abovementioned employer / a legal heir of Late..... and employee of
the abovementioned employer, and is entitled to payment of gratuity under Section 53 of the Code on
Social Security, 2020 on account of his own / aforesaid employee's superannuation.....(date) /
his own retirement / aforesaid employees resignation on (date) completion
of.....years of continuous service / his own / aforesaid employees total disablement with effect
from(date) due to accident / disease death of aforesaid employee on.....

2. The applicant submitted an application under Rule.....of the Code on Social Security
(Andaman & Nicobar Islands) Rules, 2021 on thebut the abovementioned employer
refused to entertain it / issued a notice dated the..... under clause of 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 abovementioned employer to pay the same to the petitioner.
5. The applicant declares that the particulars furnished in the annexure hereto are true and correct to
the best of his knowledge and belief.

Date:

Signature / Thumb Impression of the Applicant

ANNEXURE

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

Place:

Date:

Signature / Thumb-Impression of the Applicant

FORM – V

[(See rule 15(1) 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 abovementioned employer, has/have filed an application under **Chapter-III** of the Code on Social Security(Andaman & Nicobar Islands) 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 beforementioned, 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 of.....20.....

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 – VI

[(See rule 15(14)]

Notice for Payment of Gratuity as Determined by Competent / Appellate Authority

(Strike out the words not applicable)

To,

(Name and address of employer)

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

Whereas, a notice was given to you on..... requiring you to make payment of Rs.....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. / Kumarias 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 – VII

[(See rule 15(23)]

Application for Recovery of Gratuity

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

Application No.

Date:

BETWEEN

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

(Name in full of the Employer / Trust / Insurer concerned with full Address)

1. The applicant is an employee of the abovementioned employer / a nominee of Late.....an employee of the abovementioned employer / a legal heir of Latean employee of the abovementioned employer, and you were pleased to direct the said employer in your notice dated _____ under **Chapter-III** of Code on Social Security (A & N Islands) 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.

Place:

Date:

Note.—Strike out the words not applicable.

Signature / Thumb Impression of Applicant

FORM- VIII

(See rule 21)

Notice Book

Date of accident and time, if known	Name of workman injured	Address of Workman injured	Cause of injury	Date and time of notice	Thumb Impression or Signature of person giving notice
1	2	3	4	5	6

FORM- IX

(See rule 22 (1))

Notice for Employers' statement regarding fatal accident

To,

.....

Whereas, I have received information that a employee employed by you in at has died as the result of an accident arising out of and in the course of his employment, I hereby require you in accordance with Section 88 of the Code to submit to me within thirty days of this notice a statement in the enclosed **Form IX (Rule 22(2))** with the particulars required in paragraphs 1 and 2 and the particular required either in paragraph 3 or in paragraph 4, duly filled in. In the event of your admitting liability to pay compensation, the necessary deposit must, under Section 88 of the Code be made within thirty days of the receipt of this notice.

Date :

Place :

Competent Authority

FORM-IX

(See rule 22(2))

In reply to your notice, dated the20, which was received by me on the20, it is submitted thatresiding at a employee over / under 15 years of age employed in met with an accident on the20 as result of which he died / received serious bodily injury on the20. The monthly wages of the deceased amounted to Rs.

1. The circumstances in which the deceased met his death/received serious bodily injury were as follows:-
2. I admit liability to pay as compensation, on account of the deceased's death/serious bodily injury, the amount of Rs..... which was / will be deposited with you on/before the.....
3. I disclaim liability to pay compensation on account of the deceased's death / serious bodily injury, on the following grounds:
4. The name and addresses of the dependents of the deceased so far as known to us are

(One of these paragraphs to be struck out).

Date :

Place :

Signature of the Employer

FORM-XA

(See rule 23 (1))

Memorandum of Agreement

It is hereby submitted that on the Day of20 , personal injury was caused to..... Residing at by accident arising out of and in the course of employment in.....

The said injury has resulted in temporary disablement to the said employee whereby it is estimated that he will be prevented from earning more than his previous / any wages for a period of Months, The said employee has been in receipt of half- monthly payments which have continued from the..... day of20 , until the Day of20, amounting to Rs.....in all. 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.....

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. In respect of all disablement of a temporary nature arising out of the said accident whether now or hereafter to become manifest, it is therefore requested that this memorandum be duly recorded.

Date.....

Signature of Employer.....

Witness.....

