



सत्यमेव जयते



NATIONAL EMPLOYMENT SERVICE MANUAL VOLUME-III

**APPENDIXES, COPIES OF ACT(S) &
RULES**



**GOVERNMENT OF INDIA
MINISTRY OF LABOUR & EMPLOYMENT
DIRECTORATE GENERAL OF EMPLOYMENT
NEW DELHI**



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GOVERNMENT OF INDIA
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PREFACE

National Employment Service Manual (NESM) is a manual of instructions, procedures to be followed by all the functionaries of National Employment Service(NES) in India. Day to day administration and over-all control of Employment Exchanges though lies with the respective State /UT Government, yet uniform policy and procedures are prepared at national level by Directorate General of Employment (DGE), Ministry of Labour & Employment in consultation with States/UTs /Employment Exchanges. Such policies, procedures and instructions are provided in the NESM.

The NESM was last revised about 17 years ago i.e. during 2005-06. In the last 17 years, instructions contained on employment exchange procedural matters are revised from time to time based on discussions held with States/UTs/ Employment Exchanges in various meetings. Apart from this, many other developments have also taken place after revision of the last NESM in 2006. One such important development was implementation of National Career Service (NCS) Project as one of the mission mode projects under the umbrella of E-Governance Plan, since 2015. It works towards bridging the gap between demand & supply of employment related services such as career counseling, vocational guidance, skills, jobs, self-employment, etc. by use of technology.

The NESM-2022 also encompasses information about employment generation & employment enhancement activities of the government, online Procedure of NCS Portal and new Employment Exchange Module developed for submission of employment statistics by employment exchanges to DGE for preparation of reports at national level. I am confident that this new version of NESM will help Employment Officers and other officers associated with the working of Employment Exchanges/Career Centres in the country to discharge their duties in an efficient manner.

I appreciate the efforts of the team of officers of Directorate General of Employment (DGE) who strived hard in revision of NESM and making it more expedient for the users.

I am thankful to all the officers of the States/UTs who took pains in providing valuable suggestions & inputs for the revision/updation work of NESM.


27/2/2023
(Dr. Shashank Goel)

TEAM OF OFFICERS

ASSOCIATED WITH REVISION OF NESM

Sr No.	Name	Designation
1.	Shri Amit Nirmal	Deputy Director General(Employment)
2.	Dr. Shikha Anand	Director (Employment)
3.	Dr. Shailja Singh	Joint Director (Employment)
4.	Shri Jitender Kumar	Assistant Director (Employment)
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6.	Smt Sunita Chauhan	Junior Computer

**Comments / Suggestions may be sent at Email address:
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NESM
VOLUME-III
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*Copies of relevant Act and Rules have been provided here for day today use and knowledge. However, refer to the Original Gazette Notification for any legal purpose.

**EMPLOYMENT EXCHANGES (COMPULSORY
NOTIFICATION OF VACANCIES) ACT, 1959.**

[Act 31 of 1959 as amended upto Act 4 of 1986]

{ 2nd September, 1959 }

1. **Short title, extent and commencement.**- (1) This Act may be called the Employment Exchanges (Compulsory Notification of Vacancies) Act,1959.
 - (2) It extends to the whole of India [***]
 - (3) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State and different dates may be appointed for different States or for different areas of a State.
2. **Definitions.** – In this Act, unless the context otherwise requires--

(a) “ appropriate Government” means –

(1) in relation to –

(a) any establishment of any railway, major port, mine or oil-field, or

(b) any establishment owned, controlled or managed by –

(i) the Central Government or a department of the Central Government,

(ii) a company in which not less than fifty one percent of the share capital is held by the Central Government or partly by the Central Government and partly by one or more State Governments,

(iii) a corporation (including a co-operative society) established by or under a Central Act which is owned, controlled or managed by the Central Government,

the Central Government;

(2) in relation to any other establishment, the Government of the State in which that other establishment is situated;

(b) ‘employee’ means any person who is employed in an establishment to do any work for remuneration;

(c) “ employer” means any person who employs one or more other person to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;

***1 Omitted by Act 51 of 1970

(d) “employment exchange” means any office or place established and maintained by the Government for the collection and furnishing of information, either by the keeping of registers or otherwise, respecting---

- (i) persons who seek to engage employees.**
- (ii) persons who seek employment, and**
- (iii) vacancies to which persons seeking employment, may be appointed ;**

(e) “establishment” means—

- (a) any office, or**
- (b) any place where any industry, trade, business or occupation is carried on;**

(f) “ establishment in public sector” means an establishment owned, controlled or managed by ---

- (1) the Government or a department of the Government**
- (2) a Government company as defined in Section 617 of the Companies Act,1956 (1 of 1956) ;**
- (3) a corporation (including a co-operative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government;**
- (4) a local authority;**

(g) “ establishment in private sector” means an establishment which is not an establishment in public sector and where ordinarily twenty-five or more persons are employed to work for remuneration;

(h) “ prescribed” means prescribed by rules made under this Act;

(i) “unskilled office work” means work done in an establishment by any of the following categories of employees namely---

- (1) Daftri;**
- (2) Jamadar, orderly and peon;**
- (3) Dusting man or farash;**
- (4) Bundle or record lifter;**
- (5) Process server;**
- (6) Watchman;**
- (7) Sweeper;**
- (8) Any other employee doing any routine or unskilled work which the Central Government may, by notification in the Official Gazette, declare to be unskilled office work.**

3. Act not to apply in relation to certain vacancies.—(1) This act shall not apply in relation to vacancies, --

- (a) in any employment in agriculture (including horticulture) in any establishment in private sector other than employment as agricultural or farm machinery operatives;**
- (b) in any employment in domestic service;**
- (c) in any employment the total duration of which is less than three months;**
- (d) in any employment to do unskilled office work;**
- (e) in any employment connected with the staff of Parliament.**

(3) Unless the Central Government otherwise directs by notification in Official Gazette in this behalf, this Act shall not apply in relation to :

- (a) vacancies which are proposed to be filled through promotion or by absorption of surplus staff of any branch or department of the same establishment or on the result of any examination conducted or interview held by, or on the recommendation of, any independent agency, such as the Union or a State Public Service Commission and the like;**
- (b) vacancies in an employment which carries a remuneration of less than sixty rupees in a month.**

(4) Notification of vacancies to employment exchanges.---

- (1) After the commencement of this Act in any state or area thereof, the employer in every establishment in public sector in that state or area shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed.**
- (2) The appropriate Government may, by notification in the Official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, notify that vacancy to such employment exchanges as may be prescribed, and the employer shall thereupon comply with such requisition.**
- (3) The manner in which the vacancies referred to sub-section (1) or sub-section (2) shall be notified to the employment exchanges and the particulars of employment in which such vacancies have occurred or are about to occur shall be such as may be prescribed.**
- (4) Nothing in sub-sections (1) and (2) shall be deemed to impose any obligation upon any employer to recruit any person through the employment exchange to fill any vacancy merely because that vacancy has been notified under any of those sub-section.**

5. Employers to furnish information and returns in prescribed form.---

- (1) After the commencement of this Act in any State or area thereof, the employers in every establishment in public sector in that State or area shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about to occur in that establishment, to such employment exchanges as may be prescribed.**
- (2) The appropriate Government may, by notification in the Official Gazette, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall furnish such information or return as may be prescribed in relation to vacancies that have occurred or are about to occur in that establishment to such employment exchanges as may be prescribed, and the employer shall thereupon comply with such requisition.**
- (3) The form in which, and the intervals of time at which, such information or return shall be furnished and the particulars which they shall contain shall be such as may be prescribed.**

6. Right of access to records or documents.---

Such Officer of Government as may be prescribed in this behalf, or any person authorised by him in writing, shall have access to any relevant record or document in the possession of any employer required to furnish any information or returns under Section 5 and may enter at any reasonable time any premises where he believes such record or document to be and inspect or take copies of relevant records or documents or ask any question necessary for obtaining any information required under that section.

7. Penalties.--

- (1) If any employer fails to notify to the employment exchanges prescribed for the purpose any vacancy in contravention of sub-section (1) or sub-section (2) of section 4, he shall be punishable for the first offence with fine which may extend to five hundred rupees and for every subsequent offence with fine which may extend to one thousand rupees.**
- (2) If any person –**
 - (a) required to furnish any information or return-**
 - (i) refuses or neglects to furnish such information or returns, or**
 - (ii) furnishes or causes to be furnished any information or return which he knows to be false, or**
 - (iii) refuses to answer, or gives a false answer to, any question necessary for obtaining any information required to be furnished under Section 5, or**

(b) impedes the right of access to relevant records or documents or the right of entry conferred by Section 6, he shall be punishable for the first offence with fine which may extend to two hundred and fifty rupees and for every subsequent offence with fine which may extend to five hundred rupees.

8. Cognizance of offences-

No prosecution for an offence under this Act shall be instituted except by, or with the sanction of, such officer of Government as may be prescribed in this behalf or any person authorised by that officer in writing.

9. Protection of action taken in good faith.-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

10. Power to make rules.-

- (1) The Central Government may, by notification in the Official Gazette and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely-
 - (a) the employment exchange or exchanges to which, the form and manner in which, and the time within which, vacancies shall be notified, and the particulars of employments in which such vacancies have occurred or are about to occur;
 - (b) the form and manner in which and the intervals at which, information and returns required under Section 5 shall be furnished, and the particulars which they shall contain;
 - (c) the officers by whom and the manner in which the right of access to documents and the right of entry conferred by Section 6 may be exercised;
 - (d) any other matter which is to be, or may be, prescribed under this Act.

[3] Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be;

so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

**Substituted by Act 4 of 1986 with effect from 15/5/86.
(Act. 4 : Delegated Legislation Provisions (Amendment) Act , 1985.**

EMPLOYMENT EXCHANGES (COMPULSORY NOTIFICATION OF VACANCIES) RULES 1960

***DIRECTORATE GENERAL OF RESETTLEMENT AND EMPLOYMENT NOTIFICATION
NO. G.S.R. 477, DATED THE 26TH APRIL, 1960.***

In exercise of powers conferred by Section 10 of the Employment Exchanges (Compulsory Notification of Vacancies) Act. 1959 (31 of 1959), the Central Government hereby makes the following Rules, the same having been previously published as required by Sub-section (1) of the said section, namely:

1. **Short title and commencement.**- (1) These rules may be called the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960.
(2) They shall come into force on 1st day of May, 1960.
2. **Definitions.**- In these Rules, unless the context otherwise requires,-
 - (1) “**Act.**” means the Employment Exchanges (Compulsory Notification of Vacancies) Act. 1959 (31 of 1959);
 - (2) “**Central Employment Exchange**” means any Employment Exchange established by the Government of India, Ministry of Labour and Employment;
 - (3) “**Director**” means the Officer-in-charge of the Directorate administering Employment Exchanges in a State or a Union Territory;
 - (4) “**Form**” means a form appended to these Rules;
 - (5) “**Local Employment Exchange**” means –
 - (a) in the whole of India except the Union Territory of Chandigarh that Employment Exchange (other than the Central Employment Exchange) notified in the official Gazette by the State Government or the Administration of the Union Territory as having jurisdiction over the area in which the establishments concerned are situated or over specified classes or categories of establishments concerned or vacancies; and
 - (b) in the Union Territory of Chandigarh that Employment Exchange established either by the Union Territory Administration of Chandigarh or by the State Government of Punjab or Haryana notified in that State’s respective Official Gazette as having jurisdiction over specified classes or categories of establishments or vacancies, provided that the employment exchanges established by the State Government of Punjab or Haryana shall not have jurisdiction over—
 - (i) The Public Sector offices/establishments other than those belonging to the respective States: and
 - (ii) Private Sector establishments.
6. “**Section**” means a Section of the Act.
3. **Employment Exchanges to which vacancies are to be notified** – (1) The following vacancies, namely-

- (a) vacancies in posts of Technical and Scientific nature carrying a basic pay of Rs. 1400/- or more per month occurring in establishments in respect of which the Central Government is the appropriate Government under the Act., and
 (b) vacancies which an employer may desire to be circulated to the Employment Exchanges outside the State or Union Territory in which the establishment is situated.

shall be notified to such Central Employment Exchange as may be specified by the Central Government by notification in the Official Gazette, in this behalf.

- (2) Vacancies other than those specified in sub-rule (1) shall be notified to the local Employment Exchange concerned.
4. **Form and manner of notification of vacancies-** (1) The vacancies shall be notified in writing to the appropriate Employment Exchange on the following format, furnishing as many details as practicable, separately in respect of each type of vacancy:-

Requisition form to be used when calling for applicants from Employment Exchanges.

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

1. Name, address and Telephone No. (if any) of the employer.	_____	
2. Name, designation and Telephone No. (if any) of the indenting Officer.	_____	
3. Nature of vacancy:		
(a) Designation of the post(s) to be filled	_____	
(b) Description of duties	_____	
(c) Qualifications required:	_____	
	* For Priority categories (Applicable for Central Government post only)	For others
(i) Essential	_____	_____
(ii) Desirable	_____	_____
(d) Age Limits, if any	_____	
(e) Whether women are eligible.	_____	
4. Number of posts to be filled duration wise	Number of posts	
Duration		
(a) Permanent	_____	
(b) Temporary	_____	

- (i) less than 3 months _____
(ii) Between 3 months and one year _____
(iii) Likely to be continued beyond one year _____
5. Whether there is any obligation for arrangement for giving preference to any category of persons such as Scheduled caste, Scheduled Tribe, Ex-serviceman and Physically Handicapped persons in filling up the vacancies and, if so, the number of vacancies to be filled by such categories of persons:-

Categories	Number of vacancies to be filled	
	Total	*By Priority candidates (Applicable for Central Government posts only)
(a) Scheduled Caste	_____	_____
(b) Scheduled Tribe	_____	_____
(c) Ex-Serviceman	_____	_____
(d) Physically Handicapped	_____	_____
(e) Others	_____	_____

6. Pay and Allowances _____
7. Place of work (Name of the town/village and district in which it is situated,) _____
8. Probable date by which the vacancy will be filled. _____
9. Particulars regarding interview/test of applicants:
- (a) Date of interview/test _____
- (b) Time of interview/test _____
- (c) Place of interview/test _____
- (d) Name, designation, address and Telephone No. (if any) of the Officer to whom applicants should report. _____
10. Any other relevant information. _____

Certified that while placing this demand, the instructions connected with the orders on communal representation in the services have been strictly followed with due regard to the roster maintained in accordance with these orders (to be given only by all the Central Government Offices/establishments/undertakings etc. on whom reservation orders are applicable).

Date:

Signature of the Head of Office

*[Delete if not applicable.]

(2) The vacancies shall be renotified in writing to the appropriate Employment Exchange if there is any change in the particulars already furnished to the Employment Exchange under sub-rule(1)]

5. **Time limit in the notification of vacancies :-**

(1) Vacancies, required to be notified to the Local Employment Exchange, shall be notified at least 15 days before the date on which applicants will be interviewed or tested where interviews or tests are held or the date on which vacancies are intended to be filled, if no interviews or tests are held.

(2) Vacancies required to be notified to the Central Employment Exchange shall be notified giving at least 60 days time to the Central Employment Exchange from the date of receipt of the notification to the date of despatch of particulars or applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies notified.]

(3) An employer shall furnish to the concerned Employment Exchange, the results of selection with in 15 days from the date of selection.

6. **Submission of returns:-** An employer shall furnish to the local Employment Exchange quarterly returns in form ER-I and biennial returns in form ER-II Quarterly returns shall be furnished within 30 days of the due dates, namely, 31st March, 30th June, 30th September and 31st December, biennial returns shall be furnished within 30 days of the due date as notified in the Official Gazette.

7. **Officer for purposes of Section 6 :-** The Director is hereby prescribed as the officer who shall exercise the rights referred to in Section 6, or authorise any person in writing to exercise those rights.

8. **Prosecution under the Act :-** The Director of Employment of the State in which the establishment is located is hereby prescribed as the officer who may institute or sanction the institution of prosecution for an offence under the Act or authorise any person in writing to institute or sanction the institution of such prosecution.

FORM ER-I

Quarterly return to be submitted to the local Employment Exchange for the quarter ended

The following information is required under the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960 to assist in evaluating trends in employment and for action to correct imbalances between labour supply and demand.

Name and address of the employer
Head Office

Whether }
Branch Office

Nature of business/principal activity

1. (a) Employment

Total number of persons including working proprietors/partners/commission agents/contingent paid and contractual workers on the pay rolls of the establishment excluding part-time workers and apprentices (The figures should include every person whose wage or salary is paid by the establishment).

	On the last working day of the previous quarter	On the last working day of the quarter under report
Men		
Women		
Total		

(c) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5 per cent during the quarter.....

Note :- Establishments are reminded of their obligation under the Employment Exchanges (Compulsory Notification of Vacancies) Act for notifying to Employment Exchanges details of vacancies specified under the Act, before they are filled.

2. **Vacancies** : Vacancies carrying total emoluments of Rs. 60 or over per month and of over 3 month's duration.

2(a) Number of vacancies occurred and notified during the quarter and the number filled during the quarter.....

Occurred	Number of vacancies which come within the purview of the Act		Filled	Source (describe the source from which filled)
	Notified			
	Local Employment Exchange	Central Employment Exchange		
1	2	3	4	5

2(b) Reasons for not notifying all vacancies occurred during the quarter under report vide 2(a) above...

3. **Manpower shortages**

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or designation of the posts	Number of unfilled vacancies/posts		
	essential qualifications prescribed	essential experience	experience not necessary
1	2	3	4

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

Signature of employer

To

The Employment Exchange,

Note:- This return shall relate to quarter ending 31st March/30th June/30th September and 31st December and shall be rendered to the local Employment Exchange within 30 days after the end of the quarter concerned.

FORM ER-II

Occupational return to be submitted to the local Employment Exchange once in two years (on a date to be specified by notification in the Official Gazette)
 {Vide the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960}

Name and address of the employer

Nature of business

(Please describe what the establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the establishment on (specified date).....
 (This figure should include every person whose wage or salary is paid by the establishment.)
2. Occupational classification of all employees as given in Item I above. (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 calendar year due to Retirement, expansion or Re-organisation.
	Men	Women	Total	
Use exact terms such as engineer (Mechanical); teacher (domestic Science); Officer on Special Duty (Actuary); Assistant Director (Metallurgist); Scientific Assistant(Chemist) ; Research Officer(Economist);Instructor (Carpentry); Supervisor(Tailor); Fitter (Internal combustion engine) Inspector(Sanitary); Superintendent(Office) Apprentice (Electrician)				
	1	2	3	4
	5			
.....				
.....				

Total

Dated

Signature of employer

To

The Employment Exchange
 (Please fill in here the address of your local Employment Exchange)

Note:- Total of Column (4) under item 2 should correspond to the figure against item 1.

1. Subs. By G.S.R. 450 dt March 7, 1963.
2. Subs. by G.S.R 548 dt. 16.3.1968
3. Subs. by G.S.R.1718 dt. 18.11.1976 (1976 CCL-III)
4. Subs. By GSR No.236 dated 06.05.1'982
5. Subs. by G.S.R. 133 dt. 3.1.1985 (w.e.f. 2.2.1985)
6. Subs. by G.S.R 634 dt. 27.7.1987 (1987 CCL-III-780)

The Apprentices Act, 1961
[Act No. 52 of 1961¹ as amended by 27 of 1973², 41 of 1986³, 4 of 1997⁴,
36 of 2007⁵ and 29 of 2014⁶

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1. The Act came into force on March 1, 1962 vide GSR 246, dated Feb. 12, 1962
 2. Act 27 of 1973 came into force w.e.f. December 1, 1974 vide GSR 1293, dated November 1974
 3. Act 41 of 1986 came into force w.e.f. December 16, 1987 vide GSR 974(E), dated December 10, 1987
 4. Act 4 of 1997 came into force w.e.f. January 8, 1997.
 5. Act 36 of 2007 came into force w.e.f. February 1, 2008.
 6. Act No. 29 of 2014 came into force w.e.f. December 22, 2014

THE SCHEDULE

An Act to provide for the regulation and control of training of apprentices and for¹[* *] matters connected therewith.*

Be it enacted by Parliament in the Twelfth Year of the Republic of India as follows:

Prefatory Note – The Act was introduced in the form of a bill on August 19,1961. For Statement of Objects and Reasons, see Gazette of India, Extra., Part II, Section 2, dated August 19,1961.

-
1. Omitted by Act 27 of 1973.

CHAPTER - I

PRELIMINARY

1. Short title, extent, commencement and application –

- (1) This Act may be called the Apprentices Act, 1961.
- (2) It extends to the whole of India. [¹ * * *]
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different States.
- (4) The provisions of this Act shall not apply to –
 - (a) any area or to any industry in any area unless the Central Government by notification in the Official Gazette specifies that area or industry as an area or industry to which the said provisions shall apply with effect from such date as may be mentioned in the notification:
 - (b) [² * * *]
 - (c) [³ any such special apprenticeship scheme for imparting training to apprentices as may be notified by the Central Government in the Official Gazette].

2. Definition -

In this Act, unless the context otherwise requires,-

- ⁴[(a) "All India Council" means the All India Council of Technical Education established by the resolution of the Government of India in the former Ministry of Education No. F. 16-10/44-E-III, dated the 30th November, 1945;]
- ⁵[(aa)]"apprentice" means a person who is undergoing apprenticeship training ⁶[* * *] in pursuance of a contract of apprenticeship;
- ⁷[(aaa)]"apprenticeship training" means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship and under prescribed terms and conditions which may be different for different categories of apprentices;]
- (b) "Apprenticeship Adviser" means the Central Apprenticeship Adviser appointed under sub-section (1) of Section 26 or the State Apprenticeship Adviser appointed under sub-section (2) of that section;
- (c) "Apprenticeship Council" means the Central Apprenticeship Council or the State Apprenticeship Council established under sub-section (1) of Section 24;

1. Omitted by Act 25 of 1968.

2. Omitted by Act 27 of 1973.

3. Subs. by Act 27 of 1973.

4. The original clause (a) renumbered as clause (aa) and a clause (a) inserted by Act 27 of 1973.

5. The original clause (a) renumbered as clause (aa) and a clause (a) inserted by Act 27 of 1973.

6. Omitted by Act 27 of 1973

7. Ins. by Act 27 of 1973.

- (d) "appropriate Government" means -
- (1) in relation to -
 - (a) the Central Apprenticeship Council, or
 - ¹[(aa) the Regional Boards, or
 - (aaa) the practical training of graduate or technician apprentices or of technician (vocational) apprentices, or;]
 - (b) any establishment of any railway, major port, mine or oilfield, or
 - ²(bb) any establishment which is operating business or trade from different locations situated in four or more States, or
 - (c) any establishment owned, controlled or managed by -
 - (i) the Central Government or a department of Central Government,
 - (ii) a company in which not less than fifty-one per cent of the share capital is held by the Central Government or partly by that Government and partly by one or more State Governments,
 - (iii) a corporation (including a co-operative society) established by or under a Central Act which is owned, controlled or managed by the Central Government,

the Central Government.
 - (2) in relation to -
 - (a) a State Apprenticeship Council, or
 - (b) any establishment other than an establishment specified in sub-clause (1) of this clause, the State Government;
 - ³[(dd) "Board or State Council of Technical Education" means the Board or State Council of Technical Education established by the State Government;]
 - ⁴[(e) "designated trade" means any trade or occupation or any subject field in engineering or non-engineering] or technology or any vocational course which the Central Government, after consultation with the Central Apprenticeship Council, may, by notification in the Official Gazette, specify as a designated trade for the purposes of this Act;
 - (f) "employer" means any person who employs one or more other persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;
 - (g) "establishment" includes any place where any industry is carried on; ⁵[and where an establishment consists of different departments or have branches, whether situated in the same place or at different places, all such departments or branches shall be treated as part of the establishments];

1. Ins. by Act 27 of 1973 and subs. by Act 41 of 1986

2. Ins. by Act 29 of 2014

3. Ins. by Act 27 of 1973.

4. Ins. by Act 29 of 2014

5. Ins. by Act 4 of 1997

- (h) "establishment in private sector" means an establishment which is not an establishment in public sector;
- (i) "establishment in public sector" means an establishment owned, controlled or managed by -
 - (1) the Government or a department of the Government;
 - (2) a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956);
 - (3) a corporation (including a co-operative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government;
 - (4) a local authority;
- ¹[(j) "graduate or technician apprentice" means an apprentice who holds, or is undergoing training in order that he may hold a degree or diploma in engineering or non-engineering or technology or equivalent qualification granted by any institution recognised by the Government and undergoes apprenticeship training in any designated trade;
- ²(k) "industry" means any industry or business in which any trade, occupation or subject field in engineering or non-engineering or technology or any vocational course may be specified as a designated trade or optional trade or both;
- (l) "National Council" means the National Council for Training in Vocational Trades established by the resolution of the Government of India in the Ministry of Labour (Directorate General of Resettlement and Employment) No. TR/E.P.- 24/56, dated the 21st August 1956 ³[and re-named as the National Council for Vocational Training by the resolution of the Government of India in the Ministry of Labour (Directorate General of Employment and Training) No. DGET/12/21/80-TC, dated the 30th September, 1981;]
- ⁴(ll) "optional trade" means any trade or occupation or any subject field in engineering or non-engineering or technology or any vocational course as may be determined by the employer for the purposes of this Act;
- ⁵(lll) "portal-site" means a website of the Central Government for exchange of information under this Act;';
- (m) "prescribed" means prescribed by the rules made under this Act;
- ⁶[(mm)"Regional Board" means any board of Apprenticeship Training registered under the Societies Registration Act, 1860 (21 of 1860), at Bombay, Calcutta, Madras or Kanpur;]
- (n) "State" includes a Union Territory;
- (o) "State Council" means a State Council for Training in Vocational Trades established by the State Government;
- (p) "State Government" in relation to a Union Territory, means the Administrator thereof;

1. Subs. by Act 29 of 2014
 2. Sub. by Act 29 of 2014
 3. Ins. by Act 41 of 1986
 4. Ins. by Act 29 of 2014
 5. Ins. by Act 29 of 2014
 6. Ins. by Act 27 of 1973.

- ¹[(pp) "Technician (vocational) apprentice" means an apprentice who holds or is undergoing training in order that he may hold a certificate in vocational course involving two years of study after the completion of the secondary stage of school education recognised by the All-India Council and undergoes apprenticeship training in designated trade;
- ²[(q) "trade apprentice" means an apprentice who undergoes apprenticeship training in any designated trade;
- ³[(r) ""worker" means any person working in the premises of the employer, who is employed for wages in any kind of work either directly or through any agency including a contractor and who gets his wages directly or indirectly from the employer but shall not include an apprentice referred to in clause (aa)"]

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1. Sub. by Act 29 of 2014
 2. Sub. by Act 29 of 2014
 3. Sub. by Act 29 of 2014

CHAPTER - II
APPRENTICES AND THEIR TRAINING

3. Qualifications for being engaged as an apprentice -

A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any designated trade, unless he-

- ¹[(a) is not less than fourteen years of age, and for designated trades related to hazardous industries, not less than eighteen years of age; and]
- (b) satisfies such standards of education and physical fitness as may be prescribed:

Provided that different standards may be prescribed in relation to apprenticeship training in different designated trades ²[and for different categories of apprentices].

³3-A. Reservation of training places for the Scheduled Castes and the Scheduled Tribes in designated trades -

- (1) in every designated trade, training places shall be reserved by the employer for the Scheduled Castes and the Scheduled Tribes ⁴[and where there is more than one designated trade in an establishment, such training places shall be reserved also on the basis of the total number of apprentices in all the designated trades in such establishment].
- (2) the number of training places to be reserved for the Scheduled Castes and the Scheduled Tribes under sub-section (1) shall be such as may be prescribed, having regard to the population of the Scheduled Castes and the Scheduled Tribes in the State concerned.

Explanation- In this section, the expressions "Scheduled Castes" and "Scheduled Tribes" shall have the meanings as in clauses (24) and (25) of Article 366 of the Constitution].

⁵3-B. Reservation of training places for Other backward Classes in designated trades -

- (1) In every designated trade, training places shall be reserved by the employer for the Other Backward Classes and where there is more than one designated trade in an establishment, such training places shall be reserved also on the basis of the total number of apprentices in all the designated trades in such establishment.
- (2) The number of training places to be reserved for the Other Backward Classes under sub-section (1) shall be such as may be prescribed, having regard to the population of the Other backward Classes in the State concerned.

1. Subs. by Act 29 of 2014.

2. Ins. by Act 27 of 1973.

3. Ins. by Act 27 of 1973.

4. Ins. by Act 41 of 1986

5. Ins. by Act 36 of 2007

4. Contract of apprenticeship

- (1) No person shall be engaged as an apprentice to undergo apprenticeship training in a designated trade unless such person or, if he is minor, his guardian has entered into a contract of apprenticeship with the employer.
- (2) The apprenticeship training shall be deemed to have commenced on the date on which the contract of apprenticeship has been entered into under sub-section (1).
- (3) Every contract of apprenticeship may contain such terms and conditions as may be agreed to by the parties to the contract:

Provided that no such term or condition shall be inconsistent with any provision of this Act or any rule made thereunder.

- ¹[(4) Every contract of apprenticeship entered into under sub-section (1) shall be sent by the employer within thirty days to the Apprenticeship Adviser until a portal-site is developed by the Central Government, and thereafter the details of contract of apprenticeship shall be entered on the portal-site within seven days, for verification and registration.
- (4A) In the case of objection in the contract of apprenticeship, the Apprenticeship Adviser shall convey the object to the employer within fifteen days from the date of its receipt
- (4B) The Apprenticeship Adviser shall register a contract of apprenticeship within thirty days from the date of its receipt];
- (5) ²[***]
- (6) Where the Central Government, after consulting the Central Apprenticeship Council, makes any rule varying the terms and conditions of apprenticeship training of any category of apprentices undergoing such training, then, the terms and conditions of every contract of apprenticeship relating to that category of apprentices and subsisting immediately before the making of such rule shall be deemed to have been modified accordingly.

5. Novation of contracts of apprenticeship -

Where an employer with whom a contract of apprenticeship has been entered into, is for any reason unable to fulfill his obligations under the contract and with the approval of the Apprenticeship Adviser it is agreed between the employer, the apprentice or his guardian and any other employer that the apprentice shall be engaged as apprentice under the other employer for the un-expired portion of the period of apprenticeship training, the agreement, on registration with the Apprenticeship Adviser, shall be deemed to be the contract of apprenticeship between the apprentice or his guardian and other employer, and on and from the date of such registration, the contract of apprenticeship with the first employer shall terminate and no obligation under the contract shall be enforceable at the instance of any party to the contract against the other party thereto.

1. Subs. by Act 29 of 2014.
2. Omitted by Act 29 of 2014

¹[5A Regulation of optional trade –

The qualification, period of apprenticeship training, holding of test, grant of certificate and other conditions relating to the apprentices in optional trade shall be such as may be prescribed.

5B Engagement of apprentices from other States –

The employer may engage apprentices from other States for the purpose of providing apprenticeship training to the apprentices].

6. Period of apprenticeship training -

The period of apprenticeship training, which shall be specified in the contract of apprenticeship, shall be as follows-

(a) In the case of ²[trade apprentices] who, having undergone institutional training in a school or other institution recognised by the National Council, have passed the trade tests ³[or examinations] conducted by ⁴[that Council or by an institution recognised by that Council], the period of apprenticeship training shall be such as may be ⁵[prescribed];

⁶[(aa) in the case of trade apprentices who, having undergone institutional training in a school or other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority or course approved under any scheme which the Central Government may, by notification in the Official Gazette specify in this behalf, have passed the trade tests or examinations conducted by that Board or State Council or authority or any agency authorised by the Central Government, the period of apprenticeship training shall be such as may be prescribed;]

(b) in the case of other ⁷[trade apprentices], the period of apprenticeship training shall be such as may be prescribed;

⁸[(c) in the case of graduate or technician apprentices, [technician (vocational) apprentices]⁹ and the period of apprenticeship training shall be such as may be prescribed.]

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1. Ins. by Act 29 of 2014
 2. Subs. by Act 27 of 1973.
 3. Ins. by Act 41 of 1986
 4. Subs. by Act 27 of 1973.
 5. Subs. by Act 29 of 2014.
 6. Subs. by Act 29 of 2014
 7. Subs. by Act 27 of 1973.
 8. Ins. by Act 27 of 1973.
 9. Ins. by Act 41 of 1986.

7. Termination of apprenticeship contract -

- (1) The contract of apprenticeship shall terminate on the expiry of the period of apprenticeship training.
- (2) Either party to a contract of apprenticeship may make an application to the Apprenticeship Adviser for the termination of the contract, and when such application is made, shall send by post a copy thereto to the other party to the contract.
- (3) After considering the contents of the application and the objections, if any, filed by the other party, the Apprenticeship Adviser may, by order in writing, terminate the contract, if he is satisfied that the parties to the contract or any of them have or has failed to carry out the terms and conditions of the contract and it is desirable in the interests of the parties or any of them to terminate the same:
- ¹[(4) Notwithstanding anything contained in any other provision of this Act, where a contract of apprenticeship has been terminated by the Apprenticeship Adviser before the expiry of the period of apprenticeship training and a new contract of apprenticeship is being entered into with a employer, the Apprenticeship Adviser may, if he is satisfied that the contract of apprenticeship with the previous employer could not be completed because of any lapse on the part of the previous employer, permit the period of apprenticeship training already undergone by the apprentice with his previous employer to be included in the period of apprenticeship training to be undertaken with the new employer.]
 - Provided that where a contract is terminated-
 - (a) for failure on the part of the employer to carry out the terms and conditions of the contract, the employer shall pay to the apprentice such compensation as may prescribed;
 - (b) for such failure on the part of the apprentice, the apprentice or his guardian shall refund to the employer as cost of training such amount as may be determined by the Apprenticeship Adviser.

