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Separate paging is given to this part in order that it may be filed as a separate compilation.

PART III

Laws, Regulations and Rules passed thereunder.

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GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIATô LABOUR AND EMPLOYMENT
DEPARTMENT

Notification

Jammu, the 15th January, 2021.

SO-18.ôôThe following draft rules, which the Jammu and Kashmir Government proposes to make in exercise of the powers conferred by sections 154 and 156 of the Code on Social Security, 2020 (36 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of theô

- (i) Jammu and Kashmir Workmenô Compensation Rules, 1972 ;
- (ii) Jammu and Kashmir Payment of Gratuity Rules, 1973 ;
- (iii) Jammu and Kashmir Maternity Benefit Rules, 1974 ;
- (iv) Jammu and Kashmir Building and Other Constructions Workers (Regulation of Employment and Conditions of Service) Rules, 2006 ; and

- (s) "Nomination" means nomination made under section 55 of the Code ;
- (t) "Registered Medical Practitioner" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine ;
- (u) "Register of women employees" means a register of women employees maintained under rule 66 ;
- (v) "Schedule" means the schedule of the Code ;
- (w) "Section" means a section of the Code ;
- (x) "Specified" means specified by an order of the Central Government or the Government of Jammu and Kashmir or any officer so authorised by such Government ;
- (y) "Turnover" of an aggregator as defined under sub-section (91) of section 2 of the Companies Act, 2013 (18 of 2013), means the gross amount of revenue recognised in the profit and loss account from the sale, supply, or distribution of goods or on account of services rendered, or both, by a company during a financial year ;
- (z) "Year" shall mean the financial year, that is to say, beginning from the first of April and ending with the thirty first of March of the year following.

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

CHAPTER II

Social Security Boards

3. The Manner to exercise the powers conferred on and to perform the functions assign to Jammu and Kashmir Unorganized Worker's Social Security Board, the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies and time, place and rules

the Board without obtaining leave of absence from the
Chairperson :

Provided no Member shall be removed from the office
unless he has been given reasonable opportunity of being
heard.

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

1. **Terms and Conditions of appointment of Chairperson and Members.**—The term of office of the Chairperson and the Members of the Board other than the Official Members shall be three years from the date of their appointment. Provided further that in no case the Members can continue in the office beyond the period of four years from the date of their appointment.
2. **Filling up of causal vacancies.**ô A Member nominated to fill a causal vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.
3. **Meeting of the Board.**ô The Board shall ordinarily meet once in two months. The Chairperson shall, within fifteen days of the receipt of a requisition in writing from the Secretary, call a meeting thereof.
4. **Notice of meeting and list of business.**ô Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent by electronically or otherwise, to each member at least fifteen days prior to the meeting of the Board :

Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 11
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every non-official member of such sub-committees shall be allowed travelling allowances and daily allowance for attending the meeting of the Sub-Committee at such rates as are admissible to a Deputy Secretary of the Jammu and Kashmir Government ;

(ii) The sub-committee(s) shall consist of the following persons, namely :ô

(a) The Chairperson of the Board ;

(b) One Member representing the employers ;

(c) One Member representing the building and other construction workers ;

(d) Two Members, not below the rank of a Deputy Secretary, to represent the Government ;

(iii) The Chairperson of the Board or an independent Member as the case may be, nominated by him shall be the Chairperson of the sub-committee(s) also and in the absence of Chairperson the members present shall elect one amongst them to preside over the meeting ;

(iv) No business shall be transacted in the meeting of a sub-committee unless at least three members of the committee are present of whom one shall be from the members representing employers and another one shall be from the members representing the building and other construction workers ;

(v) The term of the sub-committee shall be one year from the date of its constitution ;

(vi) The recommendation of the sub-committee shall be placed before the Board for its decision.

11. **Information to the Government.**ô The Board shall furnish information to Government on such matters as the Government may refer to it, from time to time.