Signature of Employee.....

Witness.....

Note:- An application to register an agreement can be presented under the signature of one party, provided that the other party has agreed to the terms. But both signature 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

Date.....20

Signature or Thumb Impression of employee

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

Witness.....

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

FORM- XB

(See rule 23 (1))

Memorandum of Agreement

It is hereby submitted that on the day at20 , 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 this 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 Employees Compensation Code. In respect of the disablement stated above and all disablement now manifest. It is, therefore, requested that this memorandum be duly recorded.

Signature of Employer

Date.....

Witness.....

Signature of Employee.....

Witness.....

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

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

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

Date

Signature or Thumb Impression of the 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 workman is under legal disability, etc.

FORM- XC

(See rule 23 (1))

Memorandum of Agreement

It is hereby submitted that on the day of20 , personal injury was caused to residing at by accident arising out of and in the course of employment in The said injury has resulted in temporary disablement of the workman, who is at present in receipt ofwages amounting to Rs..... per month/on 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 accept half-monthly payments at the rate of Rs for the period of the said temporary disablement. This agreement is subject to the conditions that the amount of half-monthly payment may be varied in accordance with the provisions of the Employees Compensation Code on account of an alteration in the earning of the said employee during disablement. It is further stipulated that all rights of commutation under Section 89 of the said Code are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded.

Date.....20

Signature of Employer

Witness.....

Signature of employee.....

Note:— An application to register an agreement can be presented under the signature of one party provided that the other party has agreed to terms.

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

In accordance with the above agreement. I have

this day received the sum of Rs

Date20

Signature or Thumb Impression
of the Employee

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

Witness.....

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

FORM XD

(See rule 23 (2))

Register of Memorandum

S.No.	Date of agreement	Date of registration	Employer	Employee	Initial of competent authority	Reference to orders rectifying- The register
1	2	3	4	5	6	7

FORM- XIA

(See rule 25 (1) (i))

Application for Compensation by Employee

To

The Competent Authority

1. Name and full address of the applicant

.....

Versus

2. Name and full address of the opposite party

.....

it is hereby submitted that —

- (1) The Applicant, an employee employed by the opposite party on the day of 20 received personal injury by accident arising out of and in the course of his employment. The cause of the injury was (here insert briefly in ordinary language the cause of the injury)
- (2) The applicant sustained the following injuries, namely
- (3) The monthly wages of the applicant amounted to Rs the applicant is over/under the age of 15 years
- (4) *(a) Notice of the accident was served on the day of
- (b) Notice was served as soon as practicable.
- (c) Notice of the accident was not served (in due time by reason of

The applicant is accordingly entitled to receive:—

(a) half monthly payment of Rs. from theday
of.....19.....to.....

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

(5) The applicant has taken the following steps to secure a settlement by agreement,
namely.....

But it was proved impossible to settle the questions in dispute because

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

(a) Whether the applicant is a workman within the meaning of the Act.

(b) Whether accident arose out of and in the course of the applicant's employment.

(c) Whether the amount of compensation claimed is due, or any part of that amount.

(d) Whether the opposite party is liable to pay such compensation as is due.

(e) Etc. (as required)

Date.....

Applicant

FORM- XIB
(See rule 25 (1) (i))
Application for Order to Deposit Compensation

To
The Competent Authority

1. Name and full address of the applicant

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

Versus

2. Name and full address of the opposite party

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

It is hereby submitted that —

I, a workman employed by (a contractor with the opposite party) on the day of arising out of and in the course of his employment resulting in his death on the date of 20.....

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

- 2. The applicant(s) is/are dependant(s) of the deceased workman being his
- 3. The monthly wages of the deceased amount Rs..... the deceased was over/under the age of 15 years at the time of his death.
- 4. (a) Notice of the accident was served on the day of 20 .
(b) Notice was served as soon as practicable.
(c) Notice of the accident was not served (in due time) by reason of
- 5. The deceased before his death received as compensation the total sum of Rs.....
- 6. The applicant(s) is/are accordingly entitled to receive a lumpsum payment of Rs
- 7. The applicant(s) has/have requested the opposite party to deposit compensation and the latter has refused/omitted to do so.

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

- (a) Whether the deceased was a workman within the meaning of the Act.
- (b) Whether the accident arose out of and in the course of the deceased's employment.
- (c) Whether the amount of compensation claimed is due, or any part of the amount.
- (d) Whether the opposite party is liable to pay such compensation as is due.
- (e) Whether the applicant (s) is/are dependant(s) of the deceased.
- (f) How the compensation, when deposited should be distributed.
- (g) Etc. (as required).