²[8. Number of apprentices for a designated trade and optional trade -

- (1) The Central Government shall prescribe the number of apprentices to be engaged by the employer for designated trade and optional trade.
- (2) Several employers may join together either themselves or through an agency approved by the Apprenticeship Adviser, according to the guidelines issued from time to time by the Central Government in this behalf, for the purpose of providing apprenticeship training to the apprentices under them].

1. Ins. by Act 4 of 1997.
2. Subs. by Act 29 of 2014

9. Practical and basic training of apprentices-

¹(1) Every employer shall make suitable arrangements in his workplace for imparting a course of practical training to every apprentice engaged by him.

²[(2) The Central Apprenticeship Adviser or any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the State Apprenticeship Adviser in writing in this behalf] shall be given all reasonable facilities for access to each such apprentice with a view to test his work and to ensure that the practical training is being imparted in accordance with the approved programme:

Provided that ³[the State Apprenticeship Adviser or any other person not below the rank of an Apprenticeship Adviser authorised by the State Apprenticeship Adviser in writing in this behalf] shall also be given such facilities in respect of apprentices undergoing training in establishments in relation to which the appropriate Government is the State Government.

⁴[(3) Such of the trade apprentices who have not undergone institutional training in a school or other institution recognised by the National Council or any other institution affiliated to or recognised by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, shall, before admission in the workshop for practical training, undergo a course of basic training and the course of basic training shall be given to the trade apprentices in any institute having adequate facilities];

(4) Where an employer employs in his establishment five hundred or more workers, the basic training shall be imparted to ⁵[the trade apprentices] either in separate parts of the workshop building or in a separate building which shall be set up by the employer himself, but the appropriate Government may grant loans to the employer on easy terms and repayable by easy installments to meet the cost of the land, construction and equipment for such separate building.

⁶[(4A) ***

(4B) ***

(5) ***

(6) ***]

(7) ⁷[In the case of an apprentice other than a graduate or technician apprentice or technician (vocational) apprentice, the syllabus of and the equipment to be utilised for, practical training including basic training in any designate trade shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.

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1. Ins. by Act 29 of 2014.
 2. Ins. by Act 27 of 1973.
 3. Subs. by Act 27 of 1973.
 4. Subs. by Act 29 of 2014
 5. Subs. by Act 27 of 1973.
 6. Omitted by Act 29 of 2014
 7. Subs. by Act 29 of 2014

¹[(7-A) In the case of graduate or technician apprentices technician (vocational) apprentices, the programme of apprenticeship training and the facilities required for such training in any designated trade shall be such as may be approved by the Central Government in consultation with the Central Apprenticeship Council.]

(8) (a) Recurring costs (including the cost of stipends) incurred by an employer in connection with ²[basic training]³, imparted to trade apprentices other than those referred to in clauses (a) and (aa)] of Section 6 shall be borne-

(i) If such employer employs ⁴[two hundred and fifty] workers or more, by the employer;

(ii) If such employer employs less than ⁵[two hundred and fifty] workers, by the employer and the Government in equal shares up to such limit as may be laid down by the Central Government and beyond that limit, by the employer alone; and

(b) recurring costs (including the cost of stipends), if any, incurred by an employer in connection with ⁶[practical training, including basic training, imparted to trade apprentices referred to in clauses (a) and (aa)] of Section 6 shall, in every case, be borne by the employer.

(c) recurring costs (excluding the cost of stipends) incurred by an employer in connection with the practical training imparted to graduate or technician apprentices [technician (vocational) apprentices]⁷ shall be borne by the employer and the cost of stipends shall be borne by the Central Government and the employer in equal shares up to such limit as may be laid down by the Central Government and beyond that limit, by the employer alone ⁸[except apprentices who holds degree or diploma in non-engineering].

10. Related instruction of apprentices-

(1) ⁹[A trade apprentice] who is undergoing practical training in an establishment shall, during the period of practical training, be given a course of related instruction (which shall be appropriate to the trade) approved by the Central Government in consultation with the Central Apprenticeship Council, with a view to giving ¹⁰[the trade apprentice] such theoretical knowledge as he needs in order to become fully qualified as a skilled craftsman.

1. Subs. by Act 29 of 2014

2. Ins. by Act 27 of 1973.

3. Subs. by Act 4 of 1997.

4. Subs. by Act 4 of 1997.

5. Subs. by Act 4 of 1997.

6. Ins. by Act 27 of 1973

7. Ins. by Act 41 of 1986

8. Ins. by Act by 29 of 2014

9. Subs. Act by 27 of 1973

- (2) ¹[Related instruction shall be imparted at the cost of the employer and the employer shall, when so required, afford all facilities for imparting such instruction.]
- (3) Any time spend by ²[a trade apprentice] in attending classes on related instruction shall be treated as part of his paid period of work.
- ³[(4) In case of trade apprentices who, after having undergone a course of institutional training, have passed the trade tests conducted by the National Council or have passed the trade tests and examinations conducted by a Board or State Council of Technical Education or any other authority which the Central Government may, by notification in the Official Gazette, specify in this behalf, the related instruction may be given on such reduced or modified scale as may be prescribed.
- (5) Where any person has, during his course in technical institution, become a graduate or technician apprentice, ⁴[technician (vocational) apprentice] and during his apprenticeship training he has to receive related instruction, then, the employer shall release such person from practical training to receive the related instruction in such institution, for such period as may be specified by the Central Apprenticeship Adviser or by any other person not below the rank of an Assistant Apprenticeship Adviser authorised by the Central Apprenticeship Adviser in writing in this behalf.]

11. **Obligation of employers** -

Without prejudice to the other provisions of this Act, every employer shall have the following obligations in relation to an apprentice, namely-

- (a) to provide the apprentice with the training in his trade in accordance with the provisions of this Act, and the rules made thereunder;
- (b) if the employer is not himself qualified in the trade, to ensure that a person ⁵[who possesses the prescribed qualifications] is placed in charge of the training of the apprentice;
- ⁶[(bb) to provide adequate instructional staff, possessing such qualifications as may be prescribed, for imparting practical and theoretical training and facilities for trade test of apprentices; and]
- (c) to carry out his obligations under the contract of apprenticeship.

1. Subs. by Act 36 of 2007
 2. Subs. Act by 27 of 1973
 3. Subs. Act by 27 of 1973
 4. Ins. by Act 41 of 1986.
 5. Subs. by Act 27 of 1973
 6. Ins. by Act 4 of 1997

12. Obligations of apprentices-

- (1) ¹[Every trade apprentice] undergoing apprenticeship training shall have the following obligations, namely:-
- (a) to learn his trade conscientiously and diligently and endeavour to qualify himself as a skilled craftsman before the expiry of the period of training;
 - (b) to attend practical and instructional classes regularly;
 - (c) to carry out all lawful orders of his employer and superiors in the establishments; and
 - (d) to carry out his obligations under the contract of apprenticeship.
- ²(2) Every graduate or technician apprentice [technician (vocational apprentice)]³ undergoing apprenticeship training shall have the following obligations namely:-
- (a) to learn his subject field in engineering or technology [or vocational course]⁴ conscientiously and diligently at his place of training;
 - (b) to attend the practical and instructional classes regularly;
 - (c) to carry out all lawful orders of his employers and superiors in the establishment;
 - (d) to carry out his obligations under the contract of apprenticeship which shall include the maintenance of such records of his work as may be prescribed.]

13. Payment to apprentices-

- (1) The employer shall pay to every apprentices during the period of apprenticeship training such stipend at a rate not less than the ⁵[prescribed minimum, rate, or the rate which was being paid by the employer on 1st January, 1970 to the category of apprentices under which such apprentice falls, whichever is higher] as may be specified in the contract of apprenticeship and the stipend so specified shall be paid at such intervals and subject to such conditions as may be prescribed.

1. Subs. by Act 27 of 1973

2. Subs. by Act 27 of 1973

3. Ins. by Act 41 of 1986

4. Ins. by Act 41 of 1986

5. Subs. by Act 27 of 1973

¹[(2) An apprentice shall not be paid by his employer on the basis of piece work nor shall he be required to take part in any output bonus or other incentive scheme.]

14. Health, safety and welfare of apprentices-

Where any apprentices are undergoing training in a factory, the provisions of Chapters III, IV and V of the Factories Act, 1948, shall apply in relation to the health, safety and welfare of the apprentices as if they were workers within the meaning of that Act and when any apprentices are undergoing training in a mine, that provisions of Chapter V of the Mines Act, 1952, shall apply in relation to the health and safety of the apprentices as if they were persons employed in the mine.

15. Hours of work, overtime, leave and holidays-

²[(1) The weekly and daily hours of work of an apprentice while undergoing practical training in a workplace shall be as determined by the employer subject to the compliance with the training duration, if prescribed];

(2) No apprentice shall be required or allowed to work overtime except with the approval of the Apprenticeship Adviser who shall not grant such approval unless he is satisfied that such overtime is in the interest of the training of the apprentice or in the public interest.

³[(3) An apprentice shall be entitled to such leave and holidays as are observed in the establishment in which he is undergoing training.

16. Employer's liability for compensation for injury-

If personal injury is caused to an apprentice, by accident arising out of and in the course of his training as an apprentice, his employer shall be liable to pay compensation which shall be determined and paid, so far as may be, in accordance with the provisions of the Workmen's Compensation Act, 1923, subject to the modifications specified in the Schedule.

17. Conduct and discipline-

In all matters of conduct and discipline, the apprentice shall be governed by the rules and regulations ⁴[applicable to employees of the corresponding category] in the establishment in which the apprentice is undergoing training.

18. Apprentices are trainees and not workers-

Save as otherwise provided in this Act,-

(a) every apprentice undergoing apprenticeship training in a designated trade in an establishment shall be trainee and not a worker; and

(b) the provisions of any law with respect to labour shall not apply to or in relation to such apprentice.

1. Subs. by Act 27 of 1973

2. Subs. by Act 29 of 2014

3. Subs. by Act 29 of 2014

4. Subs. by Act 27 of 1973

19. Records and returns-

- (1) Every employer shall maintain records of the progress of training of each apprentice undergoing apprenticeship training in his establishment in such form as may be prescribed.
- ¹[(2) Until a portal-site is developed by the Central Government, every employer shall furnish such information and return in such form as may be prescribed, to such authorities at such intervals as may be prescribed.
- (3) Every employer shall also give trade-wise requirement and engagement of apprentices in respect of apprenticeship training on portal-site developed by the Central Government in this regard].

20. Settlement of disputes-

- (1) Any disagreement or dispute between an employer and an apprentice arising out of the contract to apprenticeship shall be referred to the Apprenticeship Adviser for decisions.
- (2) Any person aggrieved by the decision of the Apprenticeship Adviser under sub-section (1) may, within thirty days from the date of communication to him of such decision, prefer an appeal against the decision to the Apprenticeship Council and such appeal shall be heard and determined by a committee of that Council appointed for the purpose.
- (3) The decision of the Committee under subsection (2) and subject only to such decision, the decision of the Apprenticeship Adviser under subsection (1) shall be final.

21. Holding of test and grant of certificate and conclusion of training-

- ²[(1) Every trade apprentice who has completed the period of training may appear for a test to be conducted by the National Council or any other agency authorised by the Central Government to determine his proficiency in the designated trade in which he has undergone his apprenticeship training.
- (2) Every ³[trade apprentice] who passes the test referred to in sub-section (1) shall be granted a certificate of proficiency in the trade by the National Council ⁴[or by the other agency authorised by the Central Government].

1. Subs. by Act 29 of 2014

2. Subs. by Act 29 of 2014

3. Subs. by Act 27 of 1973

4. Subs. by Act 29 of 2014

- ¹[(3) The progress in apprenticeship training of every graduate or technician apprentice shall be assessed by the employer from time to time.]
- ²(4) Every graduate or technician apprentice or technician (vocational) apprentice who completes his apprenticeship training to the satisfaction of the concerned Regional Board, shall be granted a certificate of proficiency by that Board.]

22. Offer and acceptance of employment-

- ³(1) Every employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment.
- (2) Notwithstanding anything in sub-section (1), where there is a condition in a contract of apprenticeship that the apprentice shall, after the successful completion of the apprenticeship training, serve the employer, the employer shall, on such completion, be bound to offer suitable employment to the apprentice, and the apprentice shall be bound to serve the employer in that capacity for such period and on such remuneration as may be specified in the contract.

Provided that where such period or remuneration is not, in the opinion of the Apprenticeship Adviser, reasonable, he may revise such period or remuneration so as to make it reasonable, and the period or remuneration so revised shall be deemed to the period of remuneration agreed to between the apprentice and the employer.

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1. Subs. by Act 27 of 1973
2. Subs. by Act 41 of 1986
3. Subs. by Act 29 of 2014

CHAPTER - III

AUTHORITIES

23. Authorities

(1) In addition to the Government, there shall be the following authorities under this Act, namely:-

- (a) The National Council,
- (b) The Central Apprenticeship Council,
- (c) The State Council,
- (d) The State Apprenticeship Council,
- ¹[(e) The All India Council,
- (f) The Regional Boards,
- (g) The Boards or State Council of Technical Education,]
- (h) The Central Apprenticeship Adviser, and
- (i) The State Apprenticeship Adviser.

(2) Every State Council shall be affiliated to the National Council and every State Apprenticeship Council shall be affiliated to the Central Apprenticeship Council.

²[(2-A) Every Board or State Council of Technical Education and every Regional Board shall be affiliated to the Central Apprenticeship Council.]

(3) Each of the authorities specified in subsection (1) shall, in relation to apprenticeship training under this Act, perform such functions as are assigned to it by or under this Act or by the Government:

Provided that a State Council shall also perform such functions as are assigned to it by the National Council and the State Apprenticeship Council ³[and the Board or State Council or Technical Education] shall also perform such functions as are assigned to it by the Central Apprenticeship Council.

24. Constitution of Councils-

(1) The Central Government shall, by Notification in the Official Gazette, establish the Central Apprenticeship Council and the State Government shall, by notification in the Official Gazette, establish the State Apprenticeship Council.

1. Ins. by Act 27 of 1973.

2. Ins. by Act 27 of 1973.

3. Ins. by Act 27 of 1973.

- (2) The Central Apprenticeship Council shall consist of [a Chairman and a Vice Chairman]¹ and such number of other members as the Central Government may think expedient, to be appointed by that Government by notification in the Official Gazette, from among the following categories of persons, namely-
- (a) representatives of employees in establishment in the public and private sectors,
 - (b) representatives of the Central Government and of the State Government,
 - (c) persons having special knowledge and experience on matters relating to ²[industry, labour and technical education, and]
 - ³[(d) representatives of the All India Council and of the Regional Boards.]
- (3) The number of persons to be appointed as members of the Central Apprenticeship Council from each of the categories specified in sub-section (2), the term, of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Council shall be such as may be prescribed.
- (4) The State Apprenticeship Council shall consist of [a Chairman and a Vice Chairman]⁴ and such number of other members as the State Government may think expedient, to be appointed by that Government by notification in the Official Gazette from among the following categories or persons, namely:-
- (a) representatives of employers in establishments in the public and private sectors,
 - (b) representatives of the Central Government and of the State Governments,
 - (c) persons having special knowledge and experience on matters relating to ⁵[industry, labour and technical education, and]
 - ⁶[(d) representatives of the Board or of the State Council of Technical Education.]
- (5) The number of persons to be appointed as members of the State Apprenticeship Council from each of the categories specified in sub-section (4), the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among, the members of the Council shall be such as the State Government may, by notification in the Official Gazette, determine.

1. Subs. by Act 27 of 1973.

2. Subs. by Act 27 of 1973.

3. Ins. by Act 27 of 1973.

4. Subs. by Act 27 of 1973.

5. Subs. by Act 27 of 1973.

6. Ins. by Act 27 of 1973.

- (6) The fees and allowances, if any, to be paid to [the Chairman and the Vice Chairman]¹ and the other members of the Central Apprenticeship Council, shall be such as may be determined by the Central Government and the fees and allowances if any, to be paid to [the Chairman and the Vice-Chairman]² and the other members of the State Apprenticeship Council shall be such as may be determined by the State Government.

25. Vacancies not to invalidate acts and proceedings-

No act done or proceeding taken by the National Council, the Central Apprenticeship Council, the State Council or the State Apprenticeship Council under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, such Council.

26. Apprenticeship Advisers-

- (1) The Central Government shall, by notification in the Official Gazette, appoint a suitable person as the Central Apprenticeship Adviser.
- (2) The State Government shall, by notification in the Official Gazette, appoint a suitable person as the State Apprenticeship Adviser.
- (3) The Central Apprenticeship Adviser shall be the Secretary to the Central Apprenticeship Council and the State Apprenticeship Adviser shall be the Secretary to the State Apprenticeship Council.

27. Deputy and Assistant Apprenticeship Advisers-

- (1) The Government ³[may appoint suitable persons as Additional, Joint, Regional, Deputy and Assistant Apprenticeship Advisers] to assist the Apprenticeship Adviser in the performance of his functions.
- ⁴(2) Every Additional, Joint, Regional, Deputy or Assistant Apprenticeship Advisers] to assist the Apprenticeship Advisor, perform such functions as may be assigned to him by the Apprenticeship Adviser.

28. Apprenticeship Advisers to be public servants

Every Apprenticeship Adviser and ⁵[every Additional, Joint, Regional, Deputy or Assistant Apprenticeship Adviser] appointed under this Act, shall be deemed to be a public servant within the meaning of Section 21 of the India Penal Code (45 of 1860).

1. Subs. by Act 27 of 1973.
2. Subs. by Act 27 of 1973.
3. Subs. by Act 27 of 1973.
4. Subs. by Act 27 of 1973.
5. Subs. by Act 27 of 1973.

29. Powers of entry, Inspection, etc.-

- (1) Subject to any rule made in this behalf the ¹[Central Apprenticeship Adviser, or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the Central Apprenticeship Adviser in writing in this behalf] may-
- (a) with such assistants, as he thinks fit, enter, inspect and examine any establishment or part thereof at any reasonable time;
 - (b) examine any apprentice employed therein or require the production of any register, record or other documents maintained in pursuance of this Act and take on the spot or otherwise statements of any persons which he may consider necessary for carrying out the purposes of this Act;
 - (c) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and the rules made thereunder are being observed in the establishment;
 - (d) exercise such other powers as may be prescribed:

Provided that ²[a State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorised by the State Apprenticeship Adviser in writing in this behalf] may also exercise any of the powers specified in clause (a), (b), (c) or (d) of this sub-section in relation to establishments for which the appropriate Government is the State Government.

- (2) Notwithstanding anything in sub-section (1), no person shall be compelled under this section to answer any question or make any statement which may tend directly or indirectly to incriminate him.

30. Offences and penalties -

- ³[(1) If any employer contravenes the provisions of this Act relating to the number of apprentices which he is required to engage under those provisions, he shall be given a month's previous notice in writing, by an officer duly authorised in this behalf by the appropriate Government, for explaining the reasons for such contravention.
- (1A) In case the employer fails to reply the notice within the period specified under sub-section (1), or the authorised officer, after giving him an opportunity of being heard, is not satisfied with the reasons given by the employer, he shall be punishable with fine of five hundred rupees per shortfall of apprenticeship month for first three months and thereafter one thousand rupees per month till such number of seats are filled up].

1. Subs. by Act 27 of 1973.
2. Subs. by Act 4 of 1997.
3. Subs. by Act 29 of 2014

- (2) If any employer or any other person -
- (a) required to furnish any information or return –
 - (i) refuses or neglects to furnish such information or return, or
 - (ii) furnishes or causes to be furnished any information or return which is false and which he either knows or believes to be false or does not believe to be true, or
 - (iii) refuses to answer, or gives a false answer to any question necessary for obtaining any information required to be furnished by him, or
 - (b) refuses or wilfully neglects to afford the Central or the State Apprenticeship Adviser or such other person, not below the rank of an Assistant Apprenticeship Adviser, as may be authorized by the Central or the State Apprenticeship Adviser in writing in this behalf any reasonable facility for making any entry, inspection, examination or inquiry authorized by or under this Act, or
 - (c) requires an apprentice to work overtime without the approval of the Apprenticeship Adviser, or
 - (d) employs an apprentice on any work which is not connected with his training, or
 - (e) makes payment to an apprentice on the basis of piece-work, or
 - (f) requires an apprentice to take part in any output bonus or incentive scheme
 - ¹[(g) engages as an apprentice a person who is not qualified for being so engaged, or
 - (h) fails to carry out the terms and conditions of a contract of apprenticeship, or

he shall be punishable with fine of one thousand rupees for every occurrence.

- (2A) The provisions of this section shall not apply to any establishment or industry which is under the Board for Industrial and Financial Reconstruction established under the Sick Industrial Companies (Special Provisions) Act, 1985].

31. Penalty where no specific penalty is provided-

If any employer or any other person contravenes any provision of this Act for which no punishment is provided in section 30, he shall be punishable with fine ²[which shall not be less than one thousand rupees but may extend to three thousand rupees.]

1. Ins. by Act 29 of 2014
 2. Subs. by Act 4 of 1997.

32. Offences by companies-

- (1) If the person committing an offence under this Act, is a company, every persons who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to such punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all the diligence to prevent the commission of such offence.

- (2) Notwithstanding anything contained in subsection (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary, or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

33. Cognizance of offences-

No court shall take cognizance of any offence under this Act or the rules made thereunder except on a complaint thereof in writing made by the Apprenticeship Adviser ¹[or the officer of the rank of Deputy Apprenticeship Adviser and above] within six months from the date on which the offence is alleged to have been committed.

34. Delegation of powers-

The appropriate Government, may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also-

- (a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification: and
- (b) where the appropriate Government is the State Government, by such officer or authority subordinate to the State Government, as may be specified in the notification.

1. Subs. by Act 4 of 1997.

35. Construction of reference-

- (1) Any reference in this Act or in the rules made thereunder to the Apprenticeship Council shall, unless the context otherwise requires, means in relation to apprenticeship training in a designated trade in an establishment in relation to which the Central Government is the appropriate Government, the Central Apprenticeship Council and in relation to apprenticeship training in a designated trade in an establishment in relation to which the State Government is the appropriate Government, the State Apprenticeship Council.
- (2) Any reference in this Act or in the rules made thereunder to the Apprenticeship Adviser shall, unless the context otherwise requires-
 - (a) means in relation to apprenticeship training in a designated trade in an establishment in relation to which the Central Government is the appropriate Government, the Central Apprenticeship Adviser and in relation to apprenticeship training in a designated trade in an establishment in relation to which the State Government is the appropriate Government, the State Apprenticeship Adviser:
 - (b) be deemed to include [an Additional, a Joint, a Regional, a Deputy or an Assistant Apprenticeship Adviser]¹ performing the functions of the Apprenticeship Adviser assigned to him under subsection (2) of Section 27.

36. Protection of action taken in good faith-

- (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

37. Power to make rules-

- (1) The Central Government may, after consulting the Central Apprenticeship Council, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

²[(1A) The powers to make rules under this section shall include the power to make such rules or any of them retrospectively from a date not earlier than the date on which this Act received the assent of the President, but no such retrospective effect shall be given to any such rule so as to prejudicially affect the interests of any person to whom such rule may be applicable].

1. Subs. by Act 27 of 1973

2. Ins. by Act 29 of 2014

- (2) Rules made under this Act may provide that a contravention of any such rule shall be punishable with fine which may extend to fifty rupees.
- (3) Every rule made under this section shall be laid as soon as may be after it is made before such House of Parliament while it is in session for a total period of thirty days which may be composed in one session ¹[or in two or more successive sessions, and if before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rules or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

38. Repeal

[Repealed by Act 52 of 1964]

1. Subs. by Act 27 of 1973.

THE SCHEDULE

(See Section 16)

MODIFICATIONS IN THE WORKMEN'S COMPENSATION ACT, 1923, IN ITS APPLICATION TO APPRENTICES UNDER THE APPRENTICES ACT, 1961

In the Workmen's Compensation Act, 1923-

- (1) in Section 2-
 - (a) for clause (e), substitute-
"(e) 'employer' means as employer as defined in the Apprentices Act, 1962, who has engaged one or more apprentices,"
 - (b) omit clause (k);
 - (c) for clause (m), substitute-
"(m) 'wages means the stipend payable to an apprentice under Section 13(1) of the Apprentices Act, 1961,";
 - (d) for clause (n), substitute-
"(n) 'workman' means any persons who is engaged as an apprentice as defined in the Apprentices Act, 1961, and who in the course of his apprenticeship training is employed in any such capacity as is specified in Schedule II",
- (2) omit Section 12;
- (3) omit Section 15;
- (4) omit the proviso to Section 21(1);
- (5) omit the words " or a registered Trade Union" in Section 24;
- (6) omit clause (d) in Section 30(1);
- (7) omit clauses (vi), (xi), (xiii), (xvii), (xviii), (xx), (xxii), (xxiv), (xxv) and (xxvi) in Schedule II.

APPRENTICESHIP RULES, 1992

APPRENTICESHIP RULES, 1992*

In exercise of the powers conferred by, sub-section (1) of Section 37 of the Apprentices Act, 1961 (52 of 1961) and after consulting the Central Apprenticeship Council, the Central Government hereby makes the following rules in supersession of the Apprenticeship Rules, 1962, except as respects things done or omitted to be done before such supersession, namely:-

1. Short title and commencement -

- (1) These rules may be called the Apprenticeship Rules, 1992.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions -

In these rules, unless the context otherwise requires:-

- (1) "Act" means the Apprentices Act, 1961 (52 of 1961);
- (2) "Diploma Holder" means a person who holds a diploma in engineering or technology or equivalent qualification granted by a State Board of Technical Education, or recognized by the State Government concerned or the Central Government.
- (2A) "Diploma in non-engineering" means a person who holds a diploma in non-engineering or equivalent qualification granted by a Board or University or recognised by the concerned State Government or the Central Government, as the case may be;
- (3) "Engineering Graduate" means a person, who-
 - (a) holds a degree in engineering or technology granted by-
 - (i) a statutory University, or
 - (ii) an institution empowered to grant such degree by an Act of Parliament;
 - (b) has passed the graduateship examination of professional bodies recognized by the Central Government as equivalent to degree;
or
 - (c) holds the qualifications which exempt him from Sections A and B examinations of the Institution of Engineers (India).

* Vide GSR No. 188(E), dated 20th March 2001

- (4) "Vocational Certificate Holder" means a person who holds a certificate in a Vocational Course, involving two years of study after the completion of secondary stage of school education, recognized by the All India Council for Technical Education;
- (5) "National Classification of Occupations" means the National Classification of Occupations adopted by the Government of India, Ministry of Labour, Directorate General of Employment and Training;
- (5A) "Non-engineering graduate" means a person who holds a degree in any subject other than engineering or technology granted by a statutory University or an institution empowered to grant such degree by an Act of Parliament or passed the graduateship examination of professional bodies recognised by the Central Government as equivalent degree;
- (5B) "Optional trade apprentice" means an apprentice who is not undergoing apprenticeship training in a designated trade;
- (6) "Registered Medical Practitioner" means a person whose name is entered in the register maintained under any law for the time being in force in any State regulating the registration of practitioners of medicine;
- (7) " Sandwich Course Student" means a student undergoing a Sandwich Course of studies at any of the technical institutions recognised for the purpose and leading to the award of degree or diploma in engineering or technology;
- (8) "Schedule" means the Schedule appended to these rules;
- (9) "Standard Industrial Classification" means the Standard Industrial Classification adopted by the Government of India, Ministry of Labour, Directorate General of Employment and Training;
- (10) All the words and expressions, not defined here in these rules, but defined in the Act, shall have the same meaning as given to them in the said Act.

3. Standard of Education -

- (1) A person shall be eligible for being engaged as a trade apprentice - if he satisfies the minimum educational qualifications as specified in Schedule-1.
- (2) A person shall be eligible for being engaged as a Graduate or Technician or Technician (Vocational) apprentice if he satisfies one of the minimum educational qualifications specified in Schedule-IA:

Provided that: -

- (a) no Engineering Graduate or Diploma Holder or Vocational Certificate holder who had training or job experience for a period one year or more, after the attainment of these qualifications shall be eligible for being engaged as an apprentice under the Act;
- (b) no Sandwich Course Student shall be eligible for being engaged as an apprentice under the Act after passing the final examination of the technical institution wherein such student is undergoing the course unless so approved by the Regional Central Apprenticeship Advisers;
- (c) a person who has been a Graduate or Technician or Technician (Vocational) apprentice under the Act and in whose case the contract of apprenticeship was terminated for any reason whatsoever shall not be eligible for being engaged as an apprentice again under the Act without the prior approval of the Apprenticeship Adviser.

4. Standard of Physical Fitness -

- (1) A person shall be eligible for being engaged as an apprentice if he satisfies the minimum standards of physical fitness specified in Schedule-II.

Provided that a person who has undergone institutional training in a school or other institution recognised by or affiliated to the National Council or the All India Council or a Statutory University or a State Board of Technical Education and has passed the examination or tests conducted by these bodies, or is undergoing institutional training in a school or institution so recognised or affiliated in order that he may require a degree or diploma in engineering or technology or certificate in vocational course or equivalent qualification shall, if he has already undergone medical examination in accordance with the rules for the admission to the school or institution, be deemed to have complied with the provisions of this rule.

*Provided further that the standards of fitness specified for item (4) relating to "EARS" and item (6) relating to "SPEECH" of schedule II shall not apply in the case of a person who is deaf or dumb or deaf and dumb for the following trades, namely:-

- (a) Building and Furniture Trades Group:
 - 1. Plumber
 - 2. Carpenter.
 - 3. Furniture and Cabinet Maker.
 - 4. Sports Goods Maker. (Wood)
- (b) Draughtsmen and Surveyors Trades Group
 - 1. Draughtsman(Civil)

* Inserted vide GSR No. 338, dated 15th September 1997

- (c) Printing Trades Group.
 1. Process Cameraman.
 2. Retoucher Lithographic.
 3. Engraver.
 4. Book Binder.

- (d) Hotel & Catering Trades Group
 1. Cook (General).
 2. Cook (Vegetarian).
 3. Baker and Confectioner.

- (e) Cutting and Tailoring Trades Group.
 1. Designer and Master Cutter.
 2. Tailor (Men)
 3. Tailor (Women)
 4. Tailor (General)

- (f) Agriculture Trades Group
 1. Horticulture Assistant.

- (g) Painting Trades Group
 1. Painter (General).