12. **Appointment of Secretary and other officers.**ô An Officer not below the rank of Additional Secretary to the Jammu and Kashmir Government from in service Officers

- (x) M.B.B.S., B.E., B.Tech, M.Tech., Rs. 50000.00
B.D.S., B.V.Sc., B.Sc Agriculture,
B.Sc. Horticulture, B.Sc Forestry,
B.Sc Nursing, M.S., M.D. Bachelor
of Physiotherapy or any other Technical
or Medical Degree or PG Course
and Doctor of Pharmacy (Pharm. D)
- (b) The financial assistance shall also be given to the dependent brothers/sisters of the beneficiary ;
- (c) The financial assistance on account of education shall be available to the regular students, however in case of the students pursuing the study through distance mode from IGNOU, Jammu University, Kashmir University, the financial assistance may be extended on case to case basis ;
- (d) The financial assistance in this behalf shall be restricted to two children/dependents of the beneficiary irrespective of the Class/Course in a particular academic year ;
- (e) An application for grant of financial assistance under this rule shall be submitted to the officer authorised by the Board in this behalf in Form-I and Form-II up to 12th standard and higher education respectively.
- (f) The officer authorised by the Board, on detection of any fraud or wrong payment, may start proceedings of recovery of the amount paid as if these were arrears of land revenue.

(2) Sponsorship Schemes for meritorious students of beneficiaries for professional degrees/diploma based on the percentage obtained in Class 12th/Class 10th.—The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a sponsorship schemes for professional degrees/diploma based on the percentage obtained in Class 12th/Class 10th by the children of beneficiaries.

(3) Providing Tab/Bicycles to the meritorious girl students.ô
The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a schemes of providing Tab to the meritorious girl children of beneficiaries residing in hilly areas and

14 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
bicycles to the meritorious girl children of beneficiaries residing in other areas.

(4) Providing of one time Scholarship to the meritorious students of beneficiaries for preparing UPSC Civil Services and Jammu and Kashmir Combined Competitive Exams. The Jammu and Kashmir Building and Other Construction Workers Welfare Board shall formulate a scheme of providing one time Scholarship to the limited number of meritorious students of beneficiaries for enabling them to prepare for UPSC Civil Services and Jammu and Kashmir Combined Competitive Exams.

7. Financial Assistance for treatment of chronic disease under clause (e) of sub-section (6) of section 7. The Board may provide financial assistance up to to maximum limit of Rs. 1.00 lac to the beneficiary and or his dependent family member in a financial year suffering from life consuming/chronic disease like cancer and other specified life consuming disease notified by the Government from time to time :

Provided that Jammu and Kashmir Building and Other Construction Worker Welfare Board with the approval of Jammu and Kashmir Government can make any amendment in any of the schemes mentioned at Rule (5), Rule (6) and Rule (7).

CHAPTER III

Employees Insurance Court

Manner and time within which second appeal may be filed to the Employees Insurance Court by the Insured Person or the Corporation under clause (b) of sub-section (7) of section 37 of the code, the procedure to be followed by the Employees Insurance Court under sub-section (2) and the rules under sub-section (3) of section 50 and the manner of commencement of proceedings before the Employees Insurance Court, fees and procedure thereof under sub-section (1) of section 51 :

8. Constitution of the Presiding Officer of Industrial Tribunal as an Employees Insurance Court.—(1) The Jammu and Kashmir Government may constitute the Presiding Officer of the Industrial Tribunal constituted under Industrial Relations Code as an Employees Insurance Court for the Territorial Jurisdiction of Jammu and Kashmir

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 15
and such presiding officer shall thereupon discharge the functions of
the Employees Insurance Court in addition to his own duties.

(2) **Fixing of time of sitting.**

- (i) The Court shall appoint the time at which it shall sit at Srinagar and Jammu for holding proceedings under the provisions of this Code ;
- (ii) The Court shall publicize the timing so fixed well in advance for the convenience of stake holders.

(3) A Court shall be subject to the administrative control and superintendence of the High Court and shall

- (a) Keep such registers, books and accounts as the High Court may, from time to time, direct ;
- (b) Comply with such requisitions as may be made by the High Court or the Government for submission of service records, returns and statements, in such forms and in such manner as the authority making the requisition directs ; and
- (c) A Court shall keep a seal of such size, dimensions and design as the Government may direct.

9. Right to File Second Appeal. The Insured person or the Corporation may appeal to the Employees Insurance Court by presenting an application within 90 days of the date of communication of decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be :

Provided that the Employees Insurance Court may entertain an application after the period of 90 days, if it is satisfied that the appellant has sufficient reason for not presenting the application within the said period.

10. Application. (1) Every proceeding under section 49 of the Code shall be instituted by the presentation of an application to the court.

(2) Every such application shall be verified in the same manner as a pleading in a Civil Court and shall be accompanied by two copies thereof.