Date:

Applicant

FORM- XIA

(See rule 25 (20) (i))

Notice

Whereas, a claim for compensation has been made by
applicant against

_____ and _____ the said _____

has claimed that you are liable to pay compensation under the Code on Social Security, 2020, to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on _____ and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of your appearance, you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Dated:

Competent Authority

FORM- XIIB

(See rule 25 (20) (iii)(iv))

Notice

Whereas, a claim for compensation has been made by _____ applicant, against _____ and the said _____ has claimed that _____ is liable to pay compensation under the Code on Social Security, 2020, to indemnify him against any claim and where as the said _____ on notice served has claimed that you _____ stand to him in the relation of a contractor from whom the applicant could have recovered compensation you are hereby informed that you may appear before me on _____ and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party . In default of your appearance you will be deemed to admit the validity of any award made against the opposite party _____ your liability to indemnify the opposite party _____ for any compensation recovered from him.

Dated:

Competent Authority

FORM- XIII

(See rule 28 (5))

Annual Report

**A & N Islands Building and Other Construction Workers Welfare Board / A & N Islands
Unorganized Workers Social Security Board
Annual Report for the year.....**

I. Board :

1. Full registered address :
2. Date of Constitution :
3. Name of Chairperson :
4. Member of the Board :
5. Regional Offices with address, if any :
6. No. of Staff of the Board with grade-wise
(Including regional offices) :

II. Membership :

- i) No. of beneficiaries registered with the Board :
- ii) No. of registered employers :
- iii) No. of beneficiaries registered during the audit
period :

III. Meetings :

State the number of meetings held with dates during the year and names of the members remaining absent :

IV. Audit :

- i) Date of the last audit :
- ii) Have any irregularities been mentioned in the previous audit ? If so, state the position regarding compliance thereof :

V. Internal audit :

- a) Is there a formal internal audit system in operation ? :
- b) Any special area which are taken up by the internal Auditor ? If yes, list them :
- c) Who had done the internal audit ? Whether the internal auditor is from the panel of auditor ? :
- d) State whether there is proper co-ordination between the Govt. auditor and the internal auditor :
- e) Whether recommendations made by the internal auditor have been complied with by the Board, if no, specify them :

VI. Cash, bank balance and securities :

- a) Cash :
 - a) Whether the cash is counted physically by the auditor ? If yes, give the date :
 - b) Who produced the cash for counting ? Give his name and designation, is he authorized to keep cash ? Whether the cash balance was within the limits stipulated :
 - c) Is it correct according to cash book ? :
 - d) Are management for safely of cash in safe and cash in transit adequate ? :

- e) Whether any insurance policy money in transmit, cash in safe and fidelity guarantee is taken out? If yes, specify the sum insured against each category :
- b) Bank balance :
- a) Do the bank balance shown in bank statements / pass book tally with the bank book ? If not, whether any reconciliation statement is prepared ? Attached statement :
- b) Whether confirmation of balance are obtained from all the banks ? :
- c) Securities :
- a) Verify securities physically and see whether they are in the name of the Board :
- b) Are dividends and / or interests being duly collected and whether provision of accrued interest is as calculated correctly ? :
- c) If securities are lodged with the bank, are relevant certificate obtained ? :
- d) If investment register kept and written up to date ? :
- e) Whether the aggregate amount as per the register tallies with the ledger ? If not, what is the quantum of difference ? :
- f) Amount not received upon maturity :
- VII. Movable and immovable property:**
- a) Are relevant registers maintained up to date ? :
- b) Verify properly physically and obtain list. Do the balance tally with balance sheet features ? :
- c) In case of immovable properties including land, verify title deeds and see whether they are in the name of the Board :
- d) If the property duty insured whether necessary ? If so, give details :
- e) Depreciation:
- i) Is due depreciation charges ? :
- ii) State the rates of depreciation charged on various assets :
- VIII. Receipts during the year under report :**
- 1) Amount of grants/loans received from the Central Govt. :
- 2) Amount of contribution received from the beneficiaries. :
- 3) Amount of cess received :
- 4) Amount of registration fees received from the beneficiaries. :
- 5) Any other source :
- IX. Expenditure during the year under report:**
- 1) Financial assistance provided to the beneficiaries give the details scheme-wise :
- 2) Administrative expenditure including salary :