- *(h) Group No.1-Machine Shop Trades Group:
 1. Fitter
 2. Turner.
 3. Machinist**

- (i) Group No. 3- Metal Working Trades Group:
 1. Sheet Metal Worker.
 2. Welder (Gas and Electric)

- (j) Group No.4- Electrical Trades Group
 1. Wireman.
 2. Electrician**

- ** (k). Group No. 5 -Building And Furniture Trade Group
 1. Mason (Building Constructor)

- (l). Group No. 10 - Heat Engines Trades Group
 1. Mechanic (Diesel)
 2. Mechanic Tractor
 3. Mechanic (Motor Vehicle)

- (m). Group No. 11 - Draughtsmen and Survey Trades Group
 1. Draughtsman (Mechanical)
 2. Surveyor

- (n). Group No. 18 – Chemical Trades Group
 - 1. Plastic Processing Operator
 - 2. Instrument Mechanic (Chemical Plant)
 - 3. Laboratory Assistant (Chemical Plant)
 - 4. Attendant Operator (Chemical Plant)
- (o). Group No. 20 –Agriculture Trades Group
 - 1. Pump Operator cum Mechanic
- (p). Group No. 21 - Leather Crafts Trades Group
 - 1. Upholsterer
 - 2. Leather Goods Maker
- (q). Group No. 23 – Electronics Trades Group
 - 1. Electronics Mechanic
- (r). Group No. 24 – Photography Trades Group
 - 1. Photographer
- (s). Group No. 26 – Beautician Trades Group
 - 1. Hair and Skin Carer
- (t). Group No. 29 – Computer Trades Group
 - 1. Desk Top Publishing Operator
 - 2. Programming and Systems Administration Assistant

** Provided further that the standards of fitness specified for item (3) relating to “Eyes” shall not apply in the case of a person with low vision (Low vision means a person with impairment of vision of less than 6/18 to 6/10 with best correction in the better eye or impairment of field in any one of the following categories : i) Reduction of fields less than 50 degrees, ii) Heminaopia with macular involvement, iii) Altitudinal defect involving lower fields) for the following trades namely:-

- (a). Group No. 1-Machine Shop Trades Group
 - 1. Fitter
 - 2. Turner
 - 3. Machinist
 - 4. Machinist (Grinder)
- (b). Group No. 2 -Foundry Trade Group
 - 1. Foundryman
- (c). Group No. 3 -Metal Working Trades Group
 - 1. Forger and Heat Treater
 - 2. Sheet Metal Worker
 - 3. Motor Vehicle Body Builder
- (d). Group No. 4 - Electrical Trade Group
 - 1. Electrician
 - 2. Wireman
 - 3. Winder (Armature)

- 4. Electroplater
- (e). Group No. 5-Building and Furniture Trades Group
 - 1. Carpenter
 - 2. Plumber
 - 3. Sports Goods Maker (Wood)
 - 4. Furniture and Cabinet Maker
- (f). Group No. 6- Maintenance Trades Group
 - 1. Mechanic Sewing Machine
- (g). Group No. 9-Refrigeration and Air Conditioning Trades Group
 - 1. Refrigeration and Air-Conditioning Mechanic
- (h). Group No. 10-Heat Engines Trades Group
 - 1. Mechanic Diesel
 - 2. Tractor Mechanic
 - 3. Mechanic (Earth Moving Machinery)
 - 4. Auto Mechanic (Two Wheeler/Three Wheeler)
- (i). Group No. 14-Printing Group of Trades
 - 1. Book Binder
- (j). Group No. 15-Hotel and Catering Trades Group
 - 1. Apprentice Food Production (General)
 - 2. Apprentice Food Production (Vegetarian)
 - 3. Steward
 - 4. Baker and Confectioner
 - 5. Hotel Clerk/Receptionist/Front Office Assistant
 - 6. Fruit and Vegetable Processor
- (k). Group No. 16-Textile Trades Group
 - 1. Weaver
 - 2. Knitter (Hosiery)
 - 3. Printing Textile
- (l). Group No. 19-Cutting and Tailoring Trades Group
 - 1. Designer and Master Cutter
 - 2. Tailor (Men)
 - 3. Tailor (Women)
 - 4. Tailor (General)
- (m). Group No. 20-Agriculture Trades Group
 - 1. Mechanic (Agricultural Machinery)
 - 2. Horticulture Assistant
 - 3. Stockman (Dairy)
 - 4. Attendant Operator (Dairy)
 - 5. Pump Operator cum Mechanic

- (n). Group No. 21-Leather Crafts Trades Group
 1. Sport Goods Maker (Leather)
 2. Leather Goods Maker
 3. Footwear Maker
 4. Finished Leather Maker
 5. Maintenance Mechanic for Leather Machinery
 6. Upholsterer

- (o). Group No. 25-Iron and Steel Trades Group
 1. Brick Layer (Refractory)
 2. Furnace Operator (Steel Industry)
 3. Steel Melting Hand

- (p). Group No. 26-Beautician Trades Group
 1. Beautician
 2. Hair Dresser
 3. Health and Slimming Assistant
 4. Hair and Skin Carer

- (q). Group No. 28-Painting Trades Group
 1. Painter (General)

- (r). Group No. 29-Computer Trades Group
 1. Desk Top Publishing Operator
 2. Programming & Systems Administration Assistant

- (s). Group No. 30-Hi-Tech Trades Group
 1. Advanced Attendant Operator (Process)
 2. Operator Cum Mechanic Pollution Control Equipment
 3. Mechanic Medical Equipment for Hospitals and Occupational and Health Centres

- (t). Group No. 31-Multi Skill Trades Group
 1. Mechanic Advanced Machine Tool Maintenance
 2. Operator Advanced Machine Tool

Provided further that the standards of fitness specified for item (11) relating to “skeletal system” will be relaxed in the case of a Orthopodically handicapped person for the following trades as mentioned against each trade, namely:-

- (a) Group No. 1-Machine Shop Trades Group

Fitter	Lower limb partially damaged from one side can join
Turner	Lower limb partially damaged from one side can join.

- Machinist Only small finger damaged can join.
- Machinist (Grinder) Only small finger damaged can join.
- (b) Group No. 2 - Foundry Trades Group
- Pattern Maker One upper & lower limb partially damaged can join.
- (c) Group No. 3 - Metal Working Trades Group
- Welder (Gas and Electric) A person with out leg and without three finger of one hand can be accommodated
- Sheet Metal Worker Both Lower limb damaged can be accommodated.
- (d) Group No. 4 - Electrical Trades Group
- Electrician Partially lower limb students can be accommodated.
- (e) Group No. 5 - Building & Furniture Trades Group
- Plumber A person without one or two finger of foot & hand can be accommodated.
- Carpenter One upper & lower limb partially damaged.
- (f) Group No.6 - Maintenance Trades Group
- Mechanic Maintenance (Chemical Plant) With one lower limb partially damaged can be accommodated.
- (g) Group No. 7-Precision Machining Trades Group
- Tool and Die Maker (Die and Moulds) Lower limb partially damaged only one side can be accommodated. Small finger of each hand damaged can be accommodated.
- Tool and Die Maker (Press Tools, Jigs and Fixtures) Lower limb partially damaged only one side can be accommodated. Small finger of each hand damaged can be accommodated.
- (h) Group No. 8 - Instrument Trades Group
- Mechanic Watch And Clock Both lower limbs

- (i) Group No. 9- Refrigeration and Air Conditioning Trades Group
- | | |
|---|--|
| Refrigeration and Air Conditioning Mechanic | Only one lower limb partially working can be accommodated. |
| | Small finger of each hand damaged can be accommodated |
- (j) Group No. 10 - Heat Engines Trades Group
- | | |
|------------------------|--|
| Mechanic (Diesel) | Upper limb partially damaged (Little finger and Ring Finger) can be accommodated for both hands. |
| | Lower limb partially damaged only one side can be accommodated. |
| Tractor Mechanic | Upper limb partially damaged (Little finger and Ring Finger) can be accommodated for both hands |
| | Lower limb partially damaged only one side can be accommodated. |
| Mechanic Motor Vehicle | Upper limb partially damaged (Little finger and Ring Finger) can be accommodated for both hands. |
| | Lower limb partially damaged only one side can be accommodated |
- (k) Group No. 11- Draughtsmen and Surveyor Trades Group
- | | |
|--------------------------|---|
| Draughtsman (Civil) | Partially without both legs or without one leg & upper left limb damaged. |
| Draughtsman (Mechanical) | Partially without both legs or without one leg & upper left limb damaged. |
| Surveyor | One lower limbs partially damaged |
- (l) Group No. 14-Printing Group of Trades
- | | |
|-----------------------|------------------------------|
| Offset Machine Minder | One lower or one upper limb. |
| Process Cameraman | One lower or one upper limb. |

- | | | |
|--|-------------|---|
| | Book Binder | One lower limb or both lower limbs with artificial leg. |
|--|-------------|---|
- (m) Group No. 15-Hotel and Catering Trades Group
- | | | |
|--|------------------------|------------------------------|
| | Baker And Confectioner | One lower or one upper limb. |
|--|------------------------|------------------------------|
- (n) Group No. 18- Chemical Trades Group
- | | | |
|---------------------------------|-----------------------------|--|
| Instrument
(Chemical Plant) | Mechanic | With one lower limb partially damaged can be accommodated. |
| Maintenance
(Chemical Plant) | Mechanic | With one lower limb partially damaged can be accommodated. |
| Attendant
(Chemical Plant) | Operator | With one lower limb partially damaged can be accommodated. |
| Laboratory
(Chemical Plant) | Assistant | With one lower limb partially damaged can be accommodated. |
| | Plastic Processing Operator | One lower limb partially damaged. |
- (o) Group No. 20-Agriculture Trades Group
- | | | |
|----------------------------|--------------|---|
| Pump Operator Cum Mechanic | | Upper limb partially damaged (Little finger and Ring Finger can be accommodated for both hands.

Lower limb partially damaged only one side can be accommodated. |
| Mechanic
Machinery | Agricultural | Upper limb partially damaged (Little finger and Ring Finger can be accommodated for both hands.

Lower limb partially damaged only one side can be accommodated.
Lower limb partially damaged from one side. |
- (p) Group No. 21- Leather Crafts Trades Group
- | | | |
|--|---------------------|------------------------------|
| | Leather Goods Maker | One lower or one upper limb. |
| | Upholsterer | Both lower limbs |

- (q) Group No. 23-Electronics Trades Group
 Electronics Mechanic Without legs or leg.
- (r) Group No. 26 - Beautician Trades Group
 Hair and Skin Carer Partially without one lower limb & one/two lower limbs totally damaged can be adjusted.
- (s) Group No. 28 – Painting Trades Group
 Painting General One upper & lower limb partially damaged.
- (t) Group No. 29 - Computer Trades Group
 Desk Top Publishing Operator Both lower limbs
 Programming and Systems Administration Assistant” Both lower limbs

- (2) Without prejudice to the generality of the foregoing provision where a physically handicapped person registered at any Employment Exchange is declared, by either the medical board attached to Special Employment Exchanges. for the physically handicapped or the local Civil Surgeon (where such Medical Board has not been constituted) to be physically fit for being engaged as an apprentice in any of the designated trades under the Apprentices Act, 1961, he may be engaged as an apprentice in that trade.

5. Reservation of Training Places:-

- (1) In respect of each of the states specified in column (2) of the Schedule-IIA training places shall be reserved by the employer for the Schedule Castes and Scheduled Tribes in every designated trade so that the ratio of the apprentices belonging to the Scheduled Castes and Scheduled Tribes to the total number of apprentices in such designated trade or trades shall be specified in columns (3) and (4) of the said Schedule (and where there is more than one designated trade in an establishment such training places shall be reserved also on the basis of total number of apprentices in all designated trades in such establishments).

Provided that when the prescribed number of persons belonging either to the Scheduled Castes or to the Scheduled Tribes are not available, the training places so reserved for them may be filled by persons belonging to the Scheduled Tribes or as the case may be, to the Scheduled Caste and if the prescribed training places can not be filled even in the above given manner, then the training places so lying unfilled may be filled by persons not belonging to the Scheduled Castes or the Scheduled Tribes.

* Inserted vide GSR No. 107, dated 27th May 1998

** Inserted vide GSR No. 300, dated 23rd August 2003

2. The training places for the Other Backward Classes in designated trades shall be reserved by the employer according to the prescribed norms followed in the respective State or Union territory and if training places can not be filled from the Other Backward Classes, then the training places so lying unfilled may be filled by persons not belonging to the Other Backward Classes.

6. Registration of Contract of Apprenticeship:-

- 1(a) The Central Government may specify model contract form for all apprentices;
- (b) The model contract form as may be specified by the Central Government with such variation as the circumstances of each case may require, be used for the respective purposes therein mentioned.
- (2) The obligation of the employer and that of the trade apprentice shall be as specified in Schedule-V. The terms and conditions in respect of graduate, technician and technician (vocational) apprentices shall be as specified in Schedule-VI.

7. Period of Apprenticeship Training -

- (1) The period of apprenticeship training in the case of trade apprentices referred to in clause (a) clause (aa) and clause (b) of Section 6 of the Act shall be as specified in Schedule-I.
- (1A) The period of apprenticeship training in the case of trade apprentices referred to in clause (aa) of section 6 of the Act, shall be as specified in Schedule-I-B.
- (2)(a) Where a trade apprentice is unable to complete the full apprenticeship course within the periods prescribed in sub-rule (1) or to take the final test owing to illness or other circumstances beyond his control, the establishment concerned shall extend the period of his apprenticeship until he completes the full apprenticeship course and the next test is held if so required by the Apprenticeship Adviser, Similar extension of the period of training may also be allowed in the case of those trade apprentices who having completed the course, fail in the final test. A trade apprentice who fails in the second test shall not be allowed any extension of the period of training.
- (b) (i) Where a trade apprentice is unable to complete the period of apprenticeship training due to strike or lockout or layoff in an establishment where he is undergoing training and is not instrumental for the same, the period of his apprenticeship training shall be extended for a period equal to the period of strike or lockout or layoff, as the case may be, and he shall be paid stipend during the period of such strike or lockout or layoff or for a maximum period of six months, whichever is less;
- (ii) If the strike or lockout or layoff is likely to continue for a longer period, the employer shall follow the procedure for novation of contract of apprenticeship of a trade apprentice referred to in clause (i) with the other employer as specified in section 5 of the Act.

- (2) In the case of trade apprentices other than those covered by clause (a) of section 6 of the Act, the first six months of the period of training shall be treated as period of probation.
- 3A(1)* Keeping in view seasonality in operation or business or flexibility desired by trade apprentice, a trade apprentice may complete his period of apprenticeship training within five years or double the duration of apprenticeship training whichever is less from the date of starting of his apprenticeship training.
- (2) The flexibility referred to in sub-rule(1) shall be permissible in the following manner, namely:-
- (a) Maximum one break for trades having duration two years or less than two years;
- (b) Maximum two breaks for trades having duration more than two years.
- (3) The start and end date of his apprenticeship training shall be reported on portal-site by the employer.
- (4)(a) The period of apprenticeship training in the case of Engineering Graduates, Diploma holders and Vocational Certificate holders shall be one year.
- (b) In the case of Sandwich Course Students, the period of practical training they undergo as part of apprenticeship course of studies shall be the period of apprenticeship training.
- (c) Where a Graduate/Technician/Technician (Vocational) Apprentice is unable to complete the period of Apprenticeship Training due to strike/lockout/ layoff in an establishment where he is undergoing training and is not instrumental in the same, the period of his Apprenticeship Training would be extended equal to the period of strike/ lockout/ layoff and he shall be paid stipend during the period of such strike/ lock out / layoff or for a maximum period of six months whichever is less.
- (d) If the strike/lock out/ lay off is likely to continue for a longer period, the employer shall follow the procedure for novation of contract of apprenticeship for the apprentices referred to in clause (c) with the other employer as specified in section 5 of the Act.

[7A Regulation of optional trade.-**

- (1). A person shall not be qualified for being engaged as an apprentice to undergo apprenticeship training in any optional trade, unless he-
- (a) is not less than fourteen years of age, and for optional trades related to hazardous industries, not less than eighteen years of age; and
- (b) satisfies such physical fitness as determined by the employer.
- (2) The minimum educational qualification for person to undergo apprenticeship training in optional trade shall be fifth class pass from a recognised school.

- (3) The period of apprenticeship training in the case of non-engineering graduates, diploma in non-engineering and vocational certificate holder shall be maximum one year and the period of apprenticeship training for other apprentices undergoing apprenticeship training in optional trade shall be minimum of six months and maximum of two years.
- (4) The training places shall be reserved by the employer for the Scheduled Castes and the Scheduled Tribes in every optional trade in accordance with the sub-rule (1) of rule 5 and Schedule-IIA of said rule.
- (5) The training places for the Other Backward Classes shall be reserved by the employer in every optional trade in accordance to the sub-rule (2) of rule 5.
- (6) It shall be obligatory on the part of employer to disclose the duration and syllabi of the optional trades on the portal-site.
- (7) The work diary in Format-2 as specified in Schedule-III shall be maintained by each apprentice and countersigned by his supervisor once in a week.
- (8) Weekly hours of work provided in sub-rule (3) of rule 12 shall be applicable for those apprentices possessing a degree of three or four years after secondary or higher secondary education or diploma of three years after 10th class or diploma of two years after 12th pass or a certificate in vocational course involving two years of study after completion of secondary stage of school education and undergoing apprenticeship training in optional trade and for all other apprentices undergoing apprenticeship training in optional trade, the weekly hours of work provided in sub-rule (1) and (2) of rule 12 shall be applicable.
- (9) No person shall be engaged as an apprentice to undergo apprenticeship training in optional trade unless such person or, if he is minor, his guardian has entered into a contract of apprenticeship with the employer and such contract of apprenticeship shall be uploaded on portal-site by the employer.
- (10) The minimum rates of stipend prescribed for graduate apprentices shall be paid by the employer to those apprentices who possess a degree of minimum three years duration after 10+2 system of education.
- (11) The minimum rates of stipend prescribed for technician apprentices shall be paid by the employer to those apprentices who possess a diploma of three years after 10th class or diploma of two years after 12th pass.

- (12) The minimum rates of stipend prescribed for technician (vocational) apprentices shall be paid by the employer to those apprentices who possess a certificate in vocational course involving two years of study after completion of secondary stage of school education.
- (13) The minimum rates of stipend prescribed for trade apprentices shall be paid by the employer to other apprentices undergoing training in optional trade according to their period of apprenticeship training.
- (14) Every apprentice possessing a degree of minimum three years or a diploma of three years after 10th class or diploma of two years after 12th pass or a certificate in vocational course involving two years of study after completion of secondary stage of school education and undergoing apprenticeship training in optional trade shall follow the terms and conditions of contract of apprenticeship for graduate, technician and technician(vocational) apprentices as provided in Schedule-VI.
- (15) Every employer and other apprentices undergoing training in optional trade shall have the obligations as provided in Schedule-V respectively.
- (16) The employer shall not run a trade as optional which is a designated trade under the Act.
- (17) The progress in apprenticeship training of every apprentice in optional trade shall be assessed by the employer from time to time and every apprentice who completes his apprenticeship training to the satisfaction of the employer shall be granted a certificate of proficiency by that employer.

7B Number of apprentices for designated and optional trade.-

- (1) The employers having six or more workers shall only be eligible to engage apprentices and engagement of apprentices by establishment having number of workers not exceeding forty shall not be obligatory.
- (2) The strength of workers shall be calculated on the basis of average strength in the preceding financial year.
- (3) Within a financial year, each establishment shall engage apprentices in a band of 2.5 per cent. to 10 per cent. of the total strength of the establishment including contractual staff.
- (4) In no month, number of apprentices should be less than 2 per cent. of the total strength of the establishment and more than 15 per cent. of the total strength of the establishment subject to the condition that he shall fulfill apprentice months corresponding to 2.5 per cent. obligation in a financial year.

- (5) Every employer shall disclose their intention of engagement of apprentices both in designated and optional trade on portal site as well as establishment's portal-site (if existing) as per quarters given below:-
- (a) the 1st April to the 30th June;
 - (b) the 1st July to the 30th September;
 - (c) the 1st October to the 31st December;
 - (d) the 1st January to the 31st March..

7C Inspection of establishment.-

An Officer not below the rank of Assistant Apprenticeship Adviser shall inspect an establishment and such inspection shall be after prior approval of the Central or the State Apprenticeship Adviser, as the case may be].

8* Compensation for termination of apprenticeship:

Where the contract of apprenticeship is terminated through failure on the part of any employer in carrying out the terms and conditions thereof, such employer shall be liable to pay the apprentice compensation of an amount equivalent to his three months last drawn stipend.

9. Qualifications of persons placed in charge of the training of apprentices:-

A person placed in charge of the training of apprentices by the employer shall possess the qualifications specified in Schedule IV to these rules.

The person so appointed shall be of the appropriate level commensurate with the number of seats located for apprenticeship training and size of the establishment.

9 a Staffing pattern and qualifications of instructional staff for practical and basic training of apprentices**

Staffing pattern and qualifications of instructional staff for imparting practical and basic training to apprentices shall be as specified in Schedule IV A

10. Maintenance of record of work by apprentices:-

Every Graduate or Technician or Technician (Vocational) Apprentice shall maintain a daily record of the work done by him relating to the apprenticeship training in the form of a workshop or laboratory note book.

* Substituted vide GSR No. 404, dated 25th November 1997

** Inserted vide GSR No. 190(E) dated 26th February, 1999

***11. Payment of stipend to apprentices:-**

(1) The minimum rate of stipend per month payable to trade apprentices shall be follows, namely:-

- (a) During the first year of training : Seventy per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory
- (b) During the second year of training : Eighty per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory
- (c) During the third and fourth year of training : Ninety per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory:

Provided that in the case where the minimum rate of wage for a trade is not notified by the State Government or Union territory, then, the maximum of minimum wages of the Scheduled Employment notified by such State Government or Union territory for semi-skilled workers shall be taken into account for paying the stipend in respect of that trade:

Provided further that in the case of trade apprentices referred to in clause (a) of section 6 of the Act, the period of training already undergone by them in a school or other institution recognised by the National Council, shall be taken into account for the purpose of determining the rate of stipend payable”.

(2)** The minimum rates of stipend payable to Graduate, Technician and Technician (Vocational) Apprentices shall be as follows namely:-

a.	Graduates Apprentices	Rs. 4984/-per month
b.	Sandwich course (Students from Degree institutions)	Rs.3542/-per month.
c.	Technician Apprentices	Rs.3542/-per month
d.	Sandwich course (Students from Diploma institutions)	Rs.2890/-per month.
e.	Technician (Vocational) Apprentices.	Rs.2758/-per month.

3. The stipend for a particular month shall be paid by the tenth day of the following month and the stipend shall be paid through the bank account of apprentices.

* Substituted by GSR No. 680(E), dated 22nd September, 2014

** Substituted by GSR No. 910(E), dated 23rd December, 2014

- (4) No deduction shall be made from the stipend for the period during which an apprentice remains on casual leave or medical leave. Stipend shall, however, not be paid for the period for which an apprentice remains on extraordinary leave.
- (5) Notwithstanding anything contained in this rule, where an establishment has a system of deferred payment whereby only a portion of the stipend is paid to the apprentice every month and the balance is paid to the apprentice on the completion of training such establishment shall be free to continue such system provided that the minimum amount paid to the apprentices every month shall not be less than the monthly stipend prescribed under these rules and no deduction is made from the said accumulated amount on any account. Establishments which do not already have such a system shall be free to institute a system on the same conditions.
- (6) The continuance of payment of stipend to an apprentice shall be subject to the work and conduct of the apprentice being satisfactory.
- (7) Where the work and conduct of the apprentice is not satisfactory, the employer shall report the matter to the Apprenticeship Adviser and with his consent may stop the continuance of payment of stipend to the apprentices.

Provided that the stipend of an apprentice shall not be stopped without intimating him the grounds thereof and giving him an opportunity of representing against the action proposed.

- (8) On report being made by the employer under sub-rule (7) the Apprenticeship Adviser shall give his decision thereon within thirty days of the receipt of the report and where the Apprenticeship Adviser does not communicate to the employer refusal to consent to the stopping of the payment of stipend within the period of thirty days, it shall be deemed that he has consented to the stopping of the stipend

12. **Hours of work:-**

- (1) The weekly hours of work of a trade apprentice undergoing practical training shall be as follows, namely:-
 - (a) The total number of hours per week shall be 42 to 48 hours (including the time spent on Related Instruction)
 - (b) Trade apprentices undergoing basic training shall ordinarily work for 42 hours per week including the time spent on Related Instruction.
 - (c) Trade apprentices during the second year of apprenticeship shall work for 42 to 45 hours per week including the time spent on Related Instruction.
 - (d) Trade apprentice during the third and subsequent years of apprenticeship shall work for the same number of hours per week as the workers in the trade in the establishment in which the trade apprentice is undergoing apprenticeship training.
- (2) No trade apprentice shall be engaged on such training between the hours of 10.00 p.m. to 6.00 a.m.. except with the prior approval of the

Apprenticeship Adviser who shall give his approval if he is satisfied that it is in the interest of the training of the trade apprentice or in public interest.

- (3) Graduate, Technician and Technician (Vocational) Apprentices shall work according to the normal hours of work of the department in the establishment to which they are attached for training.

13*. Grant of leave to apprentices

14. Record and returns**

- (1) A contract of apprenticeship as entered between an apprentice and the employer as per Format-1 specified in Schedule III shall be forwarded on the portal-site by the employer for registration.
- (2) Work dairy in Format – 2 as specified in Schedule III shall be maintained by each Trade apprentice and Optional trade apprentice and countersigned by his supervisor once in a week.
- (3) Every employer shall maintain a register of attendance of the apprentices undergoing apprenticeship training in his establishment and action taken for irregular and unauthorised absence shall be recorded in the said register at the end of each month.
- (4) Every employer shall maintain a record of the work done and training undertaken by the graduate, technician and technician (vocational) apprentices engaged in his establishment, for each quarter and at the end of each quarter shall send a report in Form Apprenticeship specified in Schedule-III to the Director, Regional Board of Apprenticeship Training concerned.”

* Omitted vide GSR No. 502(E) dated 18th June, 2015

** Substituted vide GSR No. 63(E) dated 20th January, 2017

List of Designated Trades under the Apprentices Act, 1961

SCHEDULE – I

[See rule 3 (1) and rule 7 (1)]

Sl. No.	Designated Trades	N.C.O. Code No.	Period of Apprenticeship Training	National Council for Vocational Training approved trades or State Council for Vocational Training approved trades or Apprenticeship trades	Rebate allowed in Apprenticeship Training	Essential/ Desirable Educational Qualifications
1	2	3	4	5	6	7
Group No.1 – Machine Shop Trades Group:						
1.	Fitter	7233.10, 7233.20	Two years	1. Fitter	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
2.	Turner	8211.15	Two years	1. Turner	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
3.	Machinist	8211.10,8211.15 8211.22,8211.28 8211.30,8211.32 8211.36,8211.38	Two years	1. Machinist	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.

4.	Machinist (Grinder)	7224.10, 7224.30 7224.40, 7224.45 8211.15	Two years	1. Machinist (Grinder) 2. Machinist 3. Turner	One year One year One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
Group No.2 – Foundry Trades Group:						
1.	Pattern Maker	7522.1000	Two years	1. Carpenter 2. Pattern Maker	Three months Three months	Passed 8 th class Examination under 10+2 system of education or its equivalent.
2.	Foundryman	7211.50, 8123.10	Two years	1. Foundryman	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
Group No.3 – Metal Working Trades Group:						
1.	Forger and Heat Treater	7221.50,7223.30 8152.75,8152.90	Two years	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Sheet Metal Worker	7213.10,7213.30 7213.90,8211.61	Two years	1. Sheet Metal Worker	One year	Passed 8 th class examination from a recognised school.
3.	Welder (Gas & Electric)	7212.10,7212.20 7212.40,7212.50 7212.65	One year and three months	1. Welder	Three months	Passed 8 th class examination from a recognised school.

4.	Motor Vehicle Body Builder	7422.25 7422.30	Two years	1. Sheet Metal Worker 2. Welder	One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No.4 –Electrical Trades Group:						
1.	Electrician	7137.10,7241.20	Two years	1. Electrician	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
2.	Lineman	7245.10	Two years	1. Wireman 2. Electrician	One year One year	Passed 8 th class examination from a recognised school.
3.	Wireman	7137.20	Two years	1. Wireman 2. Electrician	One year One year	Passed 8 th class examination from a recognised school.
4.	Mechanic Auto Electrical and Electronics	7241.10,7241.70	Two years	1. Mechanic Auto Electrical and Electronics	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
5.	Electrician Aircraft	7241.60	Two years	1. Electrician	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
6.	Electrical Winder	7241.40	Two years	1. Electrician	One year	Passed 10 th class examination under 10+2 system of

						education with Science and Math as a subject or its equivalent.
7.	Cable Jointer	7245.20	Two years	1. Wireman 2. Electrician	One year One year	Passed 8 th class examination from a recognised school.
8.	Electrician (Mines)	851.15	Three years	Electrician	Two years	Passed 10 th class examination under 10+2 system of education with Science (Physics and Chemistry) as one of subject or its equivalent.
9.	Electroplater	8223.10	Two years	1. Electroplater	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No.5 – Building and Furniture Trades Group:						
1.	Carpenter	7124.10,7124.20	Two years	1. Carpenter	One year	Passed 8 th class examination from a recognised school.
2.	Plumber	7136.10,7136.30	Two years	1. Plumber	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
3.	Mason (Building)	7122.20	Two years	1. Mason Building Constructor	One year	Passed 8 th class examination under

	Constructor)					10+2 system of education or its equivalent.
4.	Furniture and Cabinet Maker	812.10, 812.20	Three years	Carpenter	One year	Passed 8 th class examination under 10+2 system of education with science as subject or its equivalent. 'Desirable':- Passed in 10 th class examination under 10+2 system of education with Science as one of the subject or its equivalent.
5.	Sports Goods Maker (Wood)	819.70	Two years	Sports Goods Maker (Wood)	One year	Passed 8 th class examination under 10+2 system of education or its equivalent.
6,	Mechanic (Lift and Escalator)	8333.70	Two years	1. Mechanic (Lift and Escalator) 2. Lift Mechanic	One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
7.	Building Maintenance Technician	3112.90	One year and three months	1. Mason (Building Constructor) 2. Building maintenance	Three months Three months	Passed 10 th class examination under 10+2 system of education with Science and Mathematics or its equivalent.

8.	Architectural Assistant	3118.10	Two years	1. Architectural Assistant	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
9.	Sanitary Hardware Fitter	7136.10	One year and three months	1. Sanitary Hardware Fitter 2. Plumber	Three months Three months	Passed 8th class examination from a recognised school.
10.	Interior Designer and Decorator	3471.10	Two years	1. Interior Design and Decoration	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No.6 – Maintenance Trades Group:						
1.	Mechanic Machine Tool Maintenance	8281.55,8281.10	Two years	1. Mechanic Machine Tool Maintenance	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Mechanic Maintenance (Textile Machinery)	845.63	Three years	Fitter	One year	Passed 10 th class examination under 10+2 system of education with Science (Physics and Chemistry) as subjects or its equivalent.
3.	Maintenance Mechanic (Chemical)	8159.79	Two years	1. Maintenance Mechanic (Chemical Plant)	One year	Passed 10 th class examination with Science and

	Plant)					Mathematics under 10+2 system of education or its equivalent.
4.	Mechanic (Dairy Maintenance)	845.55	Three years	1. Fitter 2. Tool & Die Maker 3. Refrigeration and Air-conditioning Mechanic	One year One year One year	Passed 10 th class examination under 10+2 system of education with Science and Math as subjects or its equivalent.
5.	Mechanic Sewing Machine	945.82	One year	Fitter	Six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
6.	Mechanic (Mining Machinery)	845.60	Three years	Fitter	One year	Passed 10 th class examination under 10+2 system of education with Science (Physics and Chemistry) as subjects or its equivalent.
7.	Material Handling Equipment Mechanic-cum-Operator	9333.10	Two years	1. Mechanic Machine Tool Maintenance	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No.7 – Precision Machining Trades Group:						
1.	Tool and Die Maker (Dies and Moulds)	7222.50,7222.60 7211.10,7211.50	Two years	1. Tool and Die Maker (Dies and Moulds)	One year	Passed 10 th class examination with Science and

				2. Tool and Die Maker (Press Tools, Jigs and Fixtures) 3. Machinist	One year One year	Mathematics under 10+2 system of education or its equivalent.
2.	Tool and Die Maker (Press Tools, Jigs and Fixtures)	7222.20,7222.30 7222.50,8211.10 8211.15,8211.22 8211.30,8211.38 8211.55,8211.70	Two years	1. Tool and Die Maker (Press Tools, Jigs and Fixtures) 2. Tool and Die Maker (Dies and Moulds) 3. Machinist	One year One year One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
3.	Plastic Mould Maker	7222.50,8232.65	Two year	1. Tool and Die Maker (Dies and Moulds) 2. Tool and Die Maker (Press Tools, Jigs and Fixtures)	One year One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
Group No.8 – Instrument Trades Group:						
1.	Instrument Mechanic	7311.10,7311.30 7311.60,7311.90	Two years	1. Instrument Mechanic	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Mechanic Instrument Aircraft	7311.10,7311.67	Two years	1. Instrument Mechanic	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.

3.	Mechanic Watch and Clock	841.10	Three years	Mechanic Watch and Clock	Two years	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No.9 – Refrigeration and Air-Conditioning Machine Shop Trade Group:						
1.	Mechanic Refrigeration and Air Conditioning	845.706	Two years	1. Mechanic Refrigeration and Air Conditioning	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No.10 – Heat Engines Trades Group:						
1.	Mechanic (Motor Vehicle)	7231.10	Two years	1. Mechanic (Motor Vehicle)	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
2.	Mechanic Diesel	7233.24	Two years	1. Mechanic Diesel	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
3.	Mechanic Tractor	7231.10	Two years	1. Mechanic Tractor	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
4.	Mechanic Earth Moving	735.41	Two years	---	----	Passed 10 th class examination under

	Machinery					10+2 system of education or its equivalent.
5.	Mechanic (Marine Diesel)	845.14	Three years	Mechanic Diesel	One year	Passed 8 th class examination or its equivalent.
6.	Driver-cum-Mechanic (Light Motor Vehicle)	8322.10	One year and three months	1. Driver-cum-Mechanic (Light Motor Vehicle)	Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
7.	Mechanic Motor Cycle	7122.20	One year and three months	1. Mechanic Motor Cycle 2. Mechanic Repair and Maintenance of two wheeler	Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent
8.	Construction Machinery Mechanic-cum-Operator	7233.28 7233.30 7233.90 8332.00	Two years	1. Mechanic(Motor Vehicle)	One year	Passed 10 th class examination of 10+2 system of education or its equivalent.
9.	Mechanic Repair and Maintenance of Vehicle	7231.10	Two years	1. Mechanic Repair and Maintenance of Light Vehicle 2. Mechanic Repair and Maintenance of Heavy Vehicle	One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
10	Technician (Automotive Manufacturing)	8281.65,8281.70	Two years	1. Fitter 2. Automotive Manufacturing	One year One year	Passed 10 th class examination with Science and Mathematics under

						10+2 system of education or its equivalent.
11	Marine Engine Fitter	7233.22	Two years	1. Marine Engine Fitter	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
Group No.11 – Draughtsman and Survey Trades Group:						
1.	Draughtsman (Civil)	3118.20,3118.50	Two years	1. Draughtsman (Civil)	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Draughtsman (Mechanical)	3118.40	Two years	1. Draughtsman (Mechanical)	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
3.	Surveyor	2148.20 3112.30 3112.40	Two years	1. Surveyor	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No.12 – Construction Trades Group:						
1.	Fitter structural	7214.70	Two years	1. Fitter	One year	Passed 10 th class examination with Science and

						Mathematics under 10+2 system of education or its equivalent.
Group No.13 – Power Plant Trades Group:						
1.	Boiler Attendant	8162.20	Two years	---	---	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
2.	Steam Turbine-cum-Auxiliary Plant Operator	8161.30	Two years	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
3.	Switch Board Attendant	8161.50	Two years	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No.14 – Printing Trades Group:						
(i) Type Setting Group:						
1.	Lino Operator	922.10	Three years	Hand Compositor	One year	Passed 10 th class examination under 10+2 system of education with proficiency in English and any regional language or its equivalent.