- (3) (a) the proceedings before an Employees Insurance Court shall commenced by an application ;

(2) Where the court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the court shall order summons or the notice to which served by publication in the leading newspapers or in any other mode as may court think proper.

(3) Where a summons or notice is served under sub-rule (2) the court shall fix such time for the appearance of the opposite party as the circumstances of the case may required.

19. Additions at matter at Summons. The court shall determine at the time of issuing of summons, whether it shall be for the settlement of the issues only or for the final disposal of the application, or for both and the summons shall contain a direction accordingly, the court may call upon the parties to produce upon that date any evidence which they wish to tender.

20. Written Statement. (1) The opposite party may, and, if so required by the court, shall, at or before the first hearing or within such time as the court may permit, present a written statement of his defence along with the documents on which he relies and an accurate list thereof in Form-IV.

(2) Every such written statement shall be verified in the same manner as a pleading in a civil court and shall be accompanied by two copies thereof.

(3) In every written statement submitted under sub-rule (1), the opposite party shall deal specifically with each allegation of fact alleged by the applicant, of which he admitted or does not admit or denies the truth. The written statement must also contain all matters which show that the application is not maintainable and all such grounds of defence as, if not raised would be likely to take the applicant by surprise or would raise issues of fact not arising out of the application as for instant, fraud, undue influence or coercion, release, pained, performance or fact showing illegality of the transaction.

21. Failure to present Written Statement called for by the Court. Where any party from whom a written statement is required fails to present the same within the time prescribed by the court, the

20 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
court may pronounce judgement against it or make such order in relation
to the proceeding as it thinks fit.

22. Framing of issues. (1) At the first hearing of the application, after the summons is served, the court shall, after considering the application and written statement, if any, or after such examination of the parties or any person or any document as may appear necessary, ascertain upon what material proposition of fact or of law the parties are at variance, and shall thereupon proceed to frame and record the issue upon which the right decision appears to depend.

(2) In recording the issues, the court shall distinguish between those issues which in its opinion concern points of facts and those which concern points of law.

(3) The court may, in like manner, at any time before passing its final order at to, strike out from or in any way amend the issues on such terms as it may think fit.

23. Order where parties are not at issue. Where at any hearing of the case it appears that the parties are not at issue on any question of law or a fact, the court may at once pronounce its final order.

24. Appearance of parties and consequence of Non-Appearance. (1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the court in person or or as prescribed in sub-section (2) of section 51 of the Code.

(2). When neither party appears when the application is called on for hearing, the court may make an order that the application be dismissed.

(3) Where the opposite party appears and the applicant does not appear when the application is called on for hearing, the court shall make an order that the application be dismissed. However if the opposite party admits the claim or part thereof in which case the court shall make an order against the opposite party upon such admissions and where part only of the claim has been admitted, it shall dismiss the case so far as it relates to the remainder.

(4) Where the applicant appears and the opposite party after receiving the summons fails to appear when the application is called on for hearing, the court may proceed *ex parte*.

(5) Where the application is wholly or partially dismissed under sub-rule (2) or (3) the applicant may within thirty days of such dismissal apply in Form-VIII for an order to set the dismissal aside and the court shall, if it is satisfied that he was prevented from appearing when the proceeding was called on for hearing due to any sufficient cause make an order setting aside the dismissal upon such terms as to costs or otherwise as it thinks fit and may proceed with the case or appoint a day for proceeding with the same :

Provided that no order under this sub-rule shall be made in respect of an application which is dismissed under sub-rule (3) unless notice of the application has been served in Form-IX on the opposite party.

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

25. Summoning of Witnesses. (1) At any time after the framing of issues, the court may call upon the parties to produce their evidence in support of the issues.

(2) The court may, on the application of either party, issue a summons in Form-X to any witness directing him to attend or to produce any document.

(3) The court may, before summoning any witness on application under sub-rule (2) require that his reasonable expenses to be incurred in attending the court, be deposited with it.

26. Grant of time and adjournment of hearing. (1) The court may, if sufficient cause is shown, at any stage of the application, grant

22 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
time to the parties or to any of them, and may, from time to time,
adjourn the hearing of the application.