3) Expenditure on other heads, specify the heads :

X. Activities:

1) State the various activities of the Board :

2) Proposals for the future scheme :

XI. General:

1) Litigations :

a) No. of court cases against Board :

b) No. of court cases filed by the Board :

2) Inspections:

a) Whether any inspection has been carried out
by the any Central/State Govt. authority :

b) Orders / directions issued, if any :

3) Proposals:

Pending proposals, if any, with the A & N
Administration :

FORM- XIV
(See rule 30 (1))
Register of Women Employees

Name of establishment :

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

Month	No. of days employed	No. of days laid off	No. of days not employed	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 section 65(1) & 65(3).
16. Date with the amount of wages paid on account of leave under section 65(2) and period of leave granted.
17. Name of the person nominated by the woman under section 62.
18. If the woman dies, the date of her death, the name of the person to whom maternity benefits and/or other amount was paid, the amount thereof, and the date of payment.
19. If the woman dies and the child survives, the name of the person to whom the amount of maternity benefit was paid on behalf of the child and the period for which it was paid.
20. Signature of the employer of the establishment authenticating the entries in the register of women employees.
21. Remarks column for the use of the Inspector-cum-Facilitator.

FORM- XV
(See rule 32 (1))

Unified Consolidated Annual Return

A. General Part:

(a) Name and full address of the establishment

(b) Name and full address of the employer

E-mail ID, Telephone Number, Mobile number

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

E-mail ID..... Telephone Number..... Mobile Number.....

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

S.No.	Name	Registration	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 Law for the time being in force.		

C. Details of Employer, Contractor and Contract Labour:

01.	Name of the employer in the case of a contractor's establishment.	
02.	Date of commencement of the establishment.	
03.	Number of Contractors engaged in the establishment during the year.	
04.	Total Number of days during the year on which Contract Labour was employed.	
05.	Total number of mandays 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 Mobile 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									
Semi-skilled									
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 midwife ?		
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 of days of leave granted	
03.	Number of employees granted maternity leave/benefitted by ESI	

Declaration

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

Date:

Place:

Signature

FORM- XVI
(See rule 32 (2))
Unified Return

A. General Part:

- a. Name and full address of the establishment
- b. Name and full address of the employer
E-mail ID, Telephone Number, Mobile Number
- c. Name and full address of the manager or person responsible for supervision and control of establishment
E-mail ID.....Telephone Number.....Mobile Number.....

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

S. No.	Name	Registration	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 Law for the time being in force.		

C. Details of Employer, Contractor and Contract Labour:

01.	Name of the employer in the case of a contractor's establishment.	
02.	Date of commencement of the establishment.	
03.	Number of Contractors engaged in the establishment during the year.	
04.	Total number of days during the year on which Contract Labour was employed.	
05.	Total number of mandays 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 Mobile 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									
Semi-skilled									
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:**(c) 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 ?		

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

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

Declaration

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

Date:

Place:

Signature

FORM- XVII

[See rule 34(3)]

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

Notice No.

Date :

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

PART I

1	Name of the Person	
2	Name and Address of the Establishment	
3	Registration No. of the Establishment	
4	Particulars of the offence	
5	Provisions of the Code / Scheme / Rules / Regulations under which the offence is committed	
6	Compounding amount required to be paid towards composition of the offence	
7	Name and Details of Account for depositing the Amount specified in Column 6	

PART II

In view of the above, you have an option to pay the abovementioned amount within fifteen days from the date of issue of this notice and return the application duly filled-in Part — III of this notice.

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

(Signature of the Compounding Officer)

Date:

Place:

PART III

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 abovementioned 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.

Dated :

Place :

Signature of the Applicant

(Name and Designation)

PART- IV
Composition Certificate

Ref: Notice No.

Date :

This is to certify that the offence under Sub-section 4..... of Section 133 of the Code in respect of which Notice No. Dated: was issued to Shri(Applicant), the employer of (name and Registration Number of establishment) has been compounded on account of remission of full amount of Rs. (Rupees) towards the composition of offences to the satisfaction of the said Notice.

(Signature)
Name and Designation of the Officer

Date :

Place :

**By order and in the name of the Lieutenant Governor (Administrator),
Andaman and Nicobar Islands.**

Sd./-
Additional Secretary (Labour)