2.	Mono Keyboard Operator	922.20	Three years	Hand Compositor	One year	Passed 10 th class examination under 10+2 system of education with proficiency in English and any regional language or its equivalent.
3.	Mono Castor Operator	922.30	Two years	Hand Compositor	One year	Passed 10 th class examination under 10+2 system of education with proficiency in English and any regional language or its equivalent.
(ii) Photo Mechanic Group						
1.	Process Cameraman	926.10	Three years	---	---	Passed 10 th class examination with Physics and Chemistry as subject under 10+2 system of education or its equivalent.
2.	Retoucher Lithographic	925.10	Three years	---	---	Passed 10 th class examination with Physics and Chemistry as subject under 10+2 system of education or its equivalent.
3.	Engraver	926.50	Three years	---	---	Passed 10 th class examination with Physics and Chemistry

						as subject under 10+2 system of education or its equivalent.
(iii) Binding Group						
1.	Book Binder	927.10	Two years	Book Binder	One year	Passed 8 th class examination under 10+2 system of education or its equivalent.
(iv) Litho Offset Group						
1.	Plate Maker (Lithographic)	926.40	Two years	---	---	Passed 10 th class examination under 10+2 system of education with Physics and Chemistry as subject or its equivalent.
2.	Offset Machine Minder	923.50, 923.60	Three years	---	---	Passed 10 th class examination under 10+2 system of education with Physics and Chemistry as subject or its equivalent.
Group No.15 – Hotel and Catering Trades Group:						
1.	Food Production (General)	1217	Two years	1. Food Production (General)	One year	Passed 8 th class examination or its equivalent.
2.	Food Production (Vegetarian)	520.20	Two years	1. Food Production (Vegetarian)	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.

3.	Steward	5123.40	One year and three months	1. Catering and Hospitality Management 2. Food and Beverages Services Assistant	Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
4.	Baker and Confectioner	777.10	Two years	Baker and Confectioner	Six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
5.	House Keeper (Hotel)	5121.10	One year and three months	1. House Keeper 2. Domestic House Keeping 3. Corporate Housekeeping 4. Institution House Keeping	Three months Three months Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
6.	Receptionist/ Hotel Clerk/ Front Office Assistant	3431.30,4221.10 4221.20	One year and three months	1. Front Office Assistant	Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
7.	Fruit and Vegetable Processor	775.90	Two years	Preservation of Fruit and Vegetables	One year	Passed 10 th class examination under 10+2 system of education with Science as one of the subjects or its equivalent.
8.	House Keeper (Domestic)	5121.20	One year	Domestic House Keeping	Six months	Passed 10 th class examination under

						10+2 system of education or its equivalent.
9.	House Keeper (Hospital)	5121.35	One year and six months	Hospital House Keeping	One year	Passed 10 th class examination under 10+2 system of or its equivalent
10.	House Keeper (Institution)	5121.10	One year	Institution House Keeping	Six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
11	House Keeper (Corporate)	5121.10	One year	Corporate House Keeping	Six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
12.	Cabin/Room Attendant	5121.70	One year	Cabin/Room Attendant	Six months	Passed 10 th class exam. under 10+2 system of education or its equivalent.
13.	Brew Master	7137.10	Six Months	----	----	Passed 12 th class examination under 10+2 system of education or its equivalent.
Group No.16 – Textile Trades Group:						
1	Weaver	755.50	Six months	---	---	Passed 8 th class under 10+2+3 system of education or two class below matriculation examination or its equivalent.

						Desirable- Passed 10 th class examination under 10+2 system of education or its equivalent.
2	Doffer-cum-Piecer	752.65,752.40	Six months	---	---	Passed 8 th class or its equivalent.
3.	Tenter (Drawing Speed/ Frames) Fly	752.10, 752.15, 752.20	Six months	---	---	Passed 8 th class or its equivalent.
4	Winder (Textile)	752.70	Six months	---	---	Passed 8 th class or its equivalent.
5	Knitter (Hosiery)	757.10, 757.15, 757.20, 757.25, 757.30	One year and six months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
6	Printing Textile	758.30, 758.32, 758.34	Six months	---	---	Passed 8 th class examination under 10+2 system of education.
7	Creel Boy-cum-Warper	753.40, 753.50	Six months	---	---	Passed matriculation or 10 th class examination under 10+2 system of education or its equivalent.
Group No.17 – Mining Trades Group:						
1	Sirdar (Colliery)	710.50	Three years	---	---	Passed 10 th class examination under 10+2 system of education with Science (Physics and

						Chemistry) as subject or its equivalent
2	Shotfirer/Blaster (Mines)	714.10	Two years	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
3	Mate (Mines)	710.40, 715.90	Three years	---	---	Passed 10 th class under 10+2 system of education with Science (Physics and Chemistry) as one of the subjects or its equivalent.
Group No.18 – Chemical Trades Group:						
1	Attendant Operator (Chemical Plant)	7414.40,7422.65 8142.10,8142.15 8142.40,8142.50 8142.90,8143.15 8151.15,8151.308 151.60,8152.1081 52.30,8152.60815 3.10,8153.408154 .20,8154.408155. 10,8159.348276.8 1,8159.648159.72 ,8159.768159.82, 8159.868276.10,8 276.208276.81,82 76.508276.70,827	Two years	1. Attendant Operator (Chemical Plant)	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent. Passed B.Sc. with Physics, Chemistry and Mathematic or Biology.
			One year	---	---	

3.	Laboratory Assistant (Chemical Plant)	3111.30,3116.10 3116.30,3116.50 3117.30	Two years One year	1. Laboratory Assistant (Chemical Plant) --	One year --	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent. Passed B.Sc. with Physics, Chemistry and Mathematic or Biology.
4.	Fiber Reinforced Plastic Processor	8232.15 8232.25 8232.30 8232.70	One year and three months	1. Broad Based Basic Training in Plastic Processing Sector under Centre of Excellence Scheme 2. Plastic Processing Operator	Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
5.	Plastic Processing Operator	8232.15,8232.18 8232.20,8232.65 8232.25,8232.30 8232.35,8232.40 8232.70,8232.45 8232.50,7222.50	Two years	1. Plastic Processing Operator	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
Group No.19 – Cutting and Tailoring Trades Group:						
1.	Designer and Master Cutter	794.40, 794.60	One year and three months	1. Sewing Technology 2. Dress Making	Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.

2.	Tailor (Men)	791.30 791.40 791.50	One year and three months	1. Sewing Technology 2. Dress Making	Three months Three months	Passed 8 th class examination from a recognised school.
3.	Tailor (Women)	791.20	One year and three months	1. Sewing Technology 2. Dress Making	Three months Three months	Passed 8 th class examination from a recognised school.
4.	Tailor (General)	791.10 791.90	One year and three months	1. Sewing Technology 2. Dress Making	Three months Three months	Passed 8 th class examination from a recognised school.
5.	Dress Maker	781.20	One year and three months	1. Dress Making	Three months	Passed 8 th class examination from a recognised school.”;
6.	Embroiderer (Surface Ornamentation Techniques)	795.40	One year and three months	1. Surface Ornamentation Techniques (Embroidery) 2. Embroidery and Needle Work	Three months Three months	Passed 8 th class examination from a recognised school.
7.	Cutting and Sewing Machine Operator	7433.10 7435.30 7435.40	One year and three months	3. Sewing Technology 4. Dress Making	Three months Three months	Passed 8 th class examination from a recognised school.
8.	Assistant Fashion Designer	7435.10	One year and three months	1. Fashion Design and Technology	Three months	Passed 12 th class examination under 10+2 system of education or its equivalent.
9.	Computerized Embroidery	8263.45	One year and three months	1. Computer Aided and Embroidery	Three months	Passed 10 th class examination under 10+2 system of

	Machine Operator and Digitizer			Designing		education or its equivalent.
Group No.20 – Agriculture Trades Group:						
1.	Mechanic (Agriculture Machinery)	7231.10	Two years	1. Mechanic (Agriculture Machinery)	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Horticulture Assistant	7231.10	Two years	1. Horticulture Assistant	One year	Passed 10 th class examination under 10+2 system or its equivalent.
3.	Stockman (Dairy)	082.10, 082.20	Two years	---	---	Passed 10 th class examination under 10+2 system of education with Science or its equivalent.
4.	Attendant Operator (Dairy)	776.10, 776.20 776.30, 776.40 776.50, 776.60 776.70, 776.90	Three years	---	---	Passed 10 th class Examination under 10+2 system of education with Science and Mathematics or its equivalent.
5.	Pump Operator Cum Mechanic	845.57	Two years	1. Pump Mechanic 2. Pump Operator Cum Mechanic	One year One year	Passed 10 th class under 10+2 system of education with Science or its equivalent.
6.	Florist and Landscaper	2213.20	One year	Florist and Landscaping	Six months	Passed 10 th class examination under 10+2 system of or its equivalent

Group No. 21 – Leather Crafts Trades Group						
1.	Sports Goods Maker (Leather)	809.90	Two years	Sports Goods Maker (Leather)	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Leather Goods Maker	809.10, 809.20 809.30, 809.40	Two years	Manufacturer of suitcase and other leather Goods	One year	Passed 8 th class examination under 10+2 system or 2 class below Matriculation examination or its equivalent.
3.	Footwear Maker	801.10	Two years	Manufacture of Footwear	One year	Passed in 8 th examination under 10+2+3 or 2 class below Matriculation examination or its equivalent.
4.	Finished Leather Maker	761.00	Two years	---	---	Passed in 8 th examination under 10+2+3 or 2 class below Matriculation examination or its equivalent.
5.	Maintenance Mechanic for Leather Machinery	845.50	Three years	Fitter	One year	Passed 10 th under 10+2 system (Physics and Chemistry) and Math as subjects or its equivalent.
6.	Upholsterer	796.10	Two years	1. Upholsterer 2. Leather Goods Maker	One year One year	Pass in 8 th class examination under 10+2 system of education or 2 class

						below Matriculation examination or its equivalent.
Group No. 22- Ship Building Trades Group						
1.	Shipwright (Steel)	816.20	Three years	Fitter	One year	Passed 10 th class under 10+2 system of education or equivalent. Desirable – Passed SSLC with Science (Physics and Chemistry) and Math or its equivalent or passed 10 th class examination under 10+2 system with Science & Mathematics as subjects.
2.	Pipe Fitter	7136.10 7136.30	Two years	1. Plumber	One year	Passed 10 th class under 10+2 system of education or its equivalent.
3.	Rigger	7215.10	Two years	---	---	Passed 8 th class examination from a recognised school.
4.	Gas Cutter	872.40	Two years	Welder (Gas and Electric)	One year	Pass the 8 th examination under 10+2 system of education or its equivalent. Desirable – Passed 8 th class examination with

						Science and Math as subject under 10+2+3 system of education or two standard below matriculation.
5.	Shipwright (Wood)	7124.45 7124.70	Two years	1. Carpenter	One year	Passed 10 th under examination under 10+2 system of education or its equivalent.
Group No. 23 – Electronics Trades Group						
1.	Mechanic Radio and Radar Aircraft	7242.10,7243.20 7243.10,7243.75 7243.80	Two years	1. Electronics Mechanic 2. Mechanic Consumer Electronic Appliances 3. Technician Power Electronics System 4. Mechanic Industrial Electronics	One year One year One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Electronics Mechanic	7242.10,7242.90 7243.10,7243.40 8283.90	Two years	1. Electronics Mechanic	One year	Passed 10 th class under 10+2 system of education or its equivalent.
3.	Mechanic Television (Video)	854.20	Three years	1. Electronics Mechanic 2. Mechanic (Radio and T.V.)	Two years Two years	Passed Matriculation under 10+2 system with Mathematics and Science or its equivalent.

4.	Mechanic – cum-Operator Electronics Communication System	7243.10 7243.20 7243.75 7243.80 7244.10 7244.20	Two years	<ol style="list-style-type: none"> 1. Electronics Mechanic 2. Mechanic Consumer Electronic Appliances 3. Technician Power Electronics System 4. Broad Based Basic Training in Electronics Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence in Communication System 	<p>One year</p> <p>One year</p> <p>One year</p> <p>One year</p>	Passed 10 th class examination under 10+2 system of education or its equivalent.
5.	Mechanic Communication Equipment Maintenance	7244.20	Two years	<ol style="list-style-type: none"> 1. Electronics Mechanic 2. Mechanic Consumer Electronic Appliances 3. Technician Power Electronics System 4. Mechanic Industrial Electronics 5. Broad Based Basic Training in Electronics Sector under Centre of Excellence Scheme and Advanced module of 	<p>One year</p> <p>One year</p> <p>One year</p> <p>One year</p> <p>One year</p>	Passed 10 th class examination under 10+2 system of education or its equivalent.

				Centre of Excellence in Communication System		
6.	Mechanic Radio and T.V.	7243.70	Three years	Mechanic Radio and T.V.	Two year	Passed 10 th class examination under 10+2 system of education with Science as one of the subject or its equivalent.
Group No. 24 – Photography Trade Group						
1.	Photographer	173.10	Two years	Photographer	One year	Passed 10 th class under 10+2 system with Science(Physics and Chemistry) as one of the subjects or its equivalent.
2.	Digital Photographer	3131.25	One year and six months	Digital Photographer	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No. 25 – Iron and Steel Trades Group						
1.	Brick Layer (Refractory)	7122.30	Two years	1. Mason (Building Constructor)	One year	Passed 8 th class examination under 10+2 system of education or its equivalent.
2.	Furnace Operator (Steel Industry)	3135.1100	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.

3.	Steel Melting Hand	723.15, 723.20, 723.30	Two years	---	---	Passed 10 th under 10+2 system with Science(Physics and Chemistry) & Mathematics or its equivalent.
4.	Crane Operator Overhead (Steel Industry)	8343.0700	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
5.	Operator (Steel Plant)	8121.15,8121.55 8121.60,8122.50 8122.52,8159.10 8159.12,8161.45	Two years	---	---	Passed 10 th class examination under 10+2 system of education with Science and Mathematics or its equivalent.
6.	Electrician (Steel Plant)	7411.0100 7412.0801	Two years	Electrician	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
7.	Electronics Mechanic (Steel Plant)	7421.0100 7421.0300 7421.9900	Two years	Electronics Mechanic	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
8.	Fitter (Steel Plant)	7126.0301 7126.9900 7224.0102	Two years	Fitter	One year	Passed 10 th class examination under 10+2 system of

						education or its equivalent.
9.	Instrument Mechanic (Steel Plant)	7311.0101 7311.1000	Two years	Instrument Mechanic	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
10	Operator Coal Handling Equipment	8112.0600	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
11	Operator Locomotive and Rail Cranes in Steel Plant	8162.50, 8333.30	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
12	Operator Material Handling at Raw Material Handling Plant	8121.90	One year and three months	---	---	Passed 8 th class examination from a recognized school or its equivalent.
13	Operator Coke Ovens Battery Equipments	8159.16	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
14	Operator Blast Furnace Iron Making	8121.15 8223.60	One year and three months	---	---	Passed 10 th class examination under 10+2 system of

	Equipments					education or its equivalent.
15	Operator Steel Melting Equipments	8121.35	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
16	Operator Sinter Plant Equipments	8121.90	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
17	Operator Rolling Mills Equipment (Long Products)	8122.20	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No. 26 – Beautician Trades Group						
1.	Beautician	560.30	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Hair Cutter/Dresser	560.20	One year and three months	---	---	Passed 8 th class examination from a recognised school or its equivalent.
3.	Health and Slimming	089.50	One year and three months	---	---	Passed 10 th class examination under

	Assistant					10+2 system of education or its equivalent.
4.	Hair and Skin Carer	560.30	One year and three months	1. Basic Cosmetology	Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No. 27 – Glass and Ceramic Trades Group						
1.	Ceramic Moulder	7321.25	One year and three months	---	---	Passed 8 th class examination from a recognised school.
2.	Ceramic Caster	7321.15	One year and three months	---	---	Passed 8 th class examination from a recognised school.”;
3.	Ceramic Kiln Operator	893.30	Two years	---	---	Passed 8 th class of 10+2 system of education or 2 standard below or its equivalent.
4.	Ceramic Press Operator	892.60	Two years	---	---	Passed 8 th class of 10+2 system of education or 2 standard below or its equivalent.
5	Ceramic Decorator	895.30	Two years	---	---	Passed 8 th class of 10+2 system of education or 2 standard below or its equivalent.
6.	Moulder (Refractory)	7321.40	One year and three months	---	---	Passed 8 th class examination from a recognised school.

7.	Enamel Glazer	895.50	Two years	---	---	Passed 10 th class examination under 10+2 system with Science as subject or its equivalent.
8.	Insulator Maker/Machine Operator (Ceramic)	8139.60 8139.30	Two years	1. Refractory Technician	One year	Passed 10 th class examination under 10+2 system of education with science or its equivalent.
9.	Optical Worker	891.48	Three years	1. Machinist 2. Millwright Maintenance Mechanic 3. Turner 4. Fitter 5. Machinist(Grinder)	One year One year One year One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No. 28 – Painting Trades Group						
1.	Painter (General)	7142.10	Two years	1. Painter (General)	One year	Passed 8 th class examination from a recognised school.
2.	Painter (Marine)	931.20	Two years	Painter (General)	One year	Passed 8 th class examination under 10+2 system preferably with Math and Science or two standard below.

Group No. 29 – Computer Trades Group						
1.	Desk Top Publishing Operator	3512.0200	One year and three months	1. Desk Top Publishing Operator	Three months	Passed 10th class examination under 10+2 system of education or its equivalent.
2.	Programming and Systems Administration Assistant	103.70 103.80	One year	---	---	National Trade Certificate issued by National Council for Vocational Training in “Computer Operator and Programming Assistant”
3.	Information and Communication Technology System Maintenance	3114.9900	Two years	1. Information and Communication Technology System Maintenance 2. Information Technology and Electronic System Maintenance 3. Broad Based Basic Training in Information Technology Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Repair and Maintenance of Hardware of Computer and Peripherals.	One year One year One year	Passed 10th class examination under 10+2 system of education

4.	Computer Operator and Programming Assistant	4131.0600 3514.0300	One year and three months	1. Computer Operator and Programming Assistant	Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No. 30 – Hi-Tech Trades Group						
1.	Advanced Attendant Operator (Process)	730.20, 740.10, 740.90, 900.10, 740.20, 890.20, 770.90, 730.90, 770.40	One year & six months	---	---	Passed B.Sc. with Physics and Chemistry as compulsory and Mathematics as desirable subject.
2.	Operator Cum Mechanic Pollution Control Equipment.	039.10, 039.90	Two years	---	---	Passed Higher Secondary Examination with Physics, Chemistry and Biology under 10+2 system of Education or its equivalent.
3.	Mechanic Medical Equipment for Hospitals and Occupational Health Centre.	086.10, 088.10, 089.90, 090.90	Two years	---	---	Passed Higher Secondary examination under 10+2 system of education with Physics, Chemistry and Biology.
Group No. 31 – Multi Skill Trades Group						
1	Mechanic Industrial Electronics	7243.10	Two years	1. Electronics Mechanic 2. Mechanic Consumer Electronic Appliances 3. Technician Power Electronics System	One year One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.

				4. Mechanic Electronics	Industrial	One year	
2	Mechanic Advanced Machine Tool Maintenance.	845.10, 845.13 845.16, 845.20 845.23, 845.26 845.30, 845.35 845.37, 845.40 845.43, 845.47 845.50, 845.53 845.55, 845.57 845.60, 845.63 845.65, 845.70	Three years	-		-	Passed 10+2 with Physics, Chemistry and Mathematics
3.	Operator Advanced Machine Tool	8211.108211.15 8211.22 8211.28 8211.30 8211.32 8211.36 8211.38	Two years	1. Operator Machine Tool	Advanced	One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
4.	Power Electrician	7137.10 7241.107241.208 161.45 8161.50	Two years	1. Electrician		One year	Passed 10 th class examination with Science under 10+2 system of education or its equivalent.
5.	Operator-cum- Mechanic Power Plant	8161.45	Two years	---		---	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
6.	Mechanic Medical Electronics	7243.30 3133.20 3133.90	Two years	1. Electronics Mechanic		One year	Passed 10 th class examination under 10+2 system of
				2. Mechanic	Consumer	One year	

				Electronic Appliances		education or its equivalent.
				3. Technician Power Electronics System	One year	
				4. Mechanic Medical Electronics	One year	
7.	Mechanic Consumer Electronics Appliances	7242.10 7242.90 7243.10 7243.40 7243.45 7243.50 7233.58	Two years	1. Electronics Mechanic 2. Mechanic Consumer Electronic Appliances 3. Technician Power Electronics Systems	One year One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
8.	Mechanic Mechatronics	7233.38 7233.46	Two years	1. Mechanic Mechatronics 2. Mechanic Machine Tool Maintenance	One year One year	Passed 10 th class examination with Science and Mathematics under 10+2 system of education or its equivalent.
Group No. 32 – Information Sector Trades Group						
1.	Jewel Smith	7318.30 7313.90	One year and three months	----	----	Passed 8 th class examination from a recognised school.
2.	Gardener (Mali)	652.10	One year	----	----	Passed 8 th class examination from recognized school or its equivalent.
3.	Customer Care Associate	4221.90 4221.30	One year and three months	---	---	Passed 10 th class examination under 10+2 system of

						education or its equivalent.
4.	Assistant Beautician	560.30	One year and three months	---	---	Passed 8 th class examination from a recognised school.
5.	Battery Repairer	859.65	One year and three months	----	----	Passed 10 th class examination under 10+2 system of education or its equivalent.
6.	Tyre Repairer	903.60	Six months	----	----	Passed 8 th class examination
7.	Screen Printing	929.50	Six months	----	----	Passed 10 th class examination under 10+2 system of education or its equivalent.
8.	Beautician Assistant	560.30	Six months	----	----	Passed 10 th class examination under 10+2 system of education or its equivalent.
9.	Medical Laboratory Technician (Pathology)	3221.10	One year and three months	----	----	Passed 12 th class examination under 10+2 system of education with physics, chemistry and biology
10.	Medical Laboratory Technician (Radiology)	3133.10	One year and three months	----	----	Passed 12 th class examination under 10+2 system of education with physics, chemistry and biology.

11.	Medical Laboratory Technician (Cardiology)	3212.0701	One year and three months	----	----	Passed 12th class examination under 10+2 system of education with physics, chemistry and biology.
12.	Pruner Tea Gardens	640.10	Six months	----	----	Passed 8 th class
13.	Cable Television Operator	861.10	Six months	----	----	Passed 10 th class examination under 10+2 system of education or its equivalent.
14.	Medical Laboratory Technician (Physiotherapy)	3212.0701 3255.0101	One year and three months	1. Physiotherapy Technician	Three months	Passed 12th class examination under 10+2 system of education with physics, chemistry and biology.
Group No. 33 – Retail Sector Trades Group						
1.	Sales Person (Retail)	5220.35 5220.60	One year and three months	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent..
2.	Senior Sales Person (Retail)	5220.15, 5220.35	One year	Sales Person (Retail)	Six months	Passed 10 th class examination under 10+2 system of education or its equivalent.

Group No. 34 – Glassware / Metal ware Trades Group						
1.	Lacquering and Powder Coating Operator	7422.60 7422.62	One year	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Wood Handicrafts Worker	7422.42 7422.48 7423.20	One year	---	---	Passed 10 th class examination under 10+2 system of education or its equivalent.
3.	Glass Former and Processor	7142.60 7322.38 7322.40 7322.45 7323.10	One year	---	---	Passed 8 th class examination from recognized school or its equivalent.
Group No. 35 – Centre of Excellence Trades Group						
1.	Mechanic Automobile (Advanced Petrol Engine)	7233.22	Two years	1. Broad Based Basic Training in Automobile Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Servicing and Overhauling of Automobiles (Petrol).	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
2.	Mechanic Automobile (Advanced Diesel Engine)	7233.24	Two years	1. Broad Based Basic Training in Automobile Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Servicing and	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.

				Overhauling of Automobiles (Diesel).		
3.	Mechanic Auto Electronics	7242.10	Two years	Broad Based Basic Training in Automobile Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Auto Electrical, Auto Electronics and Air-conditioning in Automobiles.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
4.	Mechanic (Denting, Painting and Welding)	7142.20 7213.30	Two Years	Broad Based Basic Training in Automobile Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Denting(Painting and Welding).	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
5.	TIG/MIG Welder	7212.10 7212.20	One year and three months	1. Broad Based Basic Training in Fabrication (Fitting & Welding) Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in TIG/MIG Welding. 2. Welder	Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
6.	Structural Welder	7212.10 7212.20 7212.30	One year and three months	1. Broad Based Basic Training in Fabrication (Fitting & Welding) Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence	Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.

				Scheme in Structural Welding. 2. Welder	Three months	
7.	Welder (Pipe and Pressure Vessels)	7212.10 7212.20 7212.30	One year and three months	1. Broad Based Basic Training in Fabrication (Fitting and Welding) Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Pressure Vessels and Pipe Welding. 2. Welder	Three months Three months	Passed 10th class examination under 10+2 system of education or its equivalent.
8.	Chemical Laboratory Assistant	3111.30	Two years	1. Broad Based Basic Training in Chemical Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Laboratory Assistant 2. Laboratory Assistant (Chemical Plant)	One year One year	Passed 10th class examination under 10+2 system of education or its equivalent.
9.	Advance Mechanic (Instruments)	7311.10 7311.30 7241.10	Two years	Broad Based Basic Training in Chemical Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Instruments Mechanic.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.

10.	CAD-CAM Operator cum Programmer	3121.20	One year and three months	1. Broad Based Basic Training in Production and Manufacturing Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in CAD/ CAM. 2. Draughtsman (Mechanical)	Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
11.	Advance Welder	7212.10 7212.20 7212.30 7212.65	One year and three months	1. Broad Based Basic Training in Production and Manufacturing Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Advance Welding. 2. Welder	Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
12.	Jigs and Fixtures Maker	7222.30	Two years	Broad Based Basic Training in Production and Manufacturing Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Manufacturing of Jigs and Fixtures.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
13.	Quality Assurance Assistant	3152.90	Two years	Broad Based Basic Training in Production and Manufacturing Sector under Centre of Excellence Scheme	One year and six months	Passed 10 th class examination under 10+2 system of education or its

				and Advanced module of Centre of Excellence Scheme in Quality Engineering.		equivalent.
14.	CNC Programmer cum Operator	3121.20	One year and three months	1. Broad Based Basic Training in Production and Manufacturing Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in CNC Machining. 2. Machinist 3. Turner	Three months Three months Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
15.	Operator PLC System	8211.90	Two years	Broad Based Basic Training in Production and Manufacturing Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in PLC and Automation.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
16.	Mechanic (Electrical Domestic Appliances)	7233.58	Two years	1. Broad Based Basic Training in Electrical Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Repair and Maintenance of Domestic Appliances. 2. Electrician	One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.

17.	Mechanic (HT, LT Equipments and Cable Jointing)	7241.90 7245.90	Two years	1. Broad Based Basic Training in Electrical Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Operation and Maintenance of equipments used in HT, LT Substation and Cable Jointing. 2. Electrician	One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
18.	Mechanic (Electrical Power Drives)	7241.20 7242.20	Two years	1. Broad Based Basic Training in Electrical Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Repair and Maintenance of Electrical machines and Power Supply. 2. Electrician	One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
19.	Mechanic (Embedded Systems and PLC)	8211.90	Two years	1. Broad Based Basic Training in Electronics Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Embedded Systems and PLC.	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.

20.	Mechanic Power Electronics (Inverters, UPS and Maintenance of Drives)	7241.10 7242.10	Two years	<ol style="list-style-type: none"> 1. Broad Based Basic Training in Electronics Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Inverters, UPS, Voltage Stabilizer and Industrial Drives. 2. Electronics Mechanic 3. Mechanic Consumer Electronic Appliances 4. Technician Power Electronics Systems 5. Mechanic Industrial Electronics 	<p>One year</p> <p>One year</p> <p>One year</p> <p>One year</p>	Passed 10th class examination under 10+2 system of education or its equivalent.
21.	Mechanic (DTH and other Communication System)	7243.10 7244.20	Two years	Broad Based Basic Training in Electronics Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Communication System.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
22.	Mechanic (Domestic, Commercial Refrigeration and Air Conditioning Machines)	7233.50	Two years	1. Broad Based Basic Training in Refrigeration and Air-conditioning Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Domestic,	One year	Passed 10th class examination under 10+2 system of education or its equivalent.

				Commercial Refrigeration and Air Conditioning. 2. Mechanic (Refrigeration and Air Conditioning)	One year	
23.	Mechanic (Central Air conditioning Plant, Industrial cooling and Package Air conditioning)	8169.30	Two years	1. Broad Based Basic Training in Refrigeration and Air-conditioning Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Central Air conditioning Plant, Industrial cooling and Package Air-conditioning.	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
24.	Mechanic (Cold storage, Ice plant and Ice candy plant)	7413.50 8169.30	Two years	Broad Based Basic Training in Refrigeration and Air-conditioning Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Cold storage, Ice plant and Ice candy plant.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
25.	Computer Aided Pattern Maker	7222.80 7422.38 7434.20 7435.10 7442.16	Two years	Broad Based Basic Training in Apparel Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Computer Aided and Pattern Making.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
26.	Fashion Designing	3471.40	Two years	Broad Based Basic Training in Apparel Sector under Centre of Excellence Scheme	One year and six months	Passed 10 th class examination under 10+2 system of

	Assistant			and Advanced module of Centre of Excellence Scheme in Fashion Designing.		education or its equivalent.
27.	Shirts and Trousers Maker	7433.25 7433.30	One year and three months	1. Broad Based Basic Training in Apparel Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Shirts and Trousers. 2. Sewing Technology 3. Dress Making	Three months Three months Three months	Passed 10th class examination under 10+2 system of education or its equivalent.
“28.	Mechanic (Non-conventional Power Generation, Battery and Inverter)	8282.10	Two years	1. Broad Based Basic Training in Electrical Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Non-conventional Power Generation, Battery and Inverter. 2. Electrician	One year One year	Passed 10th class examination under 10+2 system of education or its equivalent.
29.	Mechanic Electrical Instruments	7241.10	Two years	1. Broad Based Basic Training in Electrical Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Repair and	One year	Passed 10th class examination under 10+2 system of education or its equivalent.

				Maintenance of instruments used in Electrical Engineering. 2. Electrician	One year	
30.	Extrusion Machine Operator (Plastic)	8232.20	Two years	1. Broad Based Basic Training in Plastic Processing Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Extrusion Process. 2. Plastic Processing Operator	One year One year	Passed 10th class examination under 10+2 system of education or its equivalent.
31.	Injection Moulding Machine Operator	8232.25	Two years	1. Broad Based Basic Training in Plastic Processing Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Injection Moulding Process. 2. Plastic Processing Operator	One year One year	Passed 10th class examination under 10+2 system of education or its equivalent.
32.	Blow Moulding Machine Operator	8232.35	Two years	1. Broad Based Basic Training in Plastic Processing Sector under Centre of Excellence Scheme and Advanced	One year	Passed 10th class examination under 10+2 system of education or its equivalent.

				module of Centre of Excellence Scheme in Blow Moulding Process. 2. Plastic Processing Operator	One year	
33.	House Keeper (Hotel)	5121.10	Two years	Broad Based Basic Training in Hospitality Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Accommodation Operation/ House Keeping.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
34.	Assistant Front Office Manager	5121.25	Two years	Broad Based Basic Training in Hospitality Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Front Office Management.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
35.	Apprentice Food Production (Cookery)	5122.20	Two years	Broad Based Basic Training in Hospitality Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Food Production (Cookery).	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
36.	Apprentice Food and Beverage Service (Stewardship)	5123.20	Two years	Broad Based Basic Training in Hospitality Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Food and Beverage Service (Stewardship).	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.

37.	Computer and Peripherals Hardware Repair and Maintenance Mechanic	2523.0200 7422.2001	One year and three months	1. Broad Based Basic Training in Information Technology Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Repair and Maintenance of Hardware of Computer and Peripherals.	Three months	Passed 10th class examination under 10+2 system of education or its equivalent.
38.	Computer Networking Technician	2523.9900 3513.9900	One year and three months	1. Broad Based Basic Training in Information Technology Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Computer Networking.	Three months	Passed 10th class examination under 10+2 system of education or its equivalent.
39.	Multimedia and Web Page Designer	2166.0201 2513.0101 2166.0300	One year and three months	1. Broad Based Basic Training in Information Technology Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Multimedia and Web Page Designing.	Three months	Passed 10th class examination under 10+2 system of education or its equivalent.
40.	Process Plant Operator	8152.10	Two years	Broad Based Basic Training in Process Plant Maintenance Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.