(2) In every such adjournment, the court shall fix a day not exceeding fifteen days from the date on which such adjournment is made for the further hearing of the application and may make such order as it thinks fit with respect to the cost occasioned by the adjournment :

Provided that when the hearing of the evidence has once begun, the hearing of the application shall continue from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the hearing beyond the following day to be necessary for reasons to be recorded.

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

28. Statement and Production of Evidence. (1) On the day fixed for the hearing of the application or on any other day to which hearing is adjourned, the party having the right to begin shall state his case and produce his evidence in support of the issues which he is bound to prove.

(2) The other party shall then state his case and produce his evidence, if any, and may then address the court generally on the whole case.

(3) The party beginning may then reply generally on the whole case.

29. Method of Recording Evidence. The evidence of each witness shall be taken down in writing in the language of the court, not ordinarily in the form of question and answer, but in that of narrating, and when completed, shall be read over or translated, where necessary, in the presence of the judge to the witness, and such judge, shall, if necessary, correct the same and sign it.

30. **Recall of witness.**ô The court may at any stage of a proceeding recall any witness who has been examined and may (subject to the law of evidence for the time being in force) put such questions to aim as the court thinks fit.

31. **Inspection by Court.**ô The court may at any stage of a proceeding inspect any property or thing concerning which any question may arise.

32. **Pronouncement of Order.**ô The court, after the application has been heard, shall pronounce its final order in open court, either at once or on some future day, of which due notice shall be given to the parties.

33. **Signing of Order.**ô The final order shall be dated and signed in open court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added to, save in the case of clerical or arithmetical mistake arising from any accidental slip or omission.

34. **Statement of decision on each issue.**ô In cases in which issues have been framed the court shall state its finding or decision, with the reason therefore, upon each separate issue, unless the findings any one or more of the issues is sufficient for the decision of the case.

35. **Compromise of Suit.**ô Where it is proved to the satisfaction of the court that a case has been adjusted wholly or in part by any lawful agreement or compromise or where the opposite party satisfies the applicant in respect of the whole or any part of the subject matter of the case, the court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a final order in accordance therewith so far as it relates to the case.

36. **Finality of Order.**ô Save as provided in section 52, the order of a court shall be final and binding upon the parties

37. **Costs.**ô (1) The cost of and incidental to the application shall be in the discretion of the court, and the court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purpose aforesaid. The fact that the court has no jurisdiction to try the case shall be no bar to the exercise of such powers.

26 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
by the court and such amount or any other sum of money payable
under these rules shall be paid in such manner and within such time
as it may specify therefor.

(2) Any amount which is left over after meeting the expenses, if any, for which it was intended, shall be returned by the court to the party by whom or whose behalf the amount was originally paid into the court.

(3) The court shall maintain proper accounts of the amount received and disbursed under sub-rule (1).

43. Fees and Costs of Pauper Person. The court may, whenever it thinks fit, receive and register proceedings instituted under this Act an applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or on a part payment of fees and costs mentioned in rules (41 and 42).

CHAPTER IV

Gratuity

44. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of section 53. In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the Jammu and Kashmir Bank.

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

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

by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision ;

- (f) An application under this rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

(2) Notice for payment of gratuity.ô

- (a) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shallô
 - (i) if the claim is found admissible on verification, issue a notice in Form-XV 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-XV 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 ;

- (b) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form-XV under sub-clause (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified ;
- (c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may

a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party :

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

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

(5) Procedure for dealing with application for direction.ô

- (a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in Form-XVII, 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 ;
- (b) Any person desiring to act on behalf of an employer or employee, nominee or legal heir, as the case may be, shall present to the competent authority a letter of authority from the employer or the person concerned, as the case may be, on whose behalf he seeks to act together with a written statement explaining his interest in the matter and praying for permission so to act. The competent authority shall record thereon an order either according his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal ;
- (c) A party appearing by an authorised representative shall be bound by the acts of the representative ;
- (d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his

manner as prescribed under the Code of Civil Procedure, 1908 (5 of 1908) ;

- (b) Where there are numerous persons as parties to any proceeding before the competent authority and such persons are members of any trade union or association or are represented by an authorised person, the service of notice on the Secretary, or where there is no Secretary, on the principal officer of the trade union or association, or on the authorised person shall be deemed to be service on such persons.

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

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

(11) Direction for payment of gratuity. If a finding is recorded under clause (d) of sub-rule (5) that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form-XVIII electronically or registered post acknowledgment 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.