				Operator Chemical Plant.		
41.	Utility Operator	3131.0300 8182.0200	One year and three months	1. Broad Based Basic Training in Process Plant Maintenance Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Operation and Maintenance of Boiler and Steam Turbine.	Three months	Passed 10th class examination under 10+2 system of education or its equivalent.
42.	Maintenance Mechanic	8159.79	Two years	Broad Based Basic Training in Process Plant Maintenance Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Mechanical Maintenance of Process Plant.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
43.	Mechanic (Electrical Maintenance of Process Plant)	7241.20	Two years	1. Broad Based Basic Training in Process Plant Maintenance Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Electrical Maintenance of Process Plant. 2. Electrician	One year One year	Passed 10th class examination under 10+2 system of education or its equivalent.
44.	Instrument Controller	7311.0101 7311.1001	Two years	1. Broad Based Basic Training in Process Plant Maintenance Sector under Centre of	One year	Passed 10th class examination under 10+2 system of education or its

				Excellence Scheme and Advanced module of Centre of Excellence Scheme in Electronic and Instrument Maintenance of Process Plant.		equivalent.
				2. Instrument Mechanic	One year	
45.	Technician Fabricator	7212.30	Two years	Broad Based Basic Training in Process Plant Maintenance Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Fabrication and Designing of Steel Structure.	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
46	Technician Television and Audio System	7243.10 7243.40 7243.45 7243.50 7243.70	Two years	1. Broad Based Basic Training in Electronics Sector under Centre of Excellence Scheme and anyone Advanced module in Centre of Excellence Scheme of Electronic Sector 2. Electronics Mechanic 3. Mechanic Consumer Electronic Appliances	One year One year One year	Passed 10 th class examination under 10+2 system of education or its equivalent.
47.	Mechanic Repair and Maintenance of Electronics Test Equipment	7243.10	Two years	1. Broad Based Basic Training in Electronics Sector under Centre of Excellence Scheme and Advanced module of	One year	Passed 10 th class examination under 10+2 system of education or its equivalent.

				Centre of Excellence Scheme in Repair and Maintenance of Electronics Test Equipment		
				2. Electronics Mechanic	One year	
				3. Mechanic Consumer Electronic Appliances	One year	
				4. Technician Power Electronics Systems	One year	
				5. Mechanic Industrial Electronics	One year	
48.	Mechanic Automobile Electronics	7231.10	Two years	Broad Based Basic Training in Electronics Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Automobile Electronics	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
49.	Mechanic Mechanical Maintenance (Industrial Automation)	7233.38	Two years	Broad Based Basic Training in Industrial Automation Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Mechanical Maintenance for Automation	One year and six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
50.	Mechanic Electrical Maintenance (Industrial	7241.70	Two years	Broad Based Basic Training in Industrial Automation Sector under Centre of Excellence Scheme and	One year and six months	Passed 10 th class examination under 10+2 system of education or its

	Automation)			Advanced module of Centre of Excellence Scheme in Electrical Maintenance for Automation		equivalent.
51.	PLC Operator	7233.38	Two years	<p>1. Broad Based Basic Training in Industrial Automation Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in Automation and PLC.</p> <p>2. Broad Based Basic Training in Production and Manufacturing Sector under Centre of Excellence Scheme and Advanced module of Centre of Excellence Scheme in PLC Automation.</p>	<p>One year</p> <p>One year</p>	Passed 10 th class examination under 10+2 system of education or its equivalent.”;
Group No. 36 – Hospitality Trades Group						
1.	Tourist Guide	5113.20	One year	Tourist Guide	Six months	Passed 10 th class examination under 10+2 system of or its equivalent
2.	Old Age Care Taker	5131.20	One year	Old Age Care	Six months	Pass 8 th class examination from recognized school or its equivalent.

3.	Creche Management Assistant	5121.40	One year	Creche Management	Six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
4.	Pre or Preparatory School Management (Assistant)	3222.10	One year	Pre or Preparatory School Management (Assistant)	Six months	Passed 10 th class examination under 10+2 system of education or its equivalent.
5.	Insurance Agent	3412.10	One year	Insurance Agent	Six months	Passed 10 th class examination under 10+2 system of or its equivalent
Group No. 37 – Office Management Trades Group						
1.	Secretarial Assistant	4115.10	One year and three months	1. Stenography (English) 2. Secretarial Practice	Three months Three months	Passed 10 th class examination under 10+2 system of or its equivalent
2.	Stenographer (English)	4111.10	One year and three months	1. Stenography (English)	Three months	Passed 10 th class examination under 10+2 system of or its equivalent
3.	Stenographer (Hindi)	4111.10(H)	One year and three months	2. Stenography (Hindi)	Three months	Passed 10 th class examination under 10+2 system of education with Hindi as compulsory subject or its equivalent.
Group No. 38 – Health Allied Trades Group						
1.	Dental Laboratory Technician	7311.80	Three years	Dental Laboratory Technician	Two years	Passed 10 th class examination under 10+2 system of

						education or its equivalent.
2.	Heath Sanitary Inspector	3257.0100	One year and three months	1. Heath Sanitary Inspector	Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
3.	Hospital Waste Management Assistant	5151.9900	One year and three months	1. Hospital Waste Management Assistant	Three months	Passed 10 th class examination under 10+2 system of education or its equivalent.
Group No. 39 – library and Information Science Trades Group						
1.	Library Assistant	4141.10	One year	Library and Information Science	Six months	Passed 10 th class examination under 10+2 system of or its equivalent

SCHEDULE-IA
(See rule 3(2))

Category of Apprentices (1)	Minimum Educational Qualification (2)
Graduate apprentices	(a) A degree in engineering or technology granted by a statutory University.
	(b) A degree in engineering or technology granted by an institution empowered to grant such degrees by an Act of Parliament.
	(c) Graduate examination of professional bodies recognised by the Central Government as equivalent to a degree.
	(d) A sandwich course student who is undergoing training in order that he may hold a degree in engineering or technology as mentioned at (a) and (b) above
Technician Apprentices	(a) A diploma in engineering or Technology granted by a State Council or Board of Technical Educational established by a State Government.
	(b) A diploma in engineering or technology granted by a University.
	(c) A diploma in engineering or technology granted by an Institute recognised by the State Government or Central Government as equivalent to (a) and (b) above.
	(d) A sandwich course student who is undergoing training in order that he may hold a diploma mentioned in (a), (b) & (c) above
Technician (Vocational) Apprentices	(a) A certificate in vocational Course involving two years of study after the completion of the secondary stage of school education recognised by the All India Council for Technical education.
	(b) A sandwich course student who is undergoing training in order that he may hold a certificate mentioned in (a) above

**“Schedule I-B
[See rule 7(1A)]**

Sl. No.	Board/State Council for Technical Education/ Other Authority/ course approved under any scheme	Trade/Course/ Subject fields	Duration of Trade/Course/ Subject field	Designated trade(s) in the category of trade apprentices	Period of Apprenticeship Training under the Apprentices Act,1961	Period of Apprenticeship Training after rebate
1.	2.	3.	4.	5.	6.	7.
1.	1. Maharashtra State Board of Vocational Education Examination, Mumbai	1. Interior Decorator	One year	1. Architectural Assistant 2. Interior Designer and Decorator	Two years Two years	One year and six months One year and six months
		2. Technique of Interior Designing	One year	1. Architectural Assistant 2. Interior Designer and Decorator	Two years Two years	One year and six months One year and six months
		3. Architect Draughtsman	Two years	1. Architectural Assistant	Two years	One year
		4. Architectural Graphics Designer	Two years	1. Architectural Assistant	Two years	One year
		5. Landscape Architecture	Two years	1. Architectural Assistant	Two years	One year
		6. Exterior And Interior Designer	Two years	1. Architectural Assistant 2. Interior Designer and Decorator	Two years Two years	One year One year
		7. Construction Supervisor	One year	1. Building Maintenance Technician 2. Mason (Building Constructor)	One year and three months Two years	One year One year and six months
		8. Building Site Supervisor	One year	1. Building Maintenance Technician 2. Mason (Building Constructor)	One year and three months Two years	One year One year and six months
		9. Civil Supervisor	One year	1. Building Maintenance Technician 2. Mason (Building Constructor)	One year and three months Two years	One year One year and six months
		10. Construction Technique	One year	1. Building Maintenance Technician 2. Mason (Building Constructor)	One year and three months Two years	One year One year and six months

		11. Civil Construction	One year	1. Building Maintenance Technician	One year and three months	One year
				2. Mason (Building Constructor)	Two years	One year and six months
		12. Construction Surveying	Two years	1. Building Maintenance Technician	One year and three months	One year
				2. Mason (Building Constructor)	Two years	One year
		13. Building Construction Supervisor	Two years	1. Building Maintenance Technician	One year and three months	One year
				2. Mason (Building Constructor)	Two years	One year
		14. Building Maintenance	Two years	1. Building Maintenance Technician	One year and three months	One year
				2. Mason (Building Constructor)	Two years	One year
		15. Building Construction Technology	Two years	1. Building Maintenance Technician	One year and three months	One year
				2. Mason (Building Constructor)	Two years	One year
		16. Building Construction Management	Two years	1. Building Maintenance Technician	One year and three months	One year
				2. Mason (Building Constructor)	Two years	One year
		17. Building Construction And Plumbing	Two years	1. Building Maintenance Technician	One year and three months	One year
				2. Mason (Building Constructor)	Two years	One year
				3. Plumber	Two years	One year
		18. Building Service And Maintenance	Two years	1. Building Maintenance Technician	One year and three months	One year
				2. Mason (Building Constructor)	Two years	One year
		19. Carpentry And Furniture Making	One year	1. Carpenter	Two years	One year and six months
		20. Furniture Making And Designing	Two years	1. Carpenter	Two years	One year
		21. Furniture Making	Two years	1. Carpenter	Two years	One year
		22. Architect Draughtsman	Two years	1. Draughtsman (Civil)	Two years	One year
		23. Draughtsman Civil	Two years	1. Draughtsman (Civil)	Two years	One year
		24. Draughtsman Mechanical	Two years	1. Draughtsman Mechanical	Two years	One year

		25. Repair And Rewinding of Electrical Domestic Appliances	Two years	1. Electrician 2. Wireman	Two years Two years	One year One year
		26. Repair And Rewinding Of Electric Motors	Two years	1. Electrician 2. Wireman	Two years Two years	One year One year
		27. Electrical Engineering	Two years	1. Electrician 2. Wireman	Two years Two years	One year One year
		28. High Voltage Engineering	Two years	1. Electrician 2. Wireman	Two years Two years	One year One year
		29. Illumination Engineering	Two years	1. Electrician 2. Wireman	Two years Two years	One year One year
		30. Electrical Instrumentation	Two years	1. Electrician 2. Wireman	Two years Two years	One year One year
		31. Electrician	Two years	1. Electrician 2. Wireman	Two years Two years	One year One year
		32. Radio And Audio System	Two years	1. Electronic Mechanic	Two years	One year
		33. T.V. Video System	Two years	1. Electronic Mechanic	Two years	One year
		34. Consumer Electronics	Two years	1. Electronic Mechanic 2. Mechanic Consumer Electronics	Two years Two years	One year One year
		35. Industrial Electronics	Two years	1. Electronic Mechanic 2. Mechanic Communication Equipment Maintenance	Two years Two years	One year One year
		36. Electronics Instrument & Measurement	Two years	1. Electronic Mechanic	Two years	One year
		37. Trouble Shooting of Electronics Equipment	Two years	1. Electronic Mechanic 2. Mechanic Communication Equipment Maintenance	Two years Two years	One year One year
		38. Electroplating	Two years	1. Electroplater	Two years	One year
		39. General Fitter cum Mechanic	Two years	1. Fitter	Two years	One year
		40. Mechanical Technician	Two years	1. Fitter	Two years	One year
		41. Mechanical Engineering	Two years	1. Fitter	Two years	One year
		42. Interior Decoration and Designing	One year	1. Interior Designer and Decorator	Two years	One year and six months

		43. Interior CAD Operator	Two years	1. Interior Designer and Decorator	Two years	One year
		44. Machinist	Two years	1. Machinist	Two years	One year
		45. Mechanical Engineering	Two years	1. Machinist	Two years	One year
		46. Mechanical Technician	Two years	1. Machinist	Two years	One year
		47. Machinist Grinder	Two years	1. Machinist Grinder	Two years	One year
		48. Maintenance Mechanic Chemical Plant	Two years	1. Maintenance Mechanic Chemical Plant	Two years	One year
		49. Hotel Management and Catering Technology	One year	1. Food Production (General) 2. Food Production (Vegetarian) 3. Steward	Two years Two years One year and three months	One year and six months One year and six months One year
		50. Cookery Technician	One year	1. Food Production (General) 2. Food Production (Vegetarian)	Two years Two years	One year and six months One year and six months
		51. Food Processing	One year	1. Food Production (General) 2. Food Production (Vegetarian) 3. Steward	Two years Two years One year and three months	One year and six months One year and six months One year
		52. Food Processing Technology	Two years	1. Food Production (General) 2. Food Production (Vegetarian) 3. Steward	Two years Two years One year and three months	One year One year One year
		53. Catering and Restaurant Management	Two years	1. Food Production (General) 2. Food Production (Vegetarian) 3. Steward	Two years Two years One year and three months	One year One year One year
		54. Foundryman	One year	1. Foundryman	Two years	One year and six months
		55. Electronics Technology	One year	1. Mechanic Communication Equipment Maintenance	Two years	One year and six months
		56. Mechanic of Industrial Electronics	One year	1. Mechanic Communication Equipment Maintenance	Two years	One year and six months
		57. Basic Electronics Engineering	One year	1. Mechanic Communication Equipment Maintenance	Two years	One year and six months

		58. Mechanic DTH / Communication System	One year	1. Mechanic Communication Equipment Maintenance	Two years	One year and six months
		59. Industrial Electronics	Two years	1. Mechanic Communication Equipment Maintenance	Two years	One year and six months
		60. Troubleshooting of Electronics Equipment	Two years	1. Mechanic Communication Equipment Maintenance	Two years	One year and six months
		61. Automobile Engineering	One year	1. Mechanic Repair and Maintenance of Vehicle 2. Mechanic Motor Cycle 3. Mechanic Diesel	Two years One year and three months Two years	One year and six months One year One year and six months
		62. Mechanic Auto Engineering	One year	1. Mechanic Repair and Maintenance of Vehicle 2. Mechanic Motor Cycle 3. Mechanic Diesel	Two years One year and three months Two years	One year and six months One year One year and six months
		63. Diesel Mechanic	One year	1. Mechanic Repair and Maintenance of Vehicle 2. Mechanic Diesel	Two years Two years	One year and six months One year and six months
		64. Auto Engineering Technology	Two years	1. Mechanic Repair and Maintenance of Vehicle 2. Mechanic Motor Cycle 3. Mechanic Diesel 4. Mechanic Motor Vehicle	Two years One year and three months Two years Two years	One year One year One year One year
		65. Auto Engineering Technician	Two years	1. Mechanic Repair and Maintenance of Vehicle 2. Mechanic Motor Cycle 3. Mechanic Diesel 4. Mechanic Motor vehicle	Two years One year and three months Two years Two years	One year One year One year One year

		66. Mechanic Motor Vehicle	Two years	1. Mechanic Repair and Maintenance of Vehicle 2. Mechanic Motor Cycle 3. Mechanic Motor Vehicle	Two years One year and three months Two years	One year One year One year
		67. Basic Refrigeration and Air Conditioning	Two years	1. Mechanic Refrigeration and Air Conditioning	Two years	One year
		68. Industrial Refrigeration and Air Conditioning	Two years	1. Mechanic Refrigeration and Air Conditioning	Two years	One year
		69. Air Conditioning and Refrigeration Technician	Two years	1. Mechanic Refrigeration and Air Conditioning	Two years	One year
		70. Automobile Electronics	Two years	1. Mechanic Auto Electrical and Electronics	Two years	One year
		71. Installation Maintenance and Service of Medical Equipment	Two years	1. Mechanic Medical Electronics	Two years	One year
		72. Water Supply and Sanitary Engineering	Two years	1. Plumber 2. Pump Operator cum Mechanic 3. Sanitary Hardware Fitter	Two years Two years One years and three months	One year One year One year
		73. Pump Operator cum Mechanic	Two years	1. Plumber 2. Pump Operator cum Mechanic 3. Sanitary Hardware Fitter	Two years Two years One years and three months	One year One year One year
		74. Mechanic Technology	One year	1. Sheet Metal Worker	Two years	One year and six months
		75. Sheet Metal Worker	One year	1. Sheet Metal Worker	Two years	One year and six months
		76. Mechanical Engineering	Two years	1. Sheet Metal Worker 2. Turner	Two years Two years	One year One year

		77. Mechanical Technician	Two years	1. Sheet Metal Worker 2. Turner	Two years Two years	One year One year
		78. General Fitter cum Mechanic	Two years	1. Sheet Metal Worker	Two years	One year
		79. Construction Surveyor	Two years	1. Surveyor	Two years	One year
		80. Turner	Two years	1. Turner	Two years	One year
		81. CNC Turning	Two years	1. Turner	Two years	One year
		82. Fabrication (Fitting and Welding)	One year	1. Welder (Gas and Electric)	One years and three months	One year
		83. Production and Manufacturing	One year	1. Welder (Gas and Electric)	One years and three months	One year
		84. Structural Fabrication and Repairs Technology	One year	1. Welder (Gas and Electric)	One years and three months	One year
		85. General Welding	Two years	1. Welder (Gas and Electric)	One years and three months	One year
		86. Welding Technology	Two years	1. Welder (Gas & Electric)	One years and three months	One year
		87. Welding Fabrication and Automation	Two years	1. Welder (Gas and Electric)	One years and three months	One year
		88. Weld Testing and Quality Management	Two years	1. Welder (Gas and Electric)	One years and three months	One year
		89. Welding Technique	Two years	1. Welder (Gas and Electric)	One years and three months	One year
		90. Structure and Fabrication	Two years	1. Welder (Gas and Electric)	One years and three months	One year
		91. Electrical Wiring Estimation and Costing	Two years	1. Wireman	Two years	One year
		92. Repair and Rewinding of Electrical Domestic Appliances	Two years	1. Wireman	Two years	One year
		93. Repair and Rewinding of Electric Motors	Two years	1. Wireman	Two years	One year
		94. Lineman	Two years	1. Wireman	Two years	One year
		95. Hospitality	One year	1. House Keeper (Hotel) 2. Steward	One years and three months One year and three months	One year One year
		96. Facility Management	One year	1. House Keeper (Hotel) 2. Steward	One years and three months One year and three months	One year One year

		97. Hospitality Management	Two years	1. House Keeper (Hotel) 2. Steward	One years and three months One year and three months	One year One year
		98. Institutional House Keeping	Two years	1. House Keeper (Hotel) 2. Steward	One years and three months One year and three months	One year One year
		99. Hospitality Management In Offices	Two years	1. House Keeper (Hotel) 2. Steward	One years and three months One year and three months	One year One year
		100. Basic of Hospitality Industry Management	Two years	1. House Keeper (Hotel) 2. Steward	One years and three months One year and three months	One year One year
		101. Fashion Design and Jewelry Textile	One year	1. Dress Maker	One years and three months	One year
		102. Garments Manufacturing and Fashion Designing	One year	1. Dress Maker	One years and three months	One year
		103. Apparel	One year	1. Dress Maker	One years and three months	One year
		104. Sewing Science Teacher	One year	1. Dress Maker	One years and three months	One year
		105. Sewing Cloth Dressing Teacher	One year	1. Dress Maker	One years and three months	One year
		106. Fashion Designing and Clothing Construction	Two years	1. Dress Maker	One years and three months	One year
		107. Commercial Garment Designing and Making	Two years	1. Dress Maker	One years and three months	One year
		108. Fashion Garment Making	Two years	1. Dress Maker	One years and three months	One year
		109. Clothing for Family	Two years	1. Dress Maker	One years and three months	One year
		110. Master of Tailoring	Two years	1. Dress Maker	One years and three months	One year

		111. Clothing of Embroidery	Two years	1. Dress Maker 2. Surface Ornamentation Techniques (Embroiderer)	One years and three months One years and three months	One year One year
		112. Fashion Merchandising and Production	Two years	1. Dress Maker	One years and three months	One year
		113. Fashion Technology	Two years	1. Dress Maker	One years and three months	One year
		114. Professional Beautician	Two years	1. Hair and Skin Carer	One years and three months	One year
		115. Creative Design and Pattern Cutting	One year	1. Leather Goods Maker 2. Footwear Maker	Two years Two years	One year and six months One year and six months
		116. Leather Footwear	One year	1. Leather Goods Maker 2. Footwear Maker	Two years Two years	One year and six months One year and six months
		117. Footwear Technology	Two years	1. Leather Goods Maker 2. Footwear Maker	Two years Two years	One year One year
		118. Manufacturing of Leather Goods	Two years	1. Leather Goods Maker 2. Footwear Maker	Two years Two years	One year One year
		119. Leather Manufacturing	Two years	1. Leather Goods Maker 2. Footwear Maker	Two years Two years	One year One year
		120. Bakery and Mithaikala	One year	1. Baker and Confectioner	Two years	One year and six months
		121. Bakery and Confectionery Technician	One year	1. Baker and Confectioner	Two years	One year and six months
		122. Bakery and Confectionery Management	Two years	1. Baker and Confectioner	Two years	One year
		123. Desk Top Publishing Technique	Two years	1. Desk Top Publishing Operator	Two years	One year".

SCHEDULE-II
(See rule 4)

Standard of physical fitness for training

- (1) A candidate should be free evidence of any contagious or infectious disease. He should not be suffering from any disease which is likely to be aggravated by service or is likely to render him unfit for service or endanger the health of the public. He should also be free from evidence of tuberculosis in any form, active or healed.

- (2) Height, Weight And Chest

Candidates should satisfy the following minimum standards, namely:-

HEIGHT: 137 centimeters; Weight:25.4 Kilogram; Chest expansion should not be less than 3.8 centimeters irrespective of size of chest:

Provide that where a candidate does not satisfy the said minimum standards but is certified in writing by a Medical Officer not below the rank of an Assistant Surgeon (Gazetted), to be physically fit for being engaged as an apprentice in a particular trade under the Apprentices Act,1961, he may be engaged as an apprentice in that trade.

- (3) EYES

There should be no evidence of any morbid condition of either eye of the lids of either eye which may be liable to risk of aggravation of recurrence.

Standard of Vision

- (A) Visual acuity: *Candidates having vision in one eye shall eligible to undergo apprenticeship training except in the following seventeen trades, namely :-

- | | |
|------------------------------------|-----------------------------------|
| (1) Electrician Aircraft | (2) Watch and Clock Mechanic |
| (3) Driver cum Fitter | (4) Surveyor |
| (5) Process Cameraman | (6) Sirdar |
| (7) Rigger(Engg. & Chem. Industry) | (8) Shortfirer/Blaster(Mines) |
| (9) Mate(Mines) | (10) Mech. Radio & Radar Aircraft |
| (11) Ceramic Moduler | (12) Ceramic Caster |
| (13) Ceramic Kiln Operator | (14) Ceramic Press Operator |
| (15) Ceramic Modeller | (16) Ceramic Decorator |
| (17) Optical worker | |

* Substituted vide GSR 221 dated 21st April 1993

(b) Colour vision: Not required

(4) EARS

Hearing must be good in both ears and there should be no sign of suppurative disease. No hearing aid shall be permitted.

(5) SKIN

There should be no evidence of acute or chronic skin disease or chronic ulceration.

(6) SPEECH:

Speech should preferably be without impediment.

(7) ALIMENTARY SYSTEM:

1. Candidates should have sufficient number of natural teeth (in healthy state) for mastication.
2. Spleen should not be palpably enlarged and there should be no evidence of tenderness in the splenic area.
3. Liver should not be palpable or tender.
4. There should be no oral sepsis.
5. There should be no sugar in the urine.
6. Candidates should not be suffering from haemorrhoids, fissures in and testis anal hernia or bubonocele or ischio-rectal abscess or hydrocele.

(8) CARDIO VASCULAR SYSTEM:

1. Blood pressure should not exceed 85 diastolic and 140 systolic.
2. Candidates with low blood pressure (i.e. systolic below 100) should be rejected.
3. There should be no sign of any cardiovascular disease.

(9) RESPIRATORY SYSTEM:

Candidates should be free from all diseases of respiratory system. There should be no deformity of chest which may cause impediment to breathing.

(10) GENITO URINARY SYSTEM

There should be no evidence of genito urinary disease or any abnormality.

(11) SKELETAL SYSTEM:

1. The function of all limbs should be within normal limits.
2. There should be no evidence of serious deformity of the spinal column or of the extremities.

(12) NERVOUS SYSTEM:

There should be no evidence of any disease of nervous system or of any mental disease.

(13) GLANDULAR SYSTEM:

There should be no evidence of tuberculosis or other disease of the glandular system including the endocrine glands.

SCHEDULE-IIA**(See rule 5)**

S. No.	Name of State/ Union territory	Ratio of Scheduled Caste apprentices to the total apprentices in designated trade	Ratio of Scheduled Tribe apprentices to the total apprentices in designated trade
1.	Andhra Pradesh	1:7	1:15
2.	Arunachal Pradesh	---	1:2
3.	Assam	1:15	1:9
4.	Bihar	1:7	1:100
5.	Chattisgarh	1:9	1:4
6.	Gujarat	1:15	1:7
7.	Goa	1:50	1:8
8.	Haryana	1:5	---
9.	Himachal Pradesh	1:4	1:25
10.	Jammu and Kashmir	1:12	1:9
11.	Jharkhand	1:9	1:4
12.	Karnataka	1:7	1:15
13.	Kerala	1:10	1:100
14.	Madhya Pradesh	1:7	1:5
15.	Maharashtra	1:10	1:11
16.	Manipur	1:33	1:3
17.	Mizoram	---	1:2
18.	Meghalaya	---	1:2
19.	Nagaland	---	1:2
20.	Odisha	1:7	1:4
21.	Punjab	1:4	---
22.	Rajasthan	1:6	1:8
23.	Sikkim	1:20	1:5
24.	Tamil Nadu	1:5	1:100
25.	Tripura	1:6	1:3
26.	Telangana	1:16	1:32
27.	Uttar Pradesh	1:5	1:100
28.	Uttarakhand	1:6	1:3
29.	West Bengal	1:5	1:20
30.	Andaman and Nicobar Islands	---	1:13
31.	Chandigarh	1:6	---
32.	Dadra and Nagar Haveli	1:50	1:2
33.	Delhi	1:6	1:13
34.	Daman and Diu	1:3	1:11
35.	Lakshadweep	---	1:2
36.	Puducherry	1:7	---

Schedule-III
(See rule 14)

FORMAT-1

Model Contract of Apprenticeship Training for Major/Minor* Apprentices

Photograph
of
Apprentice

1. Name and address of establishment : _____
with Tel. no., Fax No. and E-mail address _____

2. (a) Name of apprentice (Block Letters) : _____
(b) Father's/Mother's /Husband's Name : _____
3. Address of apprentice : _____

4. Gender (please √) : Male/Female/Transgender
5. Date of birth : _____
- 6a) Whether belongs to SC/ST/OBC/PwD/Minority : Yes/No
(please √)
- b) Name of the category : _____
7. Educational Qualification
(a) Academic Qualification : _____
(b) Technical qualification :
(i) Name of the Trade or Course : _____
(ii) Duration of Training or Course : From _____ To _____
(iii) Name of the Institute or College : _____
(iv) Name of the Council or University : _____
8. (a) Date of execution of contract : _____
(b) Age on the date of execution of contract : _____

9. Name of the trade for which apprentice is for apprenticeship training : _____
10. (a) Duration of apprenticeship training : ____ years ____ months
 (b) Period of apprenticeship training : From ____ To _____
11. Rates of Stipend: The minimum prescribed stipend per month to be paid by the employer to apprentice
 (a) During 1st year of training : Rs. _____
 (b) During 2nd year of training : Rs. _____
 (c) During 3rd and 4th year of training : Rs. _____
12. (a) Name and address of Guardian : _____
 (in case of apprentice is minor)
 (b) Relationship with the apprentice : _____
13. Name and Address of the Surety : _____

14. We, the Employer, Apprentice or Guardian** and the Surety solemnly declare that we have read the Apprentices Act, 1961 and the Apprenticeship Rules, 1992 regarding the contract of apprenticeship training including obligations and agree to abide by all the provisions made thereunder. In case of default by the either the apprentice or the employer, we agree to compensate the other party as per the provisions of the Apprenticeship Rules, 1992 (Main Provisions of the Rules may be seen in the Enclosure).

_____	_____	_____	_____
Signature of the Employer with seal	Signature of Apprentice	Signature of Guardian**	Signature of Surety

15. Name of Witnesses with their Address
 (1) _____
 (2) _____

***16. Contract Registration Number : _____
 (To be given by the Office of the Apprenticeship Adviser)

- * Minor apprentice is an apprentice who has not completed eighteen years of age.
- ** Guardian, in case of minor apprentices
- *** Mandatory only for designated trades

Enclosure to Contract of Apprenticeship Training

The main provisions of the Apprenticeship Rules relating to the Contract of Apprenticeship Training are -

1. The employer shall pay stipend per month to the trade apprentices at the minimum rates (as per the provision of sub-rule(1) of rule 11 of the Apprenticeship Rules, 1992)

(a)	During 1 st year of training	:	Seventy per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory
(b)	During 2 nd year of training	:	Eighty per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory
(c)	During 3 rd and 4 th year of training	:	Ninety per cent. of minimum wage of semi-skilled workers notified by the respective State or Union territory:

Provided that in the case where the minimum rate of wage for a trade is not notified by the State Government or Union territory, then, the maximum of minimum wages of the Scheduled Employment notified by such State Government or Union territory for semi-skilled workers shall be taken into account for paying the stipend in respect of that trade:

Provided further that in the case of trade apprentices referred to in clause (a) of section 6 of the Act, the period of training already undergone by them in a school or other institution recognised by the National Council, shall be taken into account for the purpose of determining the rate of stipend payable”.

2. The employer shall pay stipend per month to the Graduate, Technician and Technician (Vocational) apprentices at the minimum rates (as per the provisions of sub-rule (2) of rule 11 of the Apprenticeship Rules, 1992)

(a)	Graduate Apprentices	:	Rs. 4984
(b)	Sandwich Course (Students from Degree Institutions)	:	Rs. 3542
(c)	Technician Apprentices	:	Rs. 3542
(d)	Sandwich course (Students from Diploma Institutions)	:	Rs. 2890
(e)	Technician (Vocational) Apprentices	:	Rs. 2758

3. The stipend prescribed for graduate apprentices shall be paid by the employer to those apprentices who possess a degree of minimum three years duration after 10+2 system of education and undergoing apprenticeship training in optional trade.
4. The stipend prescribed for technician apprentices shall be paid by the employer to those apprentices who possess a diploma of three years after 10th class or diploma of two years after 12th pass and undergoing apprenticeship training in optional trade.
5. The stipend prescribed for technician (vocational) apprentices shall be paid by the employer to those apprentices who possess a certificate in vocational course involving two years of study after completion of secondary stage of school education and undergoing apprenticeship training in optional trade.
6. The stipend prescribed for trade apprentices shall be paid by the employer to all other apprentices undergoing apprenticeship training in optional trade according to their period of apprenticeship training.
7. The stipend for a particular month shall be paid by the tenth day of the following month. No deduction shall be made from the stipend for the period during which an apprentice remain on leave as observed in the establishment.
8. Where the Contract of Apprenticeship is terminated through failure on the part of the employer in carrying out the terms and conditions of the Contract (as notified under the Apprenticeship Rules, 1992), he shall pay to the apprentice such compensation as may be provided by the Central Government.
9. In the event of premature termination of Contract of Apprenticeship for failure on the part of apprentice to carry out the terms and condition of the contract (as notified under the Apprenticeship Rules, 1992), the surety at the request of apprentice hereby guarantees to employer the payment of such amount as determined by the Apprenticeship Adviser as and towards the cost of training.
10. The liability of the surety is limited to an amount of two thousand five hundred rupees with interest at twelve per cent. per annum

Proforma of Work Diary

Name and Address of Establishment :

Name of Apprentice :

Trade :

Registration Number :

Serial Number	Date (Week)		Competencies covered during the week	Signature of Supervisor
	From	To		

Note: The list of competencies to be indicated as laid down in the course of trade.

The work diary shall be maintained by the Apprentice and countersigned by his supervisor once a week.

FORM APPRENTICESHIP

RECORD OF PROGRESS OF APPRENTICE :

(To be submitted once in a quarter in respect of graduate or technician or technician (vocational) apprentices)

- (1). Name of Apprentice.....
- (2). Registration Number
- (3). Subject field in Engineering or Technology or Vocational Course.....
- (4). Under training at
- (5). Date of commencement of training..
- (6). Area of training during the quarter
- (7). Progress report for quarter to
- (i) Aptitude for training _____
- (ii) Performance during the quarter _____
- (iii) Shortcomings, if any _____
- (iii) Reaction of trainee to corrective action at (iii) above _____
- (v) Assessment:-
Excellent/Above Average/Average/Below Average
(Strike out those not applicable)

Signature of Officer/Executive In-charge of Training

Remarks

Signature of Manager of the Industry/Establishment.”

SCHEDULE-IV
(See Rule 9)

1. In case of Trade Apprentices;-
 - (a) Must possess a degree or diploma in engineering or technology or equivalent qualification recognised by Government of India.
 - (b) National Apprenticeship Certificate with minimum five years experience.
2. In the case of Graduate Apprentices:

Must hold a degree in engineering or technology or equivalent qualification as recognised by the Government of India.
3. In the case of Technician and Technician (Vocational) Apprentices:-

Must hold degree or diploma in engineering or certificate in Vocational courses or equivalent qualification recognised by the Government of India.
4. The person placed in over all charge of training of apprentices may be assisted by such number, as is considered necessary, of shop floor or workshop personnel who have practical know how to guide the apprentices. It is desirable that the person in charge should have industrial experience.
5. Desirable qualification in the case of 1,2 and 3 above :

Training in Central Staff Training and Research Institute/Technical Teacher Training Institute/Central Training Institute.

***SCHEDULE IV A**
(See rule 9 A)

I STAFFING PATTERN

(a) BASIC TRAINING CENTRE

1. One Trade Instructor for every 16 apprentices
2. One Drawing Instructor for every 150 apprentices
3. One Instructor for every 150 apprentices
(W/Shop Calculation and Science)
4. One Social Study Instructor for every 400 apprentices

(b) SHOP FLOOR TRAINING INCLUDING RELATED INSTRUCTIONS

1. One Trade Instructor for every 40 apprentices
2. One Drawing Instructor for every 150 apprentices
3. One Instructor for every 150 apprentices
(W/Shop Calculation and Science)

II QUALIFICATIONS OF INSTRUCTIONAL STAFF FOR BASIC TRAINING CENTRE AND SHOP FLOOR TRAINING INCLUDING RELATED INSTRUCTIONS.

TRADE INSTRUCTOR/ DRAWING INSTRUCTOR/ WORKSHOP CALCULATION AND SCIENCE INSTRUCTOR

- Essential:
- (a) (i) Passed 10th standard
 - (ii) Passed National Apprenticeship Certificate Examination in relevant trade with five years experience in industry.

OR

- (b) Diploma in Engineering/Technology in appropriate branch with three years experience.

Desirable : Passed Instructor Training Course in relevant trade from any of the Advanced Training Institute or Central Training Institute for Instructors under the Directorate General of Employment and Training, Ministry of Labour.

* Inserted vide GSR 190(E) dated 26th Feb. 1999

SCHEDULE-V
(See Rule 6)

- I. Obligations of Employer (both in the case of Major and Minor Trade Apprentices. (Under section II of the Apprentices Act,1961)
1. The employer shall make suitable arrangements in the workshop for imparting a course of practical training to the apprentice in accordance with the programme approved by the Central/State Apprenticeship Adviser and the syllabus approved by the Central Government in consultation with the Central Apprenticeship Council.
 2. The employer shall release the apprentice for receiving related instructions as required by section 10 of the Apprentices Act. 1961, treating any time spent in attending such classes as part of his paid period of work.
 - 3.(a) The employer shall pay stipend to the apprentice at the rate as specified from time to time under rule II of the Apprenticeship Rules 1992.
 - (b) The stipend for a particular month shall be paid by the 10th day of the following month. No deduction shall be made from the stipend for the period during which the apprentice remains on casual or medical leave. Stipend shall, however not be paid for the period for which the apprentice remains on extraordinary leave.
 - 4.(a) The weekly hours of work of an apprentice while undergoing practical training shall be as follows :
 - (i) The total number of hours per week shall be 42 to 48 hours (including the time spent on related instructions);
 - (ii) Apprentice during basic training shall ordinarily work for 42 hours per week including the time spent on related instruction;
 - (iii) Apprentice during the second year of apprenticeship shall work for 42 to 45 hours per week including the time spent on related instructions;
 - (iv) Apprentice during the third and subsequent years of apprenticeship shall work for the same number of hours per week as the workers in the trade in the establishment in which the apprentice is undergoing apprenticeship training: of hours per week as the workers in the trade in the establishment in which the apprentice is undergoing apprenticeship training:

Provided, however, that short term apprentice may be engaged to work upto a limit of 48 hours per week.

- (b) No apprentice other than a short term apprentice, shall be engaged on such training between the hours of 10 p.m. and 6 a.m. except with the prior approval of the apprenticeship Adviser who may give his approval if he is satisfied that it is in the interest of the training of the apprentice or in public interest.
- (5). Where the contract of apprenticeship is terminated on account of failure on the part of the employer to carry out the terms and conditions of the contract, he shall pay to the apprentice or his guardian (in the case of a minor) compensation in accordance with the rates as specified under rule 8 of the Apprenticeship Rules, 1992.
- (6) The employer shall allow to the apprentice such holidays as are observed in the establishment.
- (7) If personal injury is caused to an apprentice by accident arising out of and in the course of his training as an apprentice, the employer shall pay to the apprentice compensation in accordance with the provisions of the Workmen Compensation Act, 1923, subject to the modifications specified in the Schedule to the Apprentices Act, 1961.

II. Obligations of Trade Apprentice (both in case of Major and Minor Trade Apprentices)
(Under Section 12 of Apprentices Act.1961).

- (1) The apprentice shall abide by the rules and regulations of the establishment in all matters of conduct and discipline and carry out all lawful orders of the employer and superiors in the establishment.
- (2) The apprentice shall conduct himself as a trainee and not as a worker, learn his trade conscientiously and diligently and endeavour to qualify himself as a skilled Craftsmen in his trade before the expiry of the period of training. Save as provided in the Apprentices Act. 1961 provisions of any law with respect to Labour will not be applicable to him.
- (3) The apprentice shall attend practical (basic and shop-floor training and related instructions) classes regularly.
- (4) The apprentice shall appear for periodical tests that may be conducted by the employer or other authorities concerned by the National Council for Vocational Training for award of a certificate of proficiency in the trade.
- (5) In the event of premature termination of contract of apprenticeship for failure on the part of the apprentice to carry out the terms and conditions of contract, the surety or the guardian may be bound to pay

the employer such amount as may be determined by the Central/State Apprenticeship Adviser as and towards the cost of training in accordance with rates as specified under rule 8 of the Apprenticeship rules,1992.

- (6) Except in case of extreme urgency the apprentice shall submit applications for all leave except medical leave to the appropriate authority and obtain sanction before the leave is taken.
- (7) The apprentice, his/her guardian (in case of minor) declares that no other contract of apprenticeship subsists already between him and any other employer (in respect of minor apprentice, by the guardian) and undertake that he shall not enter into any other contract of apprenticeship with any other employer (in respect of minor apprentice, by the guardian) before the expiry or termination of the contract of apprenticeship.
- (8) The apprentice or his/her guardian (in case of minor) shall not enter into any other contract of apprenticeship with any other employer in respect of the apprentices mentioned in the first recital before the expiry or termination of the contract of apprenticeship.
- (9) The first six months of the period of apprenticeship training shall be treated as period on probation. Either party may make as application to the Central/State Apprenticeship Adviser for the earlier termination of contract and when such an application is made the party making the application shall send by post a copy thereof to the other party to the contract. The Central/State Apprenticeship Adviser after considering the contents of the application and objectives, if any, filed by the other party, may terminate the contract, if he is satisfied that the parties to the contract, if any, of them have or has failed to carry out the terms and conditions of the contract and that it is desirable in the interests of the parties or any of them to terminate the same. Provided that the amount as stated in paras I(6) and II(5) of this schedule shall become payable by one party to the other accordingly as the failure is on the part of the employer or the apprentice:

Provided further that no compensation shall be payable by the employer to the guardian of the apprentice if the employer to the guardian of the apprentice if the employer makes an application to the Central State Apprenticeship Adviser during the period the apprentice is on probation for the termination of the contract on the ground that the apprentice on the trade in which he has been engaged and that his guardian has refused to allow him to undergo apprenticeship training in another designated trade for which he is found suitable by the employer and if the Central/State Apprenticeship Adviser, after considering the contents of the application of the employer and the objections, if any, filed by the

other party is satisfied that it is desirable in the interests of the parties or any of them to terminate the contract.

- (10) It shall not be obligatory on the part of the employer to offer any employment to the apprentice on completion of period of his apprenticeship training in his establishment nor shall it be obligatory on the part of the apprentice to accept an employment under the employer:

Provided that if there is any recruitment, employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment in terms of sub-section(1) of section 22 of the Act”;

- (11) Any disagreement or dispute between the employer and the guardian of the apprentice arising out of the contract shall be referred to the Central/State Apprenticeship Adviser, for decision and any person aggrieved by the decision of the Central State Apprenticeship Adviser, may within 30 days from the date of communication to him of such decision, prefer as appeal against the decision to the Central/State Apprenticeship Council and such appeal shall be heard and determined by the Committee of that Council appointed for the purpose. The decision of such Committee shall be final.

SCHEDULE VI
(See rule 6)

**TERMS AND CONDITIONS OF THE CONTRACT OF APPRENTICESHIP
FOR GRADUATE TECHNICIAN AND TECHNICIAN (VOCATIONAL)
APPRENTICES.**

1. The period of training shall be one year (in the case of Sandwich students, the period of training shall be stipulated in the curriculum).
2. It shall not be obligatory on the part of the employer to offer any employment to the apprentice on completion of period of his apprenticeship training in his establishment nor shall it be obligatory on the part of the apprentice to accept an employment under the employer:

Provided that if there is any recruitment, employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment in terms of sub-section(1) of section (22) of the Act

3. Every apprentice undergoing apprenticeship training in an establishment shall be a trainee and not a worker and as such the provisions of any law with respect to Labour shall not apply to or in relation to such apprentice.
- 4 (i) The apprentices shall abide by the rules and regulations of the establishment in all matters of conduct and discipline and safety and carry out all lawful orders of the employer and superiors in the establishment.
 - (ii) The apprentice shall learn his subject field conscientiously and diligently and attend to practical and instructional classes regularly.
 - (iii) The apprentice shall maintain a record of his work during the period of his apprenticeship training in a proforma approved by the Apprenticeship Adviser.
 - (iv) Where the contract of apprenticeship is terminated for failure on the part of the apprentice to carry out the terms of contract, the apprentice shall refund to the employer as cost of training such amount as may be determined by the Apprenticeship Adviser. In such event, the apprentices shall not be entitled to enter into another contract of Apprenticeship under the Act with any other employer.
 - (v) The contract of apprenticeship can be terminated without compensation payable to the apprentices:-
 - (a) If he/she secures gainful employment(on production of copy of the appointment order); and

- (b) If he/she is unable to continue training on medical grounds (on production of a certificate to this effect from a Medical Officer not below the rank of Civil Surgeon).
- (vi) For breach of contract by the employer, the employer shall pay compensation to the apprentice in accordance with rates specified under rule 8 of these rules.
- (vii) Continuance of payment of stipend shall depend on satisfactory performance of the apprentice during the training period.
- 5(i) The employer shall make suitable arrangement in his establishment for imparting a course of apprenticeship training to the apprentice in accordance with the provisions of the Act and rules made thereunder and with the approval of the respective Regional central Apprenticeship Adviser.
- (ii) Every employer is required to formulate a "Training Programme" for the training of Graduate/Technician (Vocational) Apprentices and get it approved by the respective Regional Central Apprenticeship Adviser.
- (iii) The employer will arrange for a suitable person to be placed in charge of training of apprentices as laid down under the Act and the rules made thereunder.
- 6(i) A Graduate, Technician and Technician (Vocational) Apprentice shall work according to the normal hours of work of the department in the establishment to which he or she is attached for training
- (ii) The stipend for a particular month shall be paid before the 10th day of the following month.

THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016

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THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016
ACT NO. 49 OF 2016

[27th December, 2016]

An Act to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

WHEREAS the United Nations General Assembly adopted its Convention on the Rights of Persons with Disabilities on the 13th day of December, 2006.

AND WHEREAS the aforesaid Convention lays down the following principles for empowerment of persons with disabilities,—

(a) respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

(b) non-discrimination;

(c) full and effective participation and inclusion in society;

(d) respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

(e) equality of opportunity;

(f) accessibility;

(g) equality between men and women;

(h) respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities;

AND WHEREAS India is a signatory to the said Convention;

AND WHEREAS India ratified the said Convention on the 1st day of October, 2007;

AND WHEREAS it is considered necessary to implement the Convention aforesaid.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(1) This Act may be called the Rights of Persons with Disabilities Act, 2016.

(2) It shall come into force on such ¹date as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “appellate authority” means an authority notified under sub-section (3) of section 14 or sub-section (1) of section 53 or designated under sub-section (1) of section 59, as the case may be;

(b) “appropriate Government” means,—

(i) in relation to the Central Government or any establishment wholly or substantially financed by that Government, or a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006), the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, other than a Cantonment Board, the State Government.

(c) “barrier” means any factor including communicational, cultural, economic, environmental, institutional, political, social, attitudinal or structural factors which hampers the full and effective participation of persons with disabilities in society;

1. 19th April, 2017 *vide* notification no. S.O. 1215 (E) dated 19th April, 2017 see Gazette of India, Extraordinary, Part II, Section 3 (ii).

(d) “care-giver” means any person including parents and other family Members who with or without payment provides care, support or assistance to a person with disability;

(e) “certifying authority” means an authority designated under sub-section (1) of section 57;

(f) “communication” includes means and formats of communication, languages, display of text, Braille, tactile communication, signs, large print, accessible multimedia, written, audio, video, visual displays, sign language, plain-language, human-reader, augmentative and alternative modes and accessible information and communication technology;

(g) “competent authority” means an authority appointed under section 49;

(h) “discrimination” in relation to disability, means any distinction, exclusion, restriction on the basis of disability which is the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field and includes all forms of discrimination and denial of reasonable accommodation;

(i) “establishment” includes a Government establishment and private establishment;

(j) “Fund” means the National Fund constituted under section 86;

(k) “Government establishment” means a corporation established by or under a Central Act or State Act or an authority or a body owned or controlled or aided by the Government or a local authority or a Government company as defined in section 2 of the Companies Act, 2013 (18 of 2013) and includes a Department of the Government;

(l) “high support” means an intensive support, physical, psychological and otherwise, which may be required by a person with benchmark disability for daily activities, to take independent and informed decision to access facilities and participating in all areas of life including education, employment, family and community life and treatment and therapy;

(m) “inclusive education” means a system of education wherein students with and without disability learn together and the system of teaching and learning is suitably adapted to meet the learning needs of different types of students with disabilities;

(n) “information and communication technology” includes all services and innovations relating to information and communication, including telecom services, web based services, electronic and print services, digital and virtual services;

(o) “institution” means an institution for the reception, care, protection, education, training, rehabilitation and any other activities for persons with disabilities;

(p) “local authority” means a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution; a Cantonment Board constituted under the Cantonments Act, 2006 (41 of 2006); and any other authority established under an Act of Parliament or a State Legislature to administer the civic affairs;

(q) “notification” means a notification published in the Official Gazette and the expression “notify” or “notified” shall be construed accordingly;

(r) “person with benchmark disability” means a person with not less than forty per cent. of a specified disability where specified disability has not been defined in measurable terms and includes a person with disability where specified disability has been defined in measurable terms, as certified by the certifying authority;

(s) “person with disability” means a person with long term physical, mental, intellectual or sensory impairment which, in interaction with barriers, hinders his full and effective participation in society equally with others;

(t) “person with disability having high support needs” means a person with benchmark disability certified under clause (a) of sub-section (2) of section 58 who needs high support;

(u) “prescribed” means prescribed by rules made under this Act;

(v) “private establishment” means a company, firm, cooperative or other society, associations, trust, agency, institution, organisation, union, factory or such other establishment as the appropriate Government may, by notification, specify;

(w) “public building” means a Government or private building, used or accessed by the public at large, including a building used for educational or vocational purposes, workplace, commercial activities, public utilities, religious, cultural, leisure or recreational activities, medical or health services, law enforcement agencies, reformatories or judicial foras, railway stations or platforms, roadways bus stands or terminus, airports or waterways;

(x) “public facilities and services” includes all forms of delivery of services to the public at large, including housing, educational and vocational trainings, employment and career advancement, shopping or marketing, religious, cultural, leisure or recreational, medical, health and rehabilitation, banking, finance and insurance, communication, postal and information, access to justice, public utilities, transportation;

(y) “reasonable accommodation” means necessary and appropriate modification and adjustments, without imposing a disproportionate or undue burden in a particular case, to ensure to persons with disabilities the enjoyment or exercise of rights equally with others;

(z) “registered organisation” means an association of persons with disabilities or a disabled person organisation, association of parents of persons with disabilities, association of persons with disabilities and family members, or a voluntary or non-governmental or charitable organisation or trust, society, or non-profit company working for the welfare of the persons with disabilities, duly registered under an Act of Parliament or a State Legislature;

(za) “rehabilitation” refers to a process aimed at enabling persons with disabilities to attain and maintain optimal, physical, sensory, intellectual, psychological environmental or social function levels;

(zb) “Special Employment Exchange” means any office or place established and maintained by the Government for the collection and furnishing of information, either by keeping of registers or otherwise, regarding—

(i) persons who seek to engage employees from amongst the persons with disabilities;

(ii) persons with benchmark disability who seek employment;

(iii) vacancies to which persons with benchmark disabilities seeking employment may be appointed;

(zc) “specified disability” means the disabilities as specified in the Schedule;

(zd) “transportation systems” includes road transport, rail transport, air transport, water transport, para transit systems for the last mile connectivity, road and street infrastructure, etc;

(ze) “universal design” means the design of products, environments, programmes and services to be usable by all people to the greatest extent possible, without the need for adaptation or specialised design and shall apply to assistive devices including advanced technologies for particular group of persons with disabilities.

CHAPTER II RIGHTS AND ENTITLEMENTS

3. Equality and non-discrimination.—(1) The appropriate Government shall ensure that the persons with disabilities enjoy the right to equality, life with dignity and respect for his or her integrity equally with others.

(2) The appropriate Government shall take steps to utilise the capacity of persons with disabilities by providing appropriate environment.

(3) No person with disability shall be discriminated on the ground of disability, unless it is shown that the impugned act or omission is a proportionate means of achieving a legitimate aim.

(4) No person shall be deprived of his or her personal liberty only on the ground of disability.

(5) The appropriate Government shall take necessary steps to ensure reasonable accommodation for persons with disabilities.

4. Women and children with disabilities.—(1) The appropriate Government and the local authorities shall take measures to ensure that the women and children with disabilities enjoy their rights equally with others.

(2) The appropriate Government and local authorities shall ensure that all children with disabilities shall have right on an equal basis to freely express their views on all matters affecting them and provide them appropriate support keeping in view their age and disability.”

5. Community life.—(1) The persons with disabilities shall have the right to live in the community.

(2) The appropriate Government shall endeavour that the persons with disabilities are,—

(a) not obliged to live in any particular living arrangement; and

(b) given access to a range of in-house, residential and other community support services, including personal assistance necessary to support living with due regard to age and gender.

6. Protection from cruelty and inhuman treatment.—(1) The appropriate Government shall take measures to protect persons with disabilities from being subjected to torture, cruel, inhuman or degrading treatment.

(2) No person with disability shall be a subject of any research without,—

(i) his or her free and informed consent obtained through accessible modes, means and formats of communication; and

(ii) prior permission of a Committee for Research on Disability constituted in the prescribed manner for the purpose by the appropriate Government in which not less than half of the Members shall themselves be either persons with disabilities or Members of the registered organisation as defined under clause (z) of section 2.

7. Protection from abuse, violence and exploitation.—(1) The appropriate Government shall take measures to protect persons with disabilities from all forms of abuse, violence and exploitation and to prevent the same, shall—

(a) take cognizance of incidents of abuse, violence and exploitation and provide legal remedies available against such incidents;

(b) take steps for avoiding such incidents and prescribe the procedure for its reporting;

(c) take steps to rescue, protect and rehabilitate victims of such incidents; and

(d) create awareness and make available information among the public.

(2) Any person or registered organisation who or which has reason to believe that an act of abuse, violence or exploitation has been, or is being, or is likely to be committed against any person with disability, may give information about it to the Executive Magistrate within the local limits of whose jurisdiction such incidents occur.

(3) The Executive Magistrate on receipt of such information, shall take immediate steps to stop or prevent its occurrence, as the case may be, or pass such order as he deems fit for the protection of such person with disability including an order—

(a) to rescue the victim of such act, authorising the police or any organisation working for persons with disabilities to provide for the safe custody or rehabilitation of such person, or both, as the case may be;

(b) for providing protective custody to the person with disability, if such person so desires;

(c) to provide maintenance to such person with disability.

(4) Any police officer who receives a complaint or otherwise comes to know of abuse, violence or exploitation towards any person with disability shall inform the aggrieved person of—

(a) his or her right to apply for protection under sub-section (2) and the particulars of the Executive Magistrate having jurisdiction to provide assistance;

(b) the particulars of the nearest organisation or institution working for the rehabilitation of persons with disabilities;

(c) the right to free legal aid; and

(d) the right to file a complaint under the provisions of this Act or any other law dealing with such offence:

Provided that nothing in this section shall be construed in any manner as to relieve the police officer from his duty to proceed in accordance with law upon receipt of information as to the commission of a cognizable offence.

(5) If the Executive Magistrate finds that the alleged act or behaviour constitutes an offence under the Indian Penal Code (45 of 1860), or under any other law for the time being in force, he may forward the complaint to that effect to the Judicial or Metropolitan Magistrate, as the case may be, having jurisdiction in the matter.

8. Protection and safety.—(1) The persons with disabilities shall have equal protection and safety in situations of risk, armed conflict, humanitarian emergencies and natural disasters.

(2) The National Disaster Management Authority and the State Disaster Management Authority shall take appropriate measures to ensure inclusion of persons with disabilities in its disaster management activities as defined under clause (e) of section 2 of the Disaster Management Act, 2005 (53 of 2005) for the safety and protection of persons with disabilities.

(3) The District Disaster Management Authority constituted under section 25 of the Disaster Management Act, 2005 (53 of 2005) shall maintain record of details of persons with disabilities in the district and take suitable measures to inform such persons of any situations of risk so as to enhance disaster preparedness.

(4) The authorities engaged in reconstruction activities subsequent to any situation of risk, armed conflict or natural disasters shall undertake such activities, in consultation with the concerned State Commissioner, in accordance with the accessibility requirements of persons with disabilities.

9. Home and family.—(1) No child with disability shall be separated from his or her parents on the ground of disability except on an order of competent court, if required, in the best interest of the child.

(2) Where the parents are unable to take care of a child with disability, the competent court shall place such child with his or her near relations, and failing that within the community in a family setting or in exceptional cases in shelter home run by the appropriate Government or non-governmental organisation, as may be required.

10. Reproductive rights.—(1) The appropriate Government shall ensure that persons with disabilities have access to appropriate information regarding reproductive and family planning.

(2) No person with disability shall be subject to any medical procedure which leads to infertility without his or her free and informed consent.

11. Accessibility in voting.—The Election Commission of India and the State Election Commissions shall ensure that all polling stations are accessible to persons with disabilities and all materials related to the electoral process are easily understandable by and accessible to them.

12. Access to justice.—(1) The appropriate Government shall ensure that persons with disabilities are able to exercise the right to access any court, tribunal, authority, commission or any other body having judicial or quasi-judicial or investigative powers without discrimination on the basis of disability.

(2) The appropriate Government shall take steps to put in place suitable support measures for persons with disabilities specially those living outside family and those disabled requiring high support for exercising legal rights.

(3) The National Legal Services Authority and the State Legal Services Authorities constituted under the Legal Services Authorities Act, 1987 (39 of 1987) shall make provisions including reasonable accommodation to ensure that persons with disabilities have access to any scheme, programme, facility or service offered by them equally with others.

(4) The appropriate Government shall take steps to—

(a) ensure that all their public documents are in accessible formats;

(b) ensure that the filing departments, registry or any other office of records are supplied with necessary equipment to enable filing, storing and referring to the documents and evidence in accessible formats; and

(c) make available all necessary facilities and equipment to facilitate recording of testimonies, arguments or opinion given by persons with disabilities in their preferred language and means of communication.

13. Legal capacity.—(1) The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.

(2) The appropriate Government shall ensure that the persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life and have the right to equal recognition everywhere as any other person before the law.

(3) When a conflict of interest arises between a person providing support and a person with disability in a particular financial, property or other economic transaction, then such supporting person shall abstain from providing support to the person with disability in that transaction:

Provided that there shall not be a presumption of conflict of interest just on the basis that the supporting person is related to the person with disability by blood, affinity or adoption.

(4) A person with disability may alter, modify or dismantle any support arrangement and seek the support of another:

Provided that such alteration, modification or dismantling shall be prospective in nature and shall not nullify any third party transaction entered into by the person with disability with the aforesaid support arrangement.

(5) Any person providing support to the person with disability shall not exercise undue influence and shall respect his or her autonomy, dignity and privacy.

14. Provision for guardianship.—(1) Notwithstanding anything contained in any other law for the time being in force, on and from the date of commencement of this Act, where a district court or any designated authority, as notified by the State Government, finds that a person with disability, who had been provided adequate and appropriate support but is unable to take legally binding decisions, may be provided further support of a limited guardian to take legally binding decisions on his behalf in consultation with such person, in such manner, as may be prescribed by the State Government:

Provided that the District Court or the designated authority, as the case may be, may grant total support to the person with disability requiring such support or where the limited guardianship is to be granted repeatedly, in which case, the decision regarding the support to be provided shall be reviewed by the Court or the designated authority, as the case may be, to determine the nature and manner of support to be provided.

Explanation.—For the purposes of this sub-section, “limited guardianship” means a system of joint decision which operates on mutual understanding and trust between the guardian and the person with disability, which shall be limited to a specific period and for specific decision and situation and shall operate in accordance to the will of the person with disability.

(2) On and from the date of commencement of this Act, every guardian appointed under any provision of any other law for the time being in force, for a person with disability shall be deemed to function as a limited guardian.

(3) Any person with disability aggrieved by the decision of the designated authority appointing a legal guardian may prefer an appeal to such appellate authority, as may be notified by the State Government for the purpose.

15. Designation of authorities to support.—(1) The appropriate Government shall designate one or more authorities to mobilise the community and create social awareness to support persons with disabilities in exercise of their legal capacity.

(2) The authority designated under sub-section (1) shall take measures for setting up suitable support arrangements to exercise legal capacity by persons with disabilities living in institutions and those with high support needs and any other measures as may be required.

CHAPTER III EDUCATION

16. Duty of educational institutions.—The appropriate Government and the local authorities shall endeavour that all educational institutions funded or recognised by them provide inclusive education to the children with disabilities and towards that end shall—

(i) admit them without discrimination and provide education and opportunities for sports and recreation activities equally with others;

(ii) make building, campus and various facilities accessible;

(iii) provide reasonable accommodation according to the individual's requirements;

(iv) provide necessary support individualised or otherwise in environments that maximise academic and social development consistent with the goal of full inclusion;

(v) ensure that the education to persons who are blind or deaf or both is imparted in the most appropriate languages and modes and means of communication;

(vi) detect specific learning disabilities in children at the earliest and take suitable pedagogical and other measures to overcome them;

(vii) monitor participation, progress in terms of attainment levels and completion of education in respect of every student with disability;

(viii) provide transportation facilities to the children with disabilities and also the attendant of the children with disabilities having high support needs.

17. Specific measures to promote and facilitate inclusive education.—The appropriate Government and the local authorities shall take the following measures for the purpose of section 16, namely:—

(a) to conduct survey of school going children in every five years for identifying children with disabilities, ascertaining their special needs and the extent to which these are being met:

Provided that the first survey shall be conducted within a period of two years from the date of commencement of this Act;

(b) to establish adequate number of teacher training institutions;

(c) to train and employ teachers, including teachers with disability who are qualified in sign language and Braille and also teachers who are trained in teaching children with intellectual disability;

(d) to train professionals and staff to support inclusive education at all levels of school education;

(e) to establish adequate number of resource centres to support educational institutions at all levels of school education;

(f) to promote the use of appropriate augmentative and alternative modes including means and formats of communication, Braille and sign language to supplement the use of one's own speech to

fulfil the daily communication needs of persons with speech, communication or language disabilities and enables them to participate and contribute to their community and society;

(g) to provide books, other learning materials and appropriate assistive devices to students with benchmark disabilities free of cost up to the age of eighteen years;

(h) to provide scholarships in appropriate cases to students with benchmark disability;

(i) to make suitable modifications in the curriculum and examination system to meet the needs of students with disabilities such as extra time for completion of examination paper, facility of scribe or amanuensis, exemption from second and third language courses;

(j) to promote research to improve learning; and

(k) any other measures, as may be required.

18. Adult education.—The appropriate Government and the local authorities shall take measures to promote, protect and ensure participation of persons with disabilities in adult education and continuing education programmes equally with others.

CHAPTER IV

SKILL DEVELOPMENT AND EMPLOYMENT

19. Vocational training and self-employment.—(1) The appropriate Government shall formulate schemes and programmes including provision of loans at concessional rates to facilitate and support employment of persons with disabilities especially for their vocational training and self-employment.

(2) The schemes and programmes referred to in sub-section (1) shall provide for—

(a) inclusion of person with disability in all mainstream formal and non-formal vocational and skill training schemes and programmes;

(b) to ensure that a person with disability has adequate support and facilities to avail specific training;

(c) exclusive skill training programmes for persons with disabilities with active links with the market, for those with developmental, intellectual, multiple disabilities and autism;

(d) loans at concessional rates including that of microcredit;

(e) marketing the products made by persons with disabilities; and

(f) maintenance of disaggregated data on the progress made in the skill training and self-employment, including persons with disabilities.

20. Non-discrimination in employment.—(1) No Government establishment shall discriminate against any person with disability in any matter relating to employment:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this section.

(2) Every Government establishment shall provide reasonable accommodation and appropriate barrier free and conducive environment to employees with disability.

(3) No promotion shall be denied to a person merely on the ground of disability.

(4) No Government establishment shall dispense with or reduce in rank, an employee who acquires a disability during his or her service:

Provided that, if an employee after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits:

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(5) The appropriate Government may frame policies for posting and transfer of employees with disabilities.

21. Equal opportunity policy.—(1) Every establishment shall notify equal opportunity policy detailing measures proposed to be taken by it in pursuance of the provisions of this Chapter in the manner as may be prescribed by the Central Government.

(2) Every establishment shall register a copy of the said policy with the Chief Commissioner or the State Commissioner, as the case may be.

22. Maintenance of records.—(1) Every establishment shall maintain records of the persons with disabilities in relation to the matter of employment, facilities provided and other necessary information in compliance with the provisions of this Chapter in such form and manner as may be prescribed by the Central Government.

(2) Every employment exchange shall maintain records of persons with disabilities seeking employment.

(3) The records maintained under sub-section (1) shall be open to inspection at all reasonable hours by such persons as may be authorised in their behalf by the appropriate Government.

23. Appointment of Grievance Redressal Officer.—(1) Every Government establishment shall appoint a Grievance Redressal Officer for the purpose of section 19 and shall inform the Chief Commissioner or the State Commissioner, as the case may be, about the appointment of such officer.

(2) Any person aggrieved with the non-compliance of the provisions of section 20, may file a complaint with the Grievance Redressal Officer, who shall investigate it and shall take up the matter with the establishment for corrective action.

(3) The Grievance Redressal Officer shall maintain a register of complaints in the manner as may be prescribed by the Central Government, and every complaint shall be inquired within two weeks of its registration.

(4) If the aggrieved person is not satisfied with the action taken on his or her complaint, he or she may approach the District-Level Committee on disability.

CHAPTER V

SOCIAL SECURITY, HEALTH, REHABILITATION AND RECREATION

24. Social security.—(1) The appropriate Government shall within the limit of its economic capacity and development formulate necessary schemes and programmes to safeguard and promote the right of persons with disabilities for adequate standard of living to enable them to live independently or in the community:

Provided that the quantum of assistance to the persons with disabilities under such schemes and programmes shall be at least twenty-five per cent. higher than the similar schemes applicable to others.

(2) The appropriate Government while devising these schemes and programmes shall give due consideration to the diversity of disability, gender, age, and socio-economic status.

(3) The schemes under sub-section (1) shall provide for,—

(a) community centres with good living conditions in terms of safety, sanitation, health care and counselling;

(b) facilities for persons including children with disabilities who have no family or have been abandoned, or are without shelter or livelihood;

(c) support during natural or man-made disasters and in areas of conflict;

(d) support to women with disability for livelihood and for upbringing of their children;

(e) access to safe drinking water and appropriate and accessible sanitation facilities especially in urban slums and rural areas;

(f) provisions of aids and appliances, medicine and diagnostic services and corrective surgery free of cost to persons with disabilities with such income ceiling as may be notified;

(g) disability pension to persons with disabilities subject to such income ceiling as may be notified;

(h) unemployment allowance to persons with disabilities registered with Special Employment Exchange for more than two years and who could not be placed in any gainful occupation;

(i) care-giver allowance to persons with disabilities with high support needs;

(j) comprehensive insurance scheme for persons with disability, not covered under the Employees State Insurance Schemes, or any other statutory or Government-sponsored insurance schemes;

(k) any other matter which the appropriate Government may think fit.

25. Healthcare.—(1) The appropriate Government and the local authorities shall take necessary measures for the persons with disabilities to provide,—

(a) free healthcare in the vicinity specially in rural area subject to such family income as may be notified;

(b) barrier-free access in all parts of Government and private hospitals and other healthcare institutions and centres;

(c) priority in attendance and treatment.