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 37
Form-XXI, provided such existing Approved Gratuity Fund covers the
entire liability of all the employees of the establishment, under the Act.

48. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58.
The Government of Jammu and Kashmir may by notification appoint an officer not below the rank of Assistant Labour Commissioner to be a competent authority for implementation of any provisions of Chapter-V of Social Security Code, 2020 for such area as may be specified in the said notification.

CHAPTER V

Maternity Benefit

49. Authority to whom an appeal may be preferred under sub-section (3) of section 72. (1) Complaint under section 72,

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

(2) **Appeal under section 72.**

- (a) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of section 72, shall lie to the Competent Authority ;
- (b) The aggrieved person shall prefer an appeal in writing to the Prescribed Authority in Form-(XXIV) and file other supporting documents ;

required to submit himself for medical examination save at such place.

(4) **Restriction on Number of Examinations.**ô An employee who is in receipt of a half monthly payment shall not be required to submit himself for medical examination elsewhere than at the place where he is residing for the time being more than twice in the first month following the accident or more than once in any subsequent month.

(5) **Examination after suspension of right to compensation.**ô If an employee whose right to compensation has been suspended under sub-section (2) or sub-section (3) of section 84 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or not such other places in the vicinity as may be fixed by the employer and at a time to be fixed by the employer not being save with the express consent of the employee, or more than 2 hours after the employee has so offered himself.

(6) **Examination of Women.**ô

- (a) No women shall without her consent medical examined by a male practitioner, save in the presence of another women ;
- (b) No women shall be required to be medically examined by a male practitioner if she deposited a sum sufficient to cover the expenses of examination by a female practitioner.

55. **The form of statement to be submitted by the employer under sub-section (1) of section 88.**ô The employer within 30 days from the date of receiving notice from the competent authority will furnish the statement in Form-XXVI.

56. **The manner of recording the memorandum in a register by the competent authority under sub-section (1) of section 89.**ô

(1) **Form of Memorandum.**ô Memorandum of agreement sent to the Competent Authority under sub-section (1) of section 89 shall unless the Competent Authority otherwise directs be in duplicate, and shall be in as close conformity as the circumstance of the case admitted with Form-XXVII or Form-XXVIII or Form-XXIX or as the case may be.

concerned of the date so fixed and of the grounds on which he considers that the memorandum should not be recorded ;

- (ii) If, the parties to be informed are not present, a written notice shall be sent to them in Form-XXXII or Form-XXXIII as the case may be, and the date fixed in such notice shall be not less than 7 days after the date of the issue of the same ;
- (iii) If, on the date so fixed under clause (i) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the competent authority may if information has already be given to all the parties concerned record the agreement. If information has not been given to all such parties he shall proceed in accordance with the sub-rule (2) ;
- (iv) If, on the date so fixed the competent authority refuses to record the memorandum he shall send notice in Form-XXXI to any party who did not received information under clause (i).

(4) Procedure on refusal to recrod memorandum.ô

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

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 45
deduction at source or the date on which the amount has been deposited
with the local authority respectively as per the rules framed by the
Central Government.

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

An appeal preferred under sub-section (1) shall be accompanied by non-refundable fee equivalent to half per cent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal.

CHAPTER VIII

FINANCE AND ACCOUNTS

63. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realise investments under sub-section (2) terms to raise loans and take measures for discharging such loans under sub-section (3) and terms to constitute for the benefit of officers and staff or any class of them, provident or other benefit funds under sub-section (4) of section 120. The Jammu and Kashmir Government in this regard and in consultation with Jammu and Kashmir Unorganised Social Security Board and the Jammu and Kashmir Building and Other Construction Workers Welfare Board shall frame a detailed policy.

64. Conditions and manner of writing off irrecoverable dues under section 121. (1) Where the Jammu and Kashmir Unorganised Social Security Board and the Jammu and Kashmir Building and Other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to these boards has become irrecoverable, the said Boards or any other officer authorised by them in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely :

- (i) Establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts ;

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

(3) **Annual returns.**

- (a) The employer to which the provisions of Chapter V of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in Form-XXXVI online on the web portal of the Government or otherwise giving information as to the particulars specified, in respect of the preceding year :

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

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

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

CHAPTER X

Offences and Penalties

67. Manner of compounding of offences by the authorised officer specified under sub-section (1) of section 138 and the form and manner of making application for the compounding of an offence under sub-section (4) of section 138. (1) The officer authorized by the Jammu and Kashmir Government by notification for

48 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
the purposes of compounding of offences under sub-section (1) of
section 138 shall issue electronically or otherwise a compounding notice
in Form-XXXVII for the offences which are compoundable under
section 138.

(2) The person so noticed may apply in Part-III of the
Form-XXXVII to the officer electronically and deposit the entire
compounding amount by electronic transfer or otherwise, within fifteen
days of the receipt of the notice.

(3) The Compounding Officer shall issue a composition certificate
in Part-IV of Form-XXXVII within ten days of receipt of the
composition amount, to such person from whom such amount has been
received in satisfaction of the composition notice.

(4) If a person so noticed fails to deposit the composition amount
within the prescribed time, the prosecution shall be instituted before the
Competent Court or the offence in respect of which the compounding
notice was issued, against such person.

(5) Composition after institution of prosecution.

- (a) The Court may compound any compoundable offence at any
time after filing of a complaint under section 138 of the
Code ;
- (b) The provisions of section 320 of the Code of Criminal
Procedure, 1973 shall apply to such compositions.

CHAPTER XI

Employment Information and Monitoring

**68. Manner and form of reporting vacancies and form of filing
the return by the employer, to the concerned career centre under
sub-section (2) of section 139.** (1) Reporting of Vacancies to Career
Centres

- (a) After the commencement of this Code in Jammu and
Kashmir, the employer in every establishment in public
sector shall, before filling up any vacancy in any employment
in that establishment, report that vacancy or cause to be

50 The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. [No. 42-c
or more employees or such number of employees as may be notified
by the Government.

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

- (a) The following vacancies, namely :
- (i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the Central Government, occurring in establishments in respect of which the Central Government is the appropriate Government under the Code ; and
 - (ii) Vacancies which an employer may desire to be circulated to the Career Centers outside the State or Union Territory in which the establishment is situated shall be reported to such Career Centre (Central) as may be specified by the Central Government by notification ;
- (b) Vacancies other than those specified in clause (a) of sub-rule (2) above, shall be reported to the Career Centre (Regional) concerned ;
- (c) Vacancies which have been reported to the Career Centre (Regional) and for which recruitment is to be made on State or Inter-State or all India basis, shall also be reported to Career Centre (Central) or uploaded on a digital portal as specified by the Government by notification.

(4) Form and manner of reporting of vacancies.

- (a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the Jammu and Kashmir Government ;
- (b) The vacancies shall be reported in the format given at Form-XXXVIII, furnishing as many details as practicable, separately in respect of each type of vacancy ;
- (c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule (3), shall be

reported in writing or through official email or digitally as the case may be, to the specified Career Centre.

(5) Time limit in the reporting of vacancies.ô

- (a) Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported ;
- (b) Vacancies required to be reported to the Career Centre (Central) shall be reported at least forty days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

(6) Maintenance of records.ô

- (a) After commencement of this Code in any state or area thereof, the employers in every establishment in the public sector in that state or area shall maintain records manually or electronically or digitally about
 - (i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year ;
 - (ii) Persons recruited during the year ending on 31st March ;
 - (iii) Occupational details of its employees on 31st March of every year ;
 - (iv) Vacancies for which suitable candidates were not available during the year ending on 31st March ; and
 - (v) Approximate number of vacancies likely to occur during the next financial year.
- (b) The Jammu and Kashmir Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private

No. 42-c] The J&K Official Gazette, 15th Jan., 2021/25th Pausa, 1942. 53
ô ô

for the purpose of enforcement/implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code.

(9) Levy of penalty under the Chapter XIII of the Code.ô

The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the Jammu and Kashmir shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.

(10) Issue of guidelines.ô For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII and rules thereof, the Jammu and Kashmir Government may issue detailed guidelines as per local needs.

CHAPTER XII

Miscellaneous

69. Manner of establishment and administration of the Social Security Fund under sub-section (5) of section 141.ô (1) All the following funds received shall be credited to separate account(s) and called as Jammu and Kashmir Social Security Fund and all expenses towards the scheme(s) notified under sections 109 and 114 for the Unorganised Workers, Gig Workers and Platform Workers shall be met out of this fund :ô

- (a) under sub-section (1) of section 141 of the Code on Social Security, 2020 (36 of 2020) ; and
- (b) under sub-section (1) of section 115 of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020).