(2) The appropriate Government and the local authorities shall take measures and make schemes or programmes to promote healthcare and prevent the occurrence of disabilities and for the said purpose shall—

(a) undertake or cause to be undertaken surveys, investigations and research concerning the cause of occurrence of disabilities;

(b) promote various methods for preventing disabilities;

(c) screen all the children at least once in a year for the purpose of identifying “at-risk” cases;

(d) provide facilities for training to the staff at the primary health centres;

(e) sponsor or cause to be sponsored awareness campaigns and disseminate or cause to be disseminated information for general hygiene, health and sanitation;

(f) take measures for pre-natal, perinatal and post-natal care of mother and child;

(g) educate the public through the pre-schools, schools, primary health centres, village level workers and *anganwadi* workers;

(h) create awareness amongst the masses through television, radio and other mass media on the causes of disabilities and the preventive measures to be adopted;

(i) healthcare during the time of natural disasters and other situations of risk;

(j) essential medical facilities for life saving emergency treatment and procedures; and

(k) sexual and reproductive healthcare especially for women with disability.

26. Insurance schemes.—The appropriate Government shall, by notification, make insurance schemes for their employees with disabilities.

27. Rehabilitation.—(1) The appropriate Government and the local authorities shall within their economic capacity and development, undertake or cause to be undertaken services and programmes of rehabilitation, particularly in the areas of health, education and employment for all persons with disabilities.

(2) For the purposes of sub-section (1), the appropriate Government and the local authorities may grant financial assistance to non-Governmental Organisations.

(3) The appropriate Government and the local authorities, while formulating rehabilitation policies shall consult the non-Governmental Organisations working for the cause of persons with disabilities.

28. Research and development.—The appropriate Government shall initiate or cause to be initiated research and development through individuals and institutions on issues which shall enhance habilitation and rehabilitation and on such other issues which are necessary for the empowerment of persons with disabilities.

29. Culture and recreation.—The appropriate Government and the local authorities shall take measures to promote and protect the rights of all persons with disabilities to have a cultural life and to participate in recreational activities equally with others which include,—

(a) facilities, support and sponsorships to artists and writers with disability to pursue their interests and talents;

(b) establishment of a disability history museum which chronicles and interprets the historical experiences of persons with disabilities;

(c) making art accessible to persons with disabilities;

(d) promoting recreation centres, and other associational activities;

(e) facilitating participation in scouting, dancing, art classes, outdoor camps and adventure activities;

(f) redesigning courses in cultural and arts subjects to enable participation and access for persons with disabilities;

(g) developing technology, assistive devices and equipments to facilitate access and inclusion for persons with disabilities in recreational activities; and

(h) ensuring that persons with hearing impairment can have access to television programmes with sign language interpretation or sub-titles.

30. Sporting activities.—(1) The appropriate Government shall take measures to ensure effective participation in sporting activities of the persons with disabilities.

(2) The sports authorities shall accord due recognition to the right of persons with disabilities to participate in sports and shall make due provisions for the inclusion of persons with disabilities in their schemes and programmes for the promotion and development of sporting talents.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2), the appropriate Government and the sports authorities shall take measures to,—

(a) restructure courses and programmes to ensure access, inclusion and participation of persons with disabilities in all sporting activities;

(b) redesign and support infrastructure facilities of all sporting activities for persons with disabilities;

(c) develop technology to enhance potential, talent, capacity and ability in sporting activities of all persons with disabilities;

(d) provide multi-sensory essentials and features in all sporting activities to ensure effective participation of all persons with disabilities;

(e) allocate funds for development of state of art sport facilities for training of persons with disabilities;

(f) promote and organise disability specific sporting events for persons with disabilities and also facilitate awards to the winners and other participants of such sporting events.

CHAPTER VI
SPECIAL PROVISIONS FOR PERSONS WITH BENCHMARK **DISABILITES**

31. Free education for children with benchmark disabilities.—(1) Notwithstanding anything contained in the Rights of Children to Free and Compulsory Education Act, 2009 (35 of 2009), every child with benchmark disability between the age of six to eighteen years shall have the right to free education in a neighbourhood school, or in a special school, of his choice.

(2) The appropriate Government and local authorities shall ensure that every child with benchmark disability has access to free education in an appropriate environment till he attains the age of eighteen years.

32. Reservation in higher educational institutions.—(1) All Government institutions of higher education and other higher education institutions receiving aid from the Government shall reserve not less than five per cent. seats for persons with benchmark disabilities.

(2) The persons with benchmark disabilities shall be given an upper age relaxation of five years for admission in institutions of higher education.

33. Identification of posts for reservation.—The appropriate Government shall—

(i) identify posts in the establishments which can be held by respective category of persons with benchmark disabilities in respect of the vacancies reserved in accordance with the provisions of section 34;

(ii) constitute an expert committee with representation of persons with benchmark disabilities for identification of such posts; and

(iii) undertake periodic review of the identified posts at an interval not exceeding three years.

34. Reservation.—(1) Every appropriate Government shall appoint in every Government establishment, not less than four per cent. of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities of which, one per cent. each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent. for persons with benchmark disabilities under clauses (d) and (e), namely:—

(a) blindness and low vision;

(b) deaf and hard of hearing;

(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(d) autism, intellectual disability, specific learning disability and mental illness;

(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disabilities:

Provided that the reservation in promotion shall be in accordance with such instructions as are issued by the appropriate Government from time to time:

Provided further that the appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, may, having regard to the type of work carried out in any Government establishment, by notification and subject to such conditions, if any, as may be specified in such notifications exempt any Government establishment from the provisions of this section.

(2) Where in any recruitment year any vacancy cannot be filled up due to non-availability of a suitable person with benchmark disability or for any other sufficient reasons, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the five categories and only when there is no person with disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with disability:

Provided that if the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged among the five categories with the prior approval of the appropriate Government.

(3) The appropriate Government may, by notification, provide for such relaxation of upper age limit for employment of persons with benchmark disability, as it thinks fit.

35. Incentives to employers in private sector.—The appropriate Government and the local authorities shall, within the limit of their economic capacity and development, provide incentives to employer in private sector to ensure that at least five per cent. of their work force is composed of persons with benchmark disability.

36. Special employment exchange.—The appropriate Government may, by notification, require that from such date, the employer in every establishment shall furnish such information or return as may be prescribed by the Central Government in relation to vacancies appointed for persons with benchmark disability that have occurred or are about to occur in that establishment to such special employment exchange as may be notified by the Central Government and the establishment shall thereupon comply with such requisition.

37. Special schemes and development programmes.—The appropriate Government and the local authorities shall, by notification, make schemes in favour of persons with benchmark disabilities, to provide,—

(a) five per cent. reservation in allotment of agricultural land and housing in all relevant schemes and development programmes, with appropriate priority to women with benchmark disabilities;

(b) five per cent. reservation in all poverty alleviation and various developmental schemes with priority to women with benchmark disabilities;

(c) five per cent. reservation in allotment of land on concessional rate, where such land is to be used for the purpose of promoting housing, shelter, setting up of occupation, business, enterprise, recreation centres and production centres.

CHAPTER VII

SPECIAL PROVISIONS FOR PERSONS WITH DISABILITIES WITH HIGH SUPPORT NEEDS

38. Special provisions for persons with disabilities with high support.—(1) Any person with benchmark disability, who considers himself to be in need of high support, or any person or organisation on his or her behalf, may apply to an authority, to be notified by the appropriate Government, requesting to provide high support.

(2) On receipt of an application under sub-section (1), the authority shall refer it to an Assessment Board consisting of such Members as may be prescribed by the Central Government.

(3) The Assessment Board shall assess the case referred to it under sub-section (1) in such manner as may be prescribed by the Central Government, and shall send a report to the authority certifying the need of high support and its nature.

(4) On receipt of a report under sub-section (3), the authority shall take steps to provide support in accordance with the report and subject to relevant schemes and orders of the appropriate Government in this behalf.

CHAPTER VIII

DUTIES AND RESPONSIBILITIES OF APPROPRIATE GOVERNMENTS

39. Awareness campaigns.—(1) The appropriate Government, in consultation with the Chief Commissioner or the State Commissioner, as the case may be, shall conduct, encourage, support or promote awareness campaigns and sensitisation programmes to ensure that the rights of the persons with disabilities provided under this Act are protected.

(2) The programmes and campaigns specified under sub-section (1) shall also,—

(a) promote values of inclusion, tolerance, empathy and respect for diversity;

(b) advance recognition of the skills, merits and abilities of persons with disabilities and of their contributions to the workforce, labour market and professional fee;

(c) foster respect for the decisions made by persons with disabilities on all matters related to family life, relationships, bearing and raising children;

(d) provide orientation and sensitisation at the school, college, University and professional training level on the human condition of disability and the rights of persons with disabilities;

(e) provide orientation and sensitisation on disabling conditions and rights of persons with disabilities to employers, administrators and co-workers;

(f) ensure that the rights of persons with disabilities are included in the curriculum in Universities, colleges and schools.

40. Accessibility.—The Central Government shall, in consultation with the Chief Commissioner, formulate rules for persons with disabilities laying down the standards of accessibility for the physical environment, transportation, information and communications, including appropriate technologies and systems, and other facilities and services provided to the public in urban and rural areas.

41. Access to transport.—(1) The appropriate Government shall take suitable measures to provide,—

(a) facilities for persons with disabilities at bus stops, railway stations and airports conforming to the accessibility standards relating to parking spaces, toilets, ticketing counters and ticketing machines;

(b) access to all modes of transport that conform the design standards, including retrofitting old modes of transport, wherever technically feasible and safe for persons with disabilities, economically viable and without entailing major structural changes in design;

(c) accessible roads to address mobility necessary for persons with disabilities.

(2) The appropriate Government shall develop schemes programmes to promote the personal mobility of persons with disabilities at affordable cost to provide for,—

(a) incentives and concessions;

(b) retrofitting of vehicles; and

(c) personal mobility assistance.

42. Access to information and communication technology.—The appropriate Government shall take measures to ensure that,—

(i) all contents available in audio, print and electronic media are in accessible format;

(ii) persons with disabilities have access to electronic media by providing audio description, sign language interpretation and close captioning;

(iii) electronic goods and equipment which are meant for every day use are available in universal design.

43. Consumer goods.—The appropriate Government shall take measures to promote development, production and distribution of universally designed consumer products and accessories for general use for persons with disabilities.

44. Mandatory observance of accessibility norms.—(1) No establishment shall be granted permission to build any structure if the building plan does not adhere to the rules formulated by the Central Government under section 40.

(2) No establishment shall be issued a certificate of completion or allowed to take occupation of a building unless it has adhered to the rules formulated by the Central Government.

45. Time limit for making existing infrastructure and premises accessible and action for that purpose.—(1) All existing public buildings shall be made accessible in accordance with the rules formulated by the Central Government within a period not exceeding five years from the date of notification of such rules:

Provided that the Central Government may grant extension of time to the States on a case to case basis for adherence to this provision depending on their state of preparedness and other related parameters.

(2) The appropriate Government and the local authorities shall formulate and publish an action plan based on prioritisation, for providing accessibility in all their buildings and spaces providing essential services such as all primary health centres, civil hospitals, schools, railway stations and bus stops.

46. Time limit for accessibility by service providers.—The service providers whether Government or private shall provide services in accordance with the rules on accessibility formulated by the Central Government under section 40 within a period of two years from the date of notification of such rules:

Provided that the Central Government in consultation with the Chief Commissioner may grant extension of time for providing certain category of services in accordance with the said rules.

47. Human resource development.—(1) Without prejudice to any function and power of Rehabilitation Council of India constituted under the Rehabilitation Council of India Act, 1992 (34 of 1992), the appropriate Government shall endeavour to develop human resource for the purposes of this Act and to that end shall,—

(a) mandate training on disability rights in all courses for the training of Panchayati Raj Members, legislators, administrators, police officials, judges and lawyers;

(b) induct disability as a component for all education courses for schools, colleges and University teachers, doctors, nurses, para-medical personnel, social welfare officers, rural development officers, asha workers, *anganwadi* workers, engineers, architects, other professionals and community workers;

(c) initiate capacity building programmes including training in independent living and community relationships for families, members of community and other stakeholders and care providers on care giving and support;

(d) ensure independence training for persons with disabilities to build community relationships on mutual contribution and respect;

(e) conduct training programmes for sports teachers with focus on sports, games, adventure activities;

(f) any other capacity development measures as may be required.

(2) All Universities shall promote teaching and research in disability studies including establishment of study centres for such studies.

(3) In order to fulfil the obligation stated in sub-section (1), the appropriate Government shall in every five years undertake a need based analysis and formulate plans for the recruitment, induction, sensitisation, orientation and training of suitable personnel to undertake the various responsibilities under this Act.

48. Social audit.—The appropriate Government shall undertake social audit of all general schemes and programmes involving the persons with disabilities to ensure that the scheme and programmes do not have an adverse impact upon the persons with disabilities and need the requirements and concerns of persons with disabilities.

CHAPTER IX

REGISTRATION OF INSTITUTIONS FOR PERSONS WITH DISABILITIES AND GRANTS TO SUCH INSTITUTIONS

49. Competent authority.—The State Government shall appoint an authority as it deems fit to be a competent authority for the purposes of this Chapter.

50. Registration.—Save as otherwise provided under this Act, no person shall establish or maintain any institution for persons with disabilities except in accordance with a certificate of registration issued in this behalf by the competent authority:

Provided that an institution for care of mentally ill persons, which holds a valid licence under section 8 of the Mental Health Act, 1987 (14 of 1987) or any other Act for the time being in force, shall not be required to be registered under this Act.

51. Application and grant of certificate of registration.—(1) Every application for a certificate of registration shall be made to the competent authority in such form and in such manner as may be prescribed by the State Government.

(2) On receipt of an application under sub-section (1), the competent authority shall make such enquiries as it may deem fit and on being satisfied that the applicant has complied with the requirements of this Act and the rules made thereunder, it shall grant a certificate of registration to the applicant within a period of ninety days of receipt of application and if not satisfied, the competent authority shall, by order, refuse to grant the certificate applied for:

Provided that before making any order refusing to grant a certificate, the competent authority shall give the applicant a reasonable opportunity of being heard and every order of refusal to grant a certificate shall be communicated to the applicant in writing.

(3) No certificate of registration shall be granted under sub-section (2) unless the institution with respect to which an application has been made is in a position to provide such facilities and meet such standards as may be prescribed by the State Government.

(4) The certificate of registration granted under sub-section (2),—

(a) shall, unless revoked under section 52 remain in force for such period as may be prescribed by the State Government;

(b) may be renewed from time to time for a like period; and

(c) shall be in such form and shall be subject to such conditions as may be prescribed by the State Government.

(5) An application for renewal of a certificate of registration shall be made not less than sixty days before the expiry of the period of validity.

(6) A copy of the certificate of registration shall be displayed by the institution in a conspicuous place.

(7) Every application made under sub-section (1) or sub-section (5) shall be disposed of by the competent authority within such period as may be prescribed by the State Government.

52. Revocation of registration.—(1) The competent authority may, if it has reason to believe that the holder of a certificate of registration granted under sub-section (2) of section 51 has,—

(a) made a statement in relation to any application for the issue or renewal of the certificate which is incorrect or false in material particulars; or

(b) committed or has caused to be committed any breach of rules or any conditions subject to which the certificate was granted,

it may, after making such inquiry, as it deems fit, by order, revoke the certificate:

Provided that no such order shall be made until an opportunity is given to the holder of the certificate to show cause as to why the certificate of registration shall not be revoked.

(2) Where a certificate of registration in respect of an institution has been revoked under sub-section (1), such institution shall cease to function from the date of such revocation:

Provided that where an appeal lies under section 53 against the order of revocation, such institution shall cease to function,—

(a) where no appeal has been preferred immediately on the expiry of the period prescribed for the filing of such appeal; or

(b) where such appeal has been preferred, but the order of revocation has been upheld, from the date of the order of appeal.

(3) On the revocation of a certificate of registration in respect of an institution, the competent authority may direct that any person with disability who is an inmate of such institution on the date of such revocation, shall be—

(a) restored to the custody of his or her parent, spouse or lawful guardian, as the case may be; or

(b) transferred to any other institution specified by the competent authority.

(4) Every institution which holds a certificate of registration which is revoked under this section shall, immediately after such revocation, surrender such certificate to the competent authority.

53. Appeal.—(1) Any person aggrieved by the order of the competent authority refusing to grant a certificate of registration or revoking a certificate of registration may, within such period as may be prescribed by the State Government, prefer an appeal to such appellate authority, as may be notified by the State Government against such refusal or revocation.

(2) The order of the appellate authority on such appeal shall be final.

54. Act not to apply to institutions established or maintained by Central or State Government.—Nothing contained in this Chapter shall apply to an institution for persons with disabilities established or maintained by the Central Government or a State Government.

55. Assistance to registered institutions.—The appropriate Government may within the limits of their economic capacity and development, grant financial assistance to registered institutions to provide services and to implement the schemes and programmes in pursuance of the provisions of this Act.

CHAPTER X

CERTIFICATION OF SPECIFIED DISABILITIES

56. Guidelines for assessment of specified disabilities.—The Central Government shall notify guidelines for the purpose of assessing the extent of specified disability in a person.

57. Designation of certifying authorities.—(1) The appropriate Government shall designate persons, having requisite qualifications and experience, as certifying authorities, who shall be competent to issue the certificate of disability.

(2) The appropriate Government shall also notify the jurisdiction within which and the terms and conditions subject to which, the certifying authority shall perform its certification functions.

58. Procedure for certification.—(1) Any person with specified disability, may apply, in such manner as may be prescribed by the Central Government, to a certifying authority having jurisdiction, for issuing of a certificate of disability.

(2) On receipt of an application under sub-section (1), the certifying authority shall assess the disability of the concerned person in accordance with relevant guidelines notified under section 56, and shall, after such assessment, as the case may be,—

(a) issue a certificate of disability to such person, in such form as may be prescribed by the Central Government;

(b) inform him in writing that he has no specified disability.

(3) The certificate of disability issued under this section shall be valid across the country.

59. Appeal against a decision of certifying authority.—(1) Any person aggrieved with decision of the certifying authority, may appeal against such decision, within such time and in such manner as may be prescribed by the State Government, to such appellate authority as the State Government may designate for the purpose.

(2) On receipt of an appeal, the appellate authority shall decide the appeal in such manner as may be prescribed by the State Government.

CHAPTER XI

CENTRAL AND STATE ADVISORY BOARDS ON DISABILITY AND DISTRICT LEVEL COMMITTEE

60. Constitution of Central Advisory Board on Disability.—(1) The Central Government shall, by notification, constitute a body to be known as the Central Advisory Board on Disability to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

(2) The Central Advisory Board shall consist of,—

(a) the Minister in charge of Department of Disability Affairs in the Central Government, Chairperson, *ex officio*;

(b) the Minister of State in charge dealing with Department of Disability Affairs in the Ministry in the Central Government, Vice Chairperson, *ex officio*;

(c) three Members of Parliament, of whom two shall be elected by Lok Sabha and one by the Rajya Sabha, Members, *ex officio*;

(d) the Ministers in charge of Disability Affairs of all States and Administrators or Lieutenant Governors of the Union territories, Members, *ex officio*;

(e) Secretaries to the Government of India in charge of the Ministries or Departments of Disability Affairs, Social Justice and Empowerment, School Education and Literacy, and Higher Education, Women and Child Development, Expenditure, Personnel and Training, Administrative Reforms and Public Grievances, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Communications and Information Technology, Legal Affairs, Public Enterprises, Youth Affairs and Sports, Road Transport and Highways and Civil Aviation, Members, *ex officio*;

(f) Secretary, National Institute of Transforming India (NITI) Aayog, Member, *ex officio*;

(g) Chairperson, Rehabilitation Council of India, Member, *ex officio*;

(h) Chairperson, National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities, Member, *ex officio*;

(i) Chairman-cum-Managing Director, National Handicapped Finance Development Corporation, Member, *ex officio*;

(j) Chairman-cum-Managing Director, Artificial Limbs Manufacturing Corporation, Member, *ex officio*;

(k) Chairman, Railway Board, Member, *ex officio*;

(l) Director-General, Employment and Training, Ministry of Labour and Employment, Member, *ex officio*;

(m) Director, National Council for Educational Research and Training, Member, *ex officio*;

(n) Chairperson, National Council of Teacher Education, Member, *ex officio*;

(o) Chairperson, University Grants Commission, Member, *ex officio*;

(p) Chairperson, Medical Council of India, Member, *ex officio*;

(q) Directors of the following Institutes:—

(i) National Institute for the Visually Handicapped, Dehradun;

(ii) National Institute for the Mentally Handicapped, Secunderabad;

(iii) Pandit Deen Dayal Upadhyay Institute for the Physically Handicapped, New Delhi;

(iv) Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai;

(v) National Institute for the Orthopaedically Handicapped, Kolkata;

(vi) National Institute of Rehabilitation Training and Research, Cuttack;

(vii) National Institute for Empowerment of Persons with Multiple Disabilities, Chennai;

(viii) National Institute for Mental Health and Sciences, Bangalore;

(ix) Indian Sign Language Research and Training Centre, New Delhi, Members, *ex officio*;

(r) Members to be nominated by the Central Government,—

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) ten Members, as far as practicable, being persons with disabilities, to represent non-Governmental Organisations concerned with disabilities or disabled persons organisations:

Provided that out of the ten Members nominated, at least, five Members shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iii) up to three representatives of national level chambers of commerce and industry;

(s) Joint Secretary to the Government of India dealing with the subject of disability policy, Member-Secretary, *ex officio*.

61. Terms and conditions of Service of members.—(1) Save as otherwise provided under this Act, a Member of the Central Advisory Board nominated under clause (r) of sub-section (2) of section 60 shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The Central Government may, if it thinks fit, remove any Member nominated under clause (r) of sub-section (2) of section 60, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (r) of sub-section (2) of section 60 may at any time resign his office by writing under his hand addressed to the Central Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the Central Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (r) of sub-section (2) of section 60 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (r) of sub-section (2) of section 60 shall receive such allowances as may be prescribed by the Central Government.

62. Disqualifications.—(1) No person shall be a Member of the Central Advisory Board, who—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused his position in the opinion of the Central Government as a Member so as to render his continuance in the office prejudicial to the interests of the general public.

(2) No order of removal shall be made by the Central Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 61, a Member who has been removed under this section shall not be eligible for renomination as a Member.

63. Vacation of seats by Members.—If a Member of the Central Advisory Board becomes subject to any of the disqualifications specified in section 62, his seat shall become vacant.

64. Meetings of the Central Advisory Board on disability.—The Central Advisory Board shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

65. Functions of Central Advisory Board on disability.—(1) Subject to the provisions of this Act, the Central Advisory Board on disability shall be the national-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the Central Advisory Board on disability shall perform the following functions, namely:—

(a) advise the Central Government and the State Governments on policies, programmes, legislation and projects with respect to disability;

(b) develop a national policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the national plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities *vis-a-vis* information, services and the built environment and their participation in social life;

(f) monitor and evaluate the impact of laws, policies and programmes to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the Central Government.

66. State Advisory Board on disability.—(1) Every State Government shall, by notification, constitute a body to be known as the State Advisory Board on disability to exercise the powers conferred on, and to perform the function assigned to it, under this Act.

(2) The State Advisory Board shall consist of—

(a) the Minister in charge of the Department in the State Government dealing with disability matters, Chairperson, *ex officio*;

(b) the Minister of State or the Deputy Minister in charge of the Department in the State Government dealing with disability matters, if any, Vice-Chairperson, *ex officio*;

(c) secretaries to the State Government in charge of the Departments of Disability Affairs, School Education, Literacy and Higher Education, Women and Child Development, Finance, Personnel and Training, Health and Family Welfare, Rural Development, Panchayati Raj, Industrial Policy and Promotion, Labour and Employment, Urban Development, Housing and Urban Poverty Alleviation, Science and Technology, Information Technology, Public Enterprises, Youth Affairs and Sports, Road Transport and any other Department, which the State Government considers necessary, Members, *ex officio*;

(d) three Members of the State Legislature of whom two shall be elected by the Legislative Assembly and one by the Legislative Council, if any, and where there is no Legislative Council, three Members shall be elected by the Legislative Assembly, Members, *ex officio*;

(e) Members to be nominated by the State Government:—

(i) five Members who are experts in the field of disability and rehabilitation;

(ii) five Members to be nominated by the State Government by rotation to represent the districts in such manner as may be prescribed:

Provided that no nomination under this sub-clause shall be made except on the recommendation of the district administration concerned;

(iii) ten persons as far as practicable, being persons with disabilities, to represent non-Governmental Organisations or associations which are concerned with disabilities:

Provided that out of the ten persons nominated under this clause, at least, five shall be women and at least one person each shall be from the Scheduled Castes and the Scheduled Tribes;

(iv) not more than three representatives of the State Chamber of Commerce and Industry;

(f) officer not below the rank of Joint Secretary in the Department dealing with disability matters in the State Government, Member-Secretary, *ex officio*.

67. Terms and conditions of service of Members.—(1) Save as otherwise provided under this Act, a Member of the State Advisory Board nominated under clause (e) of sub-section (2) of section 66, shall hold office for a term of three years from the date of his nomination:

Provided that such a Member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) The State Government may, if it thinks fit, remove any Member nominated under clause (e) of sub-section (2) of section 66, before the expiry of his term of office after giving him a reasonable opportunity of showing cause against the same.

(3) A Member nominated under clause (e) of sub-section (2) of section 66 may at any time resign his office by writing under his hand addressed to the State Government and the seat of the said Member shall thereupon become vacant.

(4) A casual vacancy in the State Advisory Board shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the Member in whose place he was so nominated.

(5) A Member nominated under sub-clause (i) or sub-clause (iii) of clause (e) of sub-section (2) of section 66 shall be eligible for renomination.

(6) The Members nominated under sub-clause (i) and sub-clause (ii) of clause (e) of sub-section (2) of section 66 shall receive such allowances as may be prescribed by the State Government.

68. Disqualification.—(1) No person shall be a Member of the State Advisory Board, who—

(a) is, or at any time has been, adjudged insolvent or has suspended payment of his debts or has compounded with his creditors, or

(b) is of unsound mind and stands so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has so abused in the opinion of the State Government his position as a Member as to render his continuance in the State Advisory Board detrimental to the interests of the general public.

(2) No order of removal shall be made by the State Government under this section unless the Member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (5) of section 67, a Member who has been removed under this section shall not be eligible for renomination as a Member.

69. Vacation of seats.—If a Member of the State Advisory Board becomes subject to any of the disqualifications specified in section 68 his seat shall become vacant.

70. Meetings of State Advisory Board on disability.—The State Advisory Board shall meet at least once in every six months and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed by the State Government.

71. Functions of State Advisory Board on disability.—(1) Subject to the provisions of this Act, the State Advisory Board shall be the State-level consultative and advisory body on disability matters, and shall facilitate the continuous evolution of a comprehensive policy for the empowerment of persons with disabilities and the full enjoyment of rights.

(2) In particular and without prejudice to the generality of the foregoing provisions, the State Advisory Board on disability shall perform the following functions, namely:—

(a) advise the State Government on policies, programmes, legislation and projects with respect to disability;

(b) develop a State policy to address issues concerning persons with disabilities;

(c) review and coordinate the activities of all Departments of the State Government and other Governmental and non-Governmental Organisations in the State which are dealing with matters relating to persons with disabilities;

(d) take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view to provide for schemes and projects for the persons with disabilities in the State plans;

(e) recommend steps to ensure accessibility, reasonable accommodation, non-discrimination for persons with disabilities, services and the built environment and their participation in social life on an equal basis with others;

(f) monitor and evaluate the impact of laws, policies and programmes designed to achieve full participation of persons with disabilities; and

(g) such other functions as may be assigned from time to time by the State Government.

72. District-level Committee on disability.—The State Government shall constitute District-level Committee on disability to perform such functions as may be prescribed by it.

73. Vacancies not to invalidate proceedings.—No act or proceeding of the Central Advisory Board on disability, a State Advisory Board on disability, or a District-level Committee on disability shall be called in question on the ground merely of the existence of any vacancy in or any defect in the constitution of such Board or Committee, as the case may be.

CHAPTER XII

CHIEF COMMISSIONER AND STATE COMMISSIONER FOR PERSONS WITH DISABILITIES

74. Appointment of Chief Commissioner and Commissioners.—(1) The Central Government may, by notification, appoint a Chief Commissioner for Persons with Disabilities (hereinafter referred to as the “Chief Commissioner”) for the purposes of this Act.

(2) The Central Government may, by notification appoint two Commissioners to assist the Chief Commissioner, of which one Commissioner shall be a persons with disability.

(3) A person shall not be qualified for appointment as the Chief Commissioner or Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(4) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the Chief Commissioner and Commissioners shall be such as may be prescribed by the Central Government.

(5) The Central Government shall determine the nature and categories of officers and other employees required to assist the Chief Commissioner in the discharge of his functions and provide the Chief Commissioner with such officers and other employees as it thinks fit.

(6) The officers and employees provided to the Chief Commissioner shall discharge their functions under the general superintendence and control of the Chief Commissioner.

(7) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the Central Government.

(8) The Chief Commissioner shall be assisted by an advisory committee comprising of not more than eleven members drawn from the experts from different disabilities in such manner as may be prescribed by the Central Government.

75. Functions of Chief Commissioner.—(1) The Chief Commissioner shall—

(a) identify, *suo motu* or otherwise, the provisions of any law or policy, programme and procedures, which are inconsistent with this Act and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise, deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the Central Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) study treaties and other international instruments on the rights of persons with disabilities and make recommendations for their effective implementation;

(f) undertake and promote research in the field of the rights of persons with disabilities;

(g) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(h) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(i) monitor utilisation of funds disbursed by the Central Government for the benefit of persons with disabilities; and

(j) perform such other functions as the Central Government may assign.

(2) The Chief Commissioner shall consult the Commissioners on any matter while discharging its functions under this Act.

76. Action of appropriate authorities on recommendation of Chief Commissioner.—Whenever the Chief Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 75, that authority shall take necessary action on it, and inform the Chief Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the Chief Commissioner within a period of three months, and shall also inform the aggrieved person.

77. Powers of Chief Commissioner.—(1) The Chief Commissioner shall, for the purpose of discharging his functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of witnesses;

(b) requiring the discovery and production of any documents;

(c) requisitioning any public record or copy thereof from any court or office;

(d) receiving evidence on affidavits; and

(e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the Chief Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Chief Commissioner shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

78. Annual and special reports by Chief Commissioner.—(1) The Chief Commissioner shall submit an annual report to the Central Government and may at any time submit special reports on any matter, which, in his opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The Central Government shall cause the annual and the special reports of the Chief Commissioner to be laid before each House of Parliament, along with a memorandum of action taken or proposed to be taken on his recommendations and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the Central Government.

79. Appointment of State Commissioner in States.—(1) The State Government may, by notification, appoint a State Commissioner for Persons with Disabilities (hereinafter referred to as the “State Commissioner”) for the purposes of this Act.

(2) A person shall not be qualified for appointment as the State Commissioner unless he has special knowledge or practical experience in respect of matters relating to rehabilitation.

(3) The salary and allowances payable to and other terms and conditions of service (including pension, gratuity and other retirement benefits) of the State Commissioner shall be such as may be prescribed by the State Government.

(4) The State Government shall determine the nature and categories of officers and other employees required to assist the State Commissioner in the discharge of his functions and provide the State Commissioner with such officers and other employees as it thinks fit.

(5) The officers and employees provided to the State Commissioner shall discharge his functions under the general superintendence and control of the State Commissioner.

(6) The salaries and allowances and other conditions of service of officers and employees shall be such as may be prescribed by the State Government.

(7) The State Commissioner shall be assisted by an advisory committee comprising of not more than five members drawn from the experts in the disability sector in such manner as may be prescribed by the State Government.

80. Functions of State Commissioner.—The State Commissioner shall—

(a) identify, *suo motu* or otherwise, provision of any law or policy, programme and procedures, which are in consistent with this Act, and recommend necessary corrective steps;

(b) inquire, *suo motu* or otherwise deprivation of rights of persons with disabilities and safeguards available to them in respect of matters for which the State Government is the appropriate Government and take up the matter with appropriate authorities for corrective action;

(c) review the safeguards provided by or under this Act or any other law for the time being in force for the protection of rights of persons with disabilities and recommend measures for their effective implementation;

(d) review the factors that inhibit the enjoyment of rights of persons with disabilities and recommend appropriate remedial measures;

(e) undertake and promote research in the field of the rights of persons with disabilities;

(f) promote awareness of the rights of persons with disabilities and the safeguards available for their protection;

(g) monitor implementation of the provisions of this Act and schemes, programmes meant for persons with disabilities;

(h) monitor utilisation of funds disbursed by the State Government for the benefits of persons with disabilities; and

(i) perform such other functions as the State Government may assign.

81. Action by appropriate authorities on recommendation of State Commissioner.—Whenever the State Commissioner makes a recommendation to an authority in pursuance of clause (b) of section 80, that authority shall take necessary action on it, and inform the State Commissioner of the action taken within three months from the date of receipt of the recommendation:

Provided that where an authority does not accept a recommendation, it shall convey reasons for non-acceptance to the State Commissioner for Persons with Disabilities within the period of three months, and shall also inform the aggrieved person.

82. Powers of State Commissioner.—(1) The State Commissioner shall, for the purpose of discharging their functions under this Act, have the same powers of a civil court as are vested in a court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of witnesses;
- (b) requiring the discovery and production of any documents;
- (c) requisitioning any public record or copy thereof from any court or office;
- (d) receiving evidence on affidavits; and
- (e) issuing commissions for the examination of witnesses or documents.