(2) The Government shall identify the source(s) for initial funding/ replenishing the Jammu and Kashmir Social Security Fund from time to time.

(3) The fund shall be administered by the Government through an agency designated by the Jammu and Kashmir Government in the manner, as notified by the Central Government.

Pension Fund according to such directions as may be given by the Central Government or the Central Provident Fund Commissioner, as the case may be, from time to time.

(2) The Board of Trustees shall consist of such equal number of representatives each of the employers and employees as may be prescribed in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(3) The employer of such exempted establishment shall be the Chairperson of the Board of Trustees. The Chairperson may exercise a casting vote in an event of equality of votes. However, armø length principles shall be maintained by the Chairperson in all meetings of the Board of Trustees.

(4) The Board of Trustees shall meet at least once in every three months and shall function in the accordance with the guidelines that may be issued from time to time by the Central Government or the Central Provident Fund Commissioner or any officer authorized by him.

(5) The terms and conditions, including the tenure of office of the Trustees, the procedure and manner for election or nomination of the representatives of the employees and of employers to the Board of Trustees, disqualification and cessation of trusteeship, re-election or re-nomination of trustees, the quorum at the meeting of the Board, records to be kept of the transaction of business and all such other matters and conditions for the management of the Trust shall be as provided for in the Provident Fund Scheme or the Pension Scheme, as the case may be.

(6) In case of any dispute or doubt on any general issues within the ambit of these terms and conditions, the matter shall be referred to the Regional Provident Fund Commissioner in whose jurisdiction the head office of the establishment is located. The decision of the Regional Provident Fund Commissioner in the matter shall be final and binding.

73. Manner of determining the misuse of any benefit by an establishment or by any other person under section 148.ô If any Establishment or any other person to which the provisions of this Code

FORM XXVII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of _____ previous for period of _____ months. The said employee has in receipt of half-monthly payments which have continued from the _____ day of 20____ until the day 20____ 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 Chapter VII of the Code on Social Security, 2020 in respect of all disablement of temporary nature arising out of the said accident, whether now or hereafter to become a manifest, it is, therefore requested that this memorandum be duly recorded.

Dated _____ 20 _____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

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

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

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

Employee

Dated _____ 20 _____

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

_____ Witness.

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

FORM –XXVIII

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

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

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

Rs. _____ on _____ Rs. _____ on _____

Rs. _____ on _____ Rs. _____ on _____

Rs. _____ on _____ Rs. _____ on _____

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

Dated _____ 20 _____

Signature of the employer _____

Witness _____

Signature of the employer _____

Witness _____

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

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

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

Employee

Dated _____ 20 _____

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

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

FORM-XXIX

[See Rule 56 (1)]

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the _____ day of 20____ personal injury was caused to ____ residing at _____ by accident arising out of and in the course of his employment in _____. The said injury has resulted in temporary disablement to the said employee—

Who is at present in receipt of wages amounting to Rs. _____ on wages per month.

The said employee 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 employers of the employee, has agreed to pay and _____ on the behalf of the said employee, has agreed to accept half monthly payments @ of Rs. _____ for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half monthly payments may be varied in accordance with the provision of the Chapter VII of the Code on Social Security, 2020, on account of an alternation in the earning of the said employee during disablement .It is further, stipulated that all rights of communication under section 80 of the code are unaffected by this agreement. It is, therefore, requested that this memorandum be duly recorded. Dated _____ 20_____

Signature of the employer _____

Signature of the employee _____

Witness _____

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

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

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

Employee

Dated _____ 20_____

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

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

FORM –XXX

[See Rule 56 (2) (i)]

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

Dated _____ 20 _____

Competent Authority

FORM -XXXI

[See Rule 56 (2)(iii) & (3) (iv)]

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

Dated _____ 20__

Competent Authority

FORM (XXXII)

[See Rule 56 (3) (ii)]

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

_____ an opportunity will be afforded to you of showing cause on _____ 20 _____ by the said agreement should be registered. If no adequate cause as shown on that date, registration of the agreement will be refused.

Competent Authority

FORM (XXXIII)

[See Rule 56 (3) (ii)]

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

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

Dated _____ 20 _____

Competent Authority

FORM (XXXIV)

(See Rule 60)

Register of agreements for the year _____ 20 _____

S. No.	Date of agreement	Date of registration	employer	Employee	Initial of Competent Authority	Reference order rectifying the register
1	2	3	4	5	6	7

FORM – XXXV

[See Rule 66 (1) (a)]

REGISTER OF WOMEN EMPLOYEES

Name of establishment

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

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

6. Date on which the woman gives notice under section 62.
7. Date of discharge/dismissal, if any.
8. Date of production of proof of pregnancy under section 62.
9. Date of birth of child.
10. Date of production of proof of delivery/miscarriage/Medical Termination of pregnancy/tubectomy operation/death/adoption of child.
11. Date of production of proof of illness referred to in section 65.

12. Date with the amount of maternity benefit paid in advance of expected delivery.
 13. Date with the amount of subsequent payment of maternity benefit.
 14. Date with the amount of bonus, if paid, under section 64.
 15. Date with the amount of wages paid on account of leave under section 65(1) and 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 XXXVI

[See Rule 66 (3) (a) & (b)]

Unified Annual Return A. General Part :

(a) Name of the establishment.....
 Address of the establishment: House No./Flat No.
 Street No./Plot No.t4321....
 Town.....District.....State.....PIN code.....

(b) Name of the employer.....
 Address of the employer :
 House No./Flat No.Street No./Plot No.
 Town.....District.....State.....PIN code.....
 E-mail ID.....Telephone Number.....Mobile number....

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

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

S. No.	Name	Registrar	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.		

Wage rates (Category-Wise):

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

F. (a) Details of Payments:

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

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

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

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

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

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

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

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

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

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

Declaration

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

Place

Date

Sign. Here

FORM-XXXVII

(See Rule 67)

Notice to the Employer who committed an offence for the first time for compounding of offence under subsection (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 above-mentioned 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 above-mentioned offences may be given:
3. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence:
4. Any other information which the applicant desires to provide.

Signature of the applicant

(Name and Designation)

Dated:

Place:

PART – IV

Composition Certificate

Ref: Notice No.....

Date:

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

(Signature)

Name and Designation of the Officer

Date:

Place:

FORM-XXXVIII

[See Rule 68 (4) (b)]

Form for Reporting Vacancies to Career Centres

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

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

	(c) Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/Preferable
	(i) Educational Qualifications (ii) Technical Qualifications (iii) Skills (iv) Experience		
	(d) Age Limits, if any (Age as on last date of application)		
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc.) if any		
	(f) duration of employment (i) 3-6 months	Number of posts	
	(ii) 6-12 months (iii) 12 months and more		
4.	Whether there is any obligation for arrangement for giving reservation/preference to any category of persons such as Scheduled Caste(SC), ScheduledTribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC),Ex-serviceman and persons with disabilities (pwd) , etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others (specify)	Total	*By Priority candidates *(Applicable for Jammu and Kashmir Government vacancies)

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

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

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

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

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

NOTE:

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

FORM-XXXIX

[See Rule 68 (7)]

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

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

Name and Address of the Employer		
Whether – Head Office		
Branch Office Type of Establishment (Public /Private Sector)		
Nature of business/Principal activity		
Establishment Registration No. under the Code		
1. (a) EMPLOYMENT Total number of <i>manpower of establishment</i> including working <i>proprietors/partners//contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is <i>paid</i>).		
Category	On the last working day of the previous Year	On the last working day of the Year under report
MEN WOMEN Other (Transgender) TOTAL : PWD (persons with disabilities) out of above total		

EIR-continued

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

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

3. MANPOWER SHORTAGES:

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

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

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

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

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

Description	Men	Women	Others (transgender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6
*					
Total :					

* In the column (description) -Use exact terms such as Engineer (Mechanical), Assistant Director (Metallurgist); Research Officer (Economist); Supervisor (Tailoring), Inspector (Sanitary), Superintendent (Office), Manager (Sales), Manager (Accounts), Executive (Marketing), Data Entry Operator.....so on.

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

To

The Career Centre,
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Note :—

1. This return is to be rendered to the Career Centre (Regional) within 30 days after the end of the *financial year* concerned by establishments/ employers vide their obligation under the Code on Social Security, 2020 (Chapter XIII-Employment Information and Monitoring).
2. The main purpose in obtaining the information from employers is to know—
 - (i) the vacancies/employment opportunities available;
 - (ii) type of personnel who are in short supply ; and
 - (iii) future job opportunities for providing vocational guidance to the jobseekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.