(2) Every proceeding before the State Commissioner shall be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the State Commissioners shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

83. Annual and special reports by State Commissioner.—(1) The State Commissioner shall submit an annual report to the State Government and may at any time submit special reports on any matter, which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report.

(2) The State Government shall cause the annual and the special reports of the State Commissioner for persons with disabilities to be laid before each House of State Legislature where it consists of two Houses or where such Legislature consist of one House, before that House along with a memorandum of action taken or proposed to be taken on the recommendation of the State Commissioner and the reasons for non-acceptance the recommendations, if any.

(3) The annual and special reports shall be prepared in such form, manner and contain such details as may be prescribed by the State Government.

CHAPTER XIII SPECIAL COURT

84. Special Court.—For the purpose of providing speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification, specify for each district, a Court of Session to be a Special Court to try the offences under this Act.

85. Special Public Prosecutor.—(1) For every Special Court, the State Government may, by notification, specify a Public Prosecutor or appoint an advocate, who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.

(2) The Special Public Prosecutor appointed under sub-section (1) shall be entitled to receive such fees or remuneration as may be prescribed by the State Government.

CHAPTER XIV
NATIONAL FUND FOR PERSONS WITH DISABILITIES

86. National Fund for persons with disabilities.—(1) There shall be constituted a Fund to be called the National Fund for persons with disabilities and there shall be credited thereto—

(a) all sums available under the Fund for people with disabilities, constituted *vide* notification No. S.O. 573 (E), dated the 11th August, 1983 and the Trust Fund for Empowerment of Persons with Disabilities, constituted *vide* notification No. 30-03/2004-DDII, dated the 21st November, 2006, under the Charitable Endowment Act, 1890 (6 of 1890).

(b) all sums payable by banks, corporations, financial institutions in pursuance of judgment dated the 16th April, 2004 of the Hon'ble Supreme Court in Civil Appeal Nos. 4655 and 5218 of 2000;

(c) all sums received by way of grant, gifts, donations, benefactions, bequests or transfers;

(d) all sums received from the Central Government including grants-in-aid;

(e) all sums from such other sources as may be decided by the Central Government.

(2) The Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed.

87. Accounts and audit.—(1) The Central Government shall maintain proper accounts and other relevant records and prepare an annual statement of accounts of the Fund including the income and expenditure accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Fund shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the Fund to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Fund shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have the right to demand production of books of account, connected vouchers and other documents and papers and to inspect any of the offices of the Fund.

(4) The accounts of the Fund as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be laid before each House of Parliament by the Central Government.

CHAPTER XV
STATE FUND FOR PERSONS WITH DISABILITIES

88. State Fund for persons with disabilities.—(1) There shall be constituted a Fund to be called the State Fund for persons with disabilities by a State Government in such manner as may be prescribed by the State Government.

(2) The State Fund for persons with disabilities shall be utilised and managed in such manner as may be prescribed by the State Government.

(3) Every State Government shall maintain proper accounts and other relevant records of the State Fund for persons with disabilities including the income and expenditure accounts in such form as may be prescribed by the State Government in consultation with the Comptroller and Auditor-General of India.

(4) The accounts of the State Fund for persons with disabilities shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred by him in connection with such audit shall be payable from the State Fund to the Comptroller and Auditor-General of India.

(5) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the State Fund for persons with disabilities shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India generally has in connection with the audit of the Government accounts, and in particular, shall have right to demand production of books of accounts, connected vouchers and other documents and papers and to inspect any of the offices of the State Fund.

(6) The accounts of the State Fund for persons with disabilities as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be laid before each House of the State Legislature where it consists of two Houses or where such Legislature consists of one House before that House.

CHAPTER XVI
OFFENCES AND PENALTIES

89. Punishment for contravention of provisions of Act or rules or regulations made thereunder.—Any person who contravenes any of the provisions of this Act, or of any rule made thereunder shall for first contravention be punishable with fine which may extend to ten thousand rupees and for any subsequent contravention with fine which shall not be less than fifty thousand rupees but which may extend to five lakh rupees.

90. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

91. Punishment for fraudulently availing any benefit meant for persons with benchmark disabilities.—Whoever, fraudulently avails or attempts to avail any benefit meant for persons with benchmark disabilities, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both.

92. Punishment for offences of atrocities.—Whoever,—

(a) intentionally insults or intimidates with intent to humiliate a person with disability in any place within public view;

(b) assaults or uses force to any person with disability with intent to dishonour him or outrage the modesty of a woman with disability;

(c) having the actual charge or control over a person with disability voluntarily or knowingly denies food or fluids to him or her;

(d) being in a position to dominate the will of a child or woman with disability and uses that position to exploit her sexually;

(e) voluntarily injures, damages or interferes with the use of any limb or sense or any supporting device of a person with disability;

(f) performs, conducts or directs any medical procedure to be performed on a woman with disability which leads to or is likely to lead to termination of pregnancy without her express consent except in cases where medical procedure for termination of pregnancy is done in severe cases of disability and with the opinion of a registered medical practitioner and also with the consent of the guardian of the woman with disability,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

93. Punishment for failure to furnish information.—Whoever, fails to produce any book, account or other documents or to furnish any statement, information or particulars which, under this Act or any order, or direction made or given there under, is duty bound to produce or furnish or to answer any question put in pursuance of the provisions of this Act or of any order, or direction made or given thereunder, shall be punishable with fine which may extend to twenty-five thousand rupees in respect of each offence, and in case of continued failure or refusal, with further fine which may extend to one thousand rupees for each day, of continued failure or refusal after the date of original order imposing punishment of fine.

94. Previous sanction of appropriate Government.—No Court shall take cognizance of an offence alleged to have been committed by an employee of the appropriate Government under this Chapter, except with the previous sanction of the appropriate Government or a complaint is filed by an officer authorised by it in this behalf.

95. Alternative punishments.—Where an act or omission constitutes an offence punishable under this Act and also under any other Central or State Act, then, notwithstanding anything contained in any other law for the time being in force, the offender found guilty of such offence shall be liable to punishment only under such Act as provides for punishment which is greater in degree.

CHAPTER XVII MISCELLANEOUS

96. Application of other laws not barred.—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

97. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any officer of the appropriate Government or any officer or employee of the Chief Commissioner or the State Commissioner for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

98. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions or give such directions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid as soon as may be, after it is made, before each House of Parliament.

99. Power to amend Schedule.—(1) On the recommendations made by the appropriate Government or otherwise, if the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend the Schedule and any such notification being issued, the Schedule shall be deemed to have been amended accordingly.

(2) Every such notification shall, as soon as possible after it is issued, shall be laid before each House of Parliament.

100. Power of Central Government to make rules.—(1) The Central Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 6;

(b) the manner of notifying the equal opportunity policy under sub-section (1) of section 21;

(c) the form and manner of maintaining records by every establishment under sub-section (1) of section 22;

(d) the manner of maintenance of register of complaints by grievance redressal officer under sub-section (3) of section 23;

(e) the manner of furnishing information and return by establishment to the Special Employment Exchange under section 36;

(f) the composition of the Assessment Board under sub-section (2) and manner of assessment to be made by the Assessment Board under sub-section (3) of section 38;

(g) rules for person with disabilities laying down the standards of accessibility under section 40;

(h) the manner of application for issuance of certificate of disability under sub-section (1) and form of certificate of disability under sub-section (2) of section 58;

(i) the allowances to be paid to nominated Members of the Central Advisory Board under sub-section (6) of section 61;

(j) the rules of procedure for transaction of business in the meetings of the Central Advisory Board under section 64;

(k) the salaries and allowances and other conditions of services of Chief Commissioner and Commissioners under sub-section (4) of section 74;

(l) the salaries and allowances and conditions of services of officers and staff of the Chief Commissioner under sub-section (7) of section 74;

(m) the composition and manner of appointment of experts in the advisory committee under sub-section (8) of section 74;

(n) the form, manner and content of annual report to be prepared and submitted by the Chief Commissioner under sub-section (3) of section 78;

(o) the procedure, manner of utilisation and management of the Fund under sub-section (2) of section 86; and

(p) the form for preparation of accounts of Fund under sub-section (1) of section 87.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

101. Power of State Government to make rules.—(1) The State Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act, not later than six months from the date of commencement of this Act.

(2) In particular, and without prejudice to the generality of foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the manner of constituting the Committee for Research on Disability under sub-section (2) of section 5;

(b) the manner of providing support of a limited guardian under sub-section (1) of section 14;

(c) the form and manner of making an application for certificate of registration under sub-section (1) of section 51;

(d) the facilities to be provided and standards to be met by institutions for grant of certificate of registration under sub-section (3) of section 51;

(e) the validity of certificate of registration, the form of, and conditions attached to, certificate of registration under sub-section (4) of section 51;

(f) the period of disposal of application for certificate of registration under sub-section (7) of section 51;

(g) the period within which an appeal to be made under sub-section (1) of section 53;

(h) the time and manner of appealing against the order of certifying authority under sub-section (1) and manner of disposal of such appeal under sub-section (2) of section 59;

(i) the allowances to be paid to nominated Members of the State Advisory Board under sub-section (6) of section 67;

(j) the rules of procedure for transaction of business in the meetings of the State Advisory Board under section 70;

(k) the composition and functions of District Level Committee under section 72;

(l) salaries, allowances and other conditions of services of the State Commissioner under sub-section (3) of section 79;

(m) the salaries, allowances and conditions of services of officers and staff of the State Commissioner under sub-section (3) of section 79;

(n) the composition and manner of appointment of experts in the advisory committee under sub-section (7) of section 79;

(o) the form, manner and content of annual and special reports to be prepared and submitted by the State Commissioner under sub-section (3) of section 83;

(p) the fee or remuneration to be paid to the Special Public Prosecutor under sub-section (2) of section 85;

(q) the manner of constitution of State Fund for persons with disabilities under sub-section (1), and the manner of utilisation and management of State Fund under sub-section (2) of section 88;

(r) the form for preparation of accounts of the State Fund for persons with disabilities under sub-section (3) of section 88.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

102. Repeal and savings.—(1) The Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995 (1 of 1996) is hereby repealed.

(2) Notwithstanding the repeal of the said Act, anything done or any action taken under the said Act, shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

[See clause (zc) of section 2]

SPECIFIED DISABILITY

1. Physical disability.—

A. Locomotor disability (a person's inability to execute distinctive activities associated with movement of self and objects resulting from affliction of musculoskeletal or nervous system or both), including—

(a) "leprosy cured person" means a person who has been cured of leprosy but is suffering from—

(i) loss of sensation in hands or feet as well as loss of sensation and paresis in the eye and eye-lid but with no manifest deformity;

(ii) manifest deformity and paresis but having sufficient mobility in their hands and feet to enable them to engage in normal economic activity;

(iii) extreme physical deformity as well as advanced age which prevents him/her from undertaking any gainful occupation, and the expression "leprosy cured" shall construed accordingly;

(b) "cerebral palsy" means a Group of non-progressive neurological condition affecting body movements and muscle coordination, caused by damage to one or more specific areas of the brain, usually occurring before, during or shortly after birth;

(c) "dwarfism" means a medical or genetic condition resulting in an adult height of 4 feet 10 inches (147 centimeters) or less;

(d) "muscular dystrophy" means a group of hereditary genetic muscle disease that weakens the muscles that move the human body and persons with multiple dystrophy have incorrect and missing information in their genes, which prevents them from making the proteins they need for healthy muscles. It is characterised by progressive skeletal muscle weakness, defects in muscle proteins, and the death of muscle cells and tissue;

(e) "acid attack victims" means a person disfigured due to violent assaults by throwing of acid or similar corrosive substance.

B. Visual impairment—

(a) "blindness" means a condition where a person has any of the following conditions, after best correction—

(i) total absence of sight; or

(ii) visual acuity less than 3/60 or less than 10/200 (Snellen) in the better eye with best possible correction; or

(iii) limitation of the field of vision subtending an angle of less than 10 degree.

(b) "low-vision" means a condition where a person has any of the following conditons, namely:—

(i) visual acuity not exceeding 6/18 or less than 20/60 upto 3/60 or upto 10/200 (Snellen) in the better eye with best possible corrections; or

(ii) limitation of the field of vision subtending an angle of less than 40 degree up to 10 degree.

C. Hearing impairment—

(a) "deaf" means persons having 70 DB hearing loss in speech frequencies in both ears;

(b) “hard of hearing” means person having 60 DB to 70 DB hearing loss in speech frequencies in both ears;

D. “speech and language disability” means a permanent disability arising out of conditions such as laryngectomy or aphasia affecting one or more components of speech and language due to organic or neurological causes.

2. Intellectual disability, a condition characterised by significant limitation both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behaviour which covers a range of every day, social and practical skills, including—

(a) “specific learning disabilities” means a heterogeneous group of conditions wherein there is a deficit in processing language, spoken or written, that may manifest itself as a difficulty to comprehend, speak, read, write, spell, or to do mathematical calculations and includes such conditions as perceptual disabilities, dyslexia, dysgraphia, dyscalculia, dyspraxia and developmental aphasia;

(b) “autism spectrum disorder” means a neuro-developmental condition typically appearing in the first three years of life that significantly affects a person's ability to communicate, understand relationships and relate to others, and is frequently associated with unusual or stereotypical rituals or behaviours.

3. Mental behaviour,—

“mental illness” means a substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgment, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, but does not include retardation which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence.

4. Disability caused due to—

(a) chronic neurological conditions, such as—

(i) “multiple sclerosis” means an inflammatory, nervous system disease in which the myelin sheaths around the axons of nerve cells of the brain and spinal cord are damaged, leading to demyelination and affecting the ability of nerve cells in the brain and spinal cord to communicate with each other;

(ii) “parkinson's disease” means a progressive disease of the nervous system marked by tremor, muscular rigidity, and slow, imprecise movement, chiefly affecting middle-aged and elderly people associated with degeneration of the basal ganglia of the brain and a deficiency of the neurotransmitter dopamine.

(b) Blood disorder—

(i) “haemophilia” means an inheritable disease, usually affecting only male but transmitted by women to their male children, characterised by loss or impairment of the normal clotting ability of blood so that a minor wound may result in fatal bleeding;

(ii) “thalassemia” means a group of inherited disorders characterised by reduced or absent amounts of haemoglobin.

(iii) “sickle cell disease” means a hemolytic disorder characterised by chronic anemia, painful events, and various complications due to associated tissue and organ damage; “hemolytic” refers to the destruction of the cell membrane of red blood cells resulting in the release of hemoglobin.

5. Multiple Disabilities (more than one of the above specified disabilities) including deaf blindness which means a condition in which a person may have combination of hearing and visual impairments causing severe communication, developmental, and educational problems.

6. Any other category as may be notified by the Central Government.

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
[Department of Empowerment of Persons with Disabilities (Divyangjan)]

NOTIFICATION

New Delhi, the 15th June, 2017

G.S.R. 591(E).—Whereas a draft of the Rights of Persons with Disabilities Rules, 2017 was published as required by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i) *vide* number G.S.R. 398 (E), dated the 21st April, 2017, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the date on which the copies of the Official Gazette containing the said notification were made available to the public;

And whereas the copies of the Official Gazette in which the said notification was published were made available to the public on the 22nd April, 2017;

And whereas objections and suggestions received from the public on the said draft rules were considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Central Government hereby makes the following rules, namely: -

CHAPTER-I

PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called the Rights of Persons with Disabilities Rules, 2017.

(2) They extend to the whole of India.

(3) They shall come into force from the date of their publication in the Official Gazette.

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

(a) "Act" means the Rights of Persons with Disabilities Act, 2016 (49 of 2016);

(b) "certificate" means a certificate of disability issued under section 57 of the Act;

(c) "Form" means a form appended to these rules.

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

CHAPTER II

RIGHTS AND ENTITLEMENTS

3. Establishment not to discriminate on the ground of disability.- (1) The head of the establishment shall ensure that the provision of sub-section (3) of section 3 of the Act are not misused to deny any right or benefit to persons with disabilities covered under the Act.

(2) If the head of the Government establishment or a private establishment employing twenty or more persons receives a complaint from an aggrieved persons regarding discrimination on the ground of disability, he shall -

(a) initiate action in accordance with the provisions of the Act; or

(b) inform the aggrieved person in writing as to how the impugned act or omission is a proportionate means of achieving a legitimate aim.

(3) If the aggrieved person submits a complaint to the Chief Commissioner or State Commissioner for Persons with Disabilities, as the case may be, the complaint shall be disposed of within a period of sixty days:

Provided that in exceptional cases, the Chief Commissioner or State Commissioner may dispose of such complaint within thirty days.

(4) No establishment shall compel a person with disability to partly or fully pay the costs incurred for reasonable accommodation.

4. Central Committee for Research on Disability.- (1) The Central Committee for Research on Disability shall consist of the following persons, namely:-

- (i) an eminent person having vast experience in the field of science or medicine, to be nominated by the Central Government, *ex officio*-Chairperson;
- (ii) nominee of the Director General of Health Services not below the rank of Deputy Director General –Member;
- (iii) four persons drawn from National Institutes representing physical, visual, hearing and intellectual disabilities, to be nominated by the Central Government – Members;
- (iv) five persons as representatives of the registered organisations, from each of the five groups of specified disabilities in the Schedule to the Act, to be nominated by the Central Government – Members:

Provided that at least one representative of the registered organizations is a woman;

- (v) the Director, Department of Empowerment of Persons with Disabilities, New Delhi shall be the Member Secretary.

(2) The Chairperson may invite any expert as a special invitee.

(3) The term of office of the nominated members shall be for a period of three years from the date on which they enter upon office, and the nominated member shall be eligible for re-nomination for one more term.

(4) One half of the members shall constitute the quorum for the meeting.

(5) The non-official members and special invitees shall be entitled for travelling allowance and daily allowance as admissible to a Group “A” officer of the Central Government.

(6) The Central Government may provide the Committee with such clerical and other staff as it deems necessary.

5. Person with disability not to be a subject of research.- No person with disability shall be a subject of research except when the research involves physical impact on his body.

6. Procedure to be followed by Executive Magistrate.- For the purposes of dealing with the complaints under section 7 of the Act, the Executive Magistrate shall follow the procedure provided in sections 133 to 143 of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER III

NODAL OFFICER IN THE DISTRICT EDUCATION OFFICE

7. There shall be a nodal officer in the District Education Office to deal with all matters relating to admission of children with disabilities and the facilities to be provided to them in schools in accordance with the provisions of sections 16 and 31 of the Act.

CHAPTER IV

EMPLOYMENT

8. Manner of publication of equal opportunity policy.- (1) Every establishment shall publish equal opportunity policy for persons with disabilities.

(2) The establishment shall display the equal opportunity policy preferably on their website, failing which, at conspicuous places in their premises.

(3) The equal opportunity policy of a private establishment having twenty or more employees and the Government establishments shall *inter alia*, contain the following, namely:-

- (a) facility and amenity to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment;
- (b) list of posts identified suitable for persons with disabilities in the establishment;
- (c) the manner of selection of persons with disabilities for various posts, post-recruitment and pre-promotion training, preference in transfer and posting, special leave, preference in allotment of residential accommodation if any, and other facilities;
- (d) provisions for assistive devices, barrier-free accessibility and other provisions for persons with disabilities;
- (e) appointment of liaison officer by the establishment to look after the recruitment of persons with disabilities

and provisions of facilities and amenities for such employees.

(4) The equal opportunity policy of the private establishment having less than twenty employees shall contain facilities and amenities to be provided to the persons with disabilities to enable them to effectively discharge their duties in the establishment.

9. Form and manner of maintaining records by the establishments.- (1) Every establishment covered under sub-rule (3) of rule 8 shall maintain records containing the following particulars, namely:-

- (a) the number of persons with disabilities who are employed and the date from when they are employed;
- (b) the name, gender and address of persons with disabilities;
- (c) the nature of disability of such persons;
- (d) the nature of work being rendered by such employed person with disability; and
- (e) the kind of facilities being provided to such persons with disabilities.

(2) Every establishment shall produce for inspection on demand, records maintained under these rules, to the authorities under this Act and shall supply such information which may be required for the purpose of ascertaining whether the provisions have been complied with.

10. Manner of maintenance of register of complaints by the Government establishments.- (1) Every Government establishment shall appoint an officer not below the rank of a Gazetted Officer as Grievance Redressal Officer:

Provided that where it is not possible to appoint any Gazetted Officer, the Government establishment may appoint the senior most Officer as a Grievance Redressal Officer.

(2) The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:-

- (a) date of complaint;
- (b) name of complainant;
- (c) name of the person who is enquiring the complaint;
- (d) place of incident;
- (e) the name of establishment or person against whom the complaint is made;
- (f) gist of the complaint;
- (g) documentary evidence, if any;
- (h) date of disposal by the Grievance Redressal Officer;
- (i) details of disposal of the appeal by the district level committee; and
- (j) any other information.

CHAPTER V

VACANCIES FOR PERSONS WITH BENCHMARK DISABILITIES

11. Computation of vacancies.- (1) For the purposes of computation of vacancies, four percent of the total number of vacancies including vacancies arising in the identified and non-identified posts in the cadre strength in each group of posts shall be taken into account by the appropriate Government for the persons with benchmark disabilities:

Provided that the reservation in promotion shall be in accordance with the instructions issued by the appropriate Government from time to time.

(2) Every Government establishment shall maintain a vacancy based roster for the purpose of calculation of vacancies for persons with benchmark disabilities in the cadre strength as per the instructions issued by the appropriate Government from time to time.

(3) While making advertisement to fill up vacancies, every Government establishment shall indicate the number of vacancies reserved for each class of persons with benchmark disabilities in accordance with the provisions of section 34 of the Act.

(4) The reservation for persons with disabilities in accordance with the provisions of section 34 of the Act shall be horizontal and the vacancies for persons with benchmark disabilities shall be maintained as a separate class.

12. Interchange of vacancies.- The Government establishment shall interchange vacancies in accordance with the provisions of section 34 of the Act, only if due process of recruitment to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

13. Submission of Returns on Vacancies.- (1) Every Government establishment shall furnish to the local special employment exchange returns in Form - I once in every six months for the period from 1st April to 30th September and from 1st October to 31st March, and in Form -II once in every two years.

(2) The six monthly return shall be furnished within thirty days of the respective dates which is, 31st March and, 30th September of every financial year.

(3) The two yearly return shall be furnished within thirty days of the closing of every alternate financial year:

Provided that the first two yearly returns shall be furnished for the financial year closing on 31st March, 2019.

14. Form in which record to be kept by an employer.- Every Government establishment shall maintain the record of employees with disabilities in Form - III.

CHAPTER VI ACCESSIBILITY

15. Rules for Accessibility.- (1) Every establishment shall comply with the following standards relating to physical environment, transport and information and communication technology, namely :-

- (a) standard for public buildings as specified in the Harmonised Guidelines and Space Standards for Barrier Free Built Environment for Persons With Disabilities and Elderly Persons as issued by the Government of India, Ministry of Urban Development in March, 2016;
- (b) standard for Bus Body Code for transportation system as specified in the notification of the Government of India in the Ministry of Road Transport and Highways, *vide* number G.S.R. 895(E), dated the 20th September, 2016;
- (c) Information and Communication Technology-
 - (i) website standard as specified in the guidelines for Indian Government websites, as adopted by Department of Administrative Reforms and Public Grievances, Government of India;
 - (ii) documents to be placed on websites shall be in Electronic Publication (ePUB) or Optical Character Reader (OCR) based pdf format:

Provided that the standard of accessibility in respect of other services and facilities shall be specified by the Central Government within a period of six months from the date of notification of these rules.

(2) The respective Ministries and Departments shall ensure compliance of the standards of accessibility specified under this rule through the concerned domain regulators or otherwise.

16. Review of Accessibility Standards.- The Central Government shall review from time to time the accessibility standards notified based on the latest scientific knowledge and technology.

CHAPTER VII CERTIFICATE OF DISABILITY

17. Application for certificate of disability.- (1) Any person with specified disability may apply in Form -IV for a certificate of disability and submit the application to -

- (a) a medical authority or any other notified competent authority to issue such a certificate in the district of residence of the applicant as mentioned in the proof of residence in the application; or
- (b) the concerned medical authority in a government hospital where he may be undergoing or may have undergone treatment in connection with his disability:

Provided that where a person with disability is a minor or suffering from intellectual disability or any other disability which renders him unfit or unable to make such an application himself, the application on his behalf may be made by his legal guardian or by any organisation registered under the Act having the minor under its care.

(2) The application shall be accompanied by -

- (a) proof of residence;
- (b) two recent passport size photographs; and
- (c) aadhaar number or aadhaar enrollment number, if any.

Note.- No other proof of residence shall be demanded from the applicant who has aadhaar or aadhaar enrollment number.

18. Issue of certificate of disability.- (1) On receipt of an application under rule 17, the medical authority or any other notified competent authority shall, verify the information as provided by the applicant and shall assess the disability in terms of the relevant guidelines issued by the Central Government and after satisfying himself that the applicant is a person with disability, issue a certificate of disability in his favour in Form V, VI and VII, as the case may be.

(2) The medical authority shall issue the certificate of disability within a month from the date of receipt of the application.

(3) The medical authority shall, after due examination -

- (i) issue a permanent certificate of disability in cases where there are no chances of variation of disability over time in the degree of disability; or
- (ii) issue a certificate of disability indicating the period of validity, in cases where there is any chance of variation over time in the degree of disability.

(4) If an applicant is found ineligible for issue of certificate of disability, the medical authority shall convey the reasons to him in writing under Form VIII within a period of one month from the date of receipt of the application.

(5) The State Government and Union territory Administration shall ensure that the certificate of disability is granted on online platform from such date as may be notified by the Central Government.

19. Certificate issued under rule 18 to be generally valid for all purposes.- A person to whom the certificate issued under rule 18 shall be entitled to apply for facilities, concessions and benefits admissible for persons with disabilities under schemes of the Government and of non-Governmental organizations funded by the Government.

20. Validity of certificate of disability issued under the repealed Act.-

The certificate of disability issued under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996) shall continue to be valid after commencement of the Act for the period specified therein.

CHAPTER VIII

CENTRAL ADVISORY BOARD ON DISABILITY

21. Allowances for the members of the Central Advisory Board.- (1) The non-official members of the Central Advisory Board, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(2) The non-official members of the Central Advisory Board, not residing in Delhi shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government:

Provided that in case a Member of Parliament who is a Member of the Central Advisory Board, the daily allowance and travelling allowance shall be paid at the rate admissible to him as Member of Parliament when the Parliament is not in session and on production of a certificate by the Member that he has not drawn any such allowance for the same journey and halts from any other Government source.

(3) The official member of the Central Advisory Board shall be paid daily allowance and travelling allowance, at the rate admissible under the relevant rules of the respective Government under whom he is serving on production of a certificate by him that he has not drawn any such allowance for the same journey and halts from any other Government source.

22. Notice of meeting.- (1) The meeting of the Central Advisory Board on disability shall ordinarily be held in New Delhi on such dates as may be fixed by the Chairperson:

Provided that it shall meet at least once in every six months.

(2) The Chairperson shall, on the written request of not less than ten members of the Central Advisory Board, call a special meeting of the Board.

(3) The Member-Secretary shall give fifteen clear days' notice of an ordinary meeting and five clear days' notice of a special meeting specifying the time and the place at which such meeting is to be held and the business to be transacted thereat.

(4) The Member-Secretary may give notice to the members by delivering the same by messenger or sending it by registered post to his last known place of residence or business or by email or in such other manner as the Chairperson may, in the circumstances of the case, think fit.

(5) No member shall be entitled to bring forward for the consideration of the meeting, any matter of which he has not given ten clear days' notice to the Member-Secretary, unless the Chairperson may permit him to do so.

(6) The Central Advisory Board may adjourn its meeting from day to day or to any particular day.

(7) Where a meeting of the Central Advisory Board is adjourned from day to day, the Member-Secretary shall give notice of such adjourned meeting at the place where the meeting is adjourned, if held, by messenger and it shall not be necessary to give notice of the adjourned meeting to other members.

(8) Where a meeting of the Central Advisory Board is adjourned not from day to day but from the day on which the meeting is to be held to another day, notice of such meeting shall be given to all the members as provided in sub-rule (4).

23. Presiding officer.- The Chairperson shall preside over every meeting of the Central Advisory Board and in his absence, the Vice-Chairperson shall preside, but when both the Chairperson and the Vice-Chairperson are absent from any meeting, the members present shall elect one of the members to preside over that meeting.

24. Quorum.- (1) One-third of the total members of the Central Advisory Board shall form the quorum for any meeting.

(2) If time fixed for any meeting or during the course of any meeting, less than one-third of the total members are present, the Chairperson may adjourn the meeting to such hours on the following or on some other future date as he may fix.

(3) No quorum shall be necessary for the adjourned meeting.

(4) No matter, which had not been on the agenda of the ordinary or the special meeting, as the case may be, shall be discussed at adjourned meeting.

25. Minutes.- (1) The Member-Secretary shall maintain the record containing the names of members who attended the meeting and of the proceedings at the meetings in a book to be kept for that purpose.

(2) The minutes of the previous meeting shall be read at the beginning of the every succeeding meeting, and shall be confirmed and signed by the presiding officer at such meeting.

(3) The proceedings shall be open to inspection by any member at the office of the Member-Secretary during office hours.

26. Business to be transacted at meeting.- Except with the permission of the presiding officer, no business which is not entered in the agenda or of which notice has not been given by a member under sub-rule (5) of rule 22 shall be transacted at any meeting.

27. Agenda for the meeting of the Central Advisory Board.- (1) The business of the meeting shall be transacted in the order in which it is entered in the agenda, unless otherwise resolved in the meeting with the permission of the presiding officer.

(2) At the beginning of the meeting or after the conclusion of the debate on a motion during the meeting, the presiding officer or a member may suggest a change in the order of business as entered in the agenda and if the Chairperson agrees, such a change shall take place.

28. Decision by majority.- All questions considered at a meeting of the Committee shall be decided by a majority of votes of the members present and voting and in the event of equality of votes, the Chairperson, or in the absence of the Chairperson, the Vice-Chairperson or in the absence of both the member presiding at the meeting, as the case may be, shall have a second or casting vote.

29. No proceeding to be invalid due to vacancy or any defect.- No proceeding of the Central Advisory Board shall be invalid by reason of existence of any vacancy in or any defect in the constitution of the Board.

CHAPTER IX

CHIEF COMMISSIONER AND COMMISSIONER FOR PERSONS WITH DISABILITIES

30. Qualification for appointment of Chief Commissioner.- No person shall be eligible for appointment as Chief Commissioner, unless -

(a) he is a Graduate from a recognized University:

Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities;

(b) he is having experience of at least twenty-five years in a Group "A" level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or social sector or as a senior level functionary in registered national and international voluntary organizations in the field of disability or social development:

Provided that out of the total of twenty-five years of experience, he should have at least three years of experience in the field of rehabilitation or empowerment of persons with disabilities; and

(c) he has not attained the age of sixty years as on 1st January of the year of recruitment.

Note.- If he is in the service under the Central Government or a State Government, he shall seek retirement from such service before his appointment to the post.

31. Qualification for appointment of Commissioner. – No person shall be eligible for appointment as Commissioner, unless-

(a) he is a Graduate from a recognized University:

Provided that preference shall be given to persons having recognised degree or diploma in social work or law or management or human rights or rehabilitation or education of persons with disabilities.

(b) he is having at least twenty years experience in a Group “A” level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability related matters or social sector or as senior level functionary in registered national and international voluntary organizations in the field of disability or social development; and

(c) he has not attained the age of fifty-six years as on 1st January of the year of recruitment.

32. Method of appointment of the Chief Commissioner and Commissioner.– (1) The Central Government shall, six months before the post of Chief Commissioner is due to fall vacant, advertise in at least two national level dailies each in English and Hindi inviting applications for the post from eligible candidates fulfilling the qualifications specified in rules 30 and 31.

(2) A search-cum-selection committee shall be constituted to recommend a panel of three suitable candidates for the post of the Chief Commissioner or the Commissioner.

(3) The search-cum-selection committee shall be constituted in accordance with the instructions issued by the Government from time to time.

(4) The panel recommended by the committee may consist of persons from amongst those who have applied in response to the advertisement mentioned in sub-rule (1) and other eligible persons whom the Committee may consider suitable.

(5) The Central Government shall appoint one of the candidates recommended by the search-cum-selection committee as the Chief Commissioner or the Commissioner.

33. Term of the Chief Commissioner and Commissioner.- (1) The term of office of Chief Commissioner shall be for a period of three years from the date on which he assumes office, or till he attains the age of sixty-five years, whichever is earlier.

(2) The term of office of the Commissioner shall be for a period of three years and may be extended for a period of another two years or till he attains the age of sixty years, whichever is earlier.

(3) A person may serve as Chief Commissioner or Commissioner for a maximum period of two terms subject to the condition that he has not attained the age of sixty-five years, or sixty years, respectively.

34. Salary and allowances of the Chief Commissioner and Commissioner. (1) The Chief Commissioner shall be entitled for the salary and allowances as admissible to a Secretary to the Government of India.

(2) The Commissioner shall be entitled for the salary and allowances as admissible to a Additional Secretary to the Government of India.

(3) Where a Chief Commissioner or the Commissioner being a retired Government servant or a retired employee of any institution or autonomous body funded by the Government, is in receipt of pension in respect of such previous service, the salary admissible to him under these rules shall be reduced by the amount of the pension, and if he had received in lieu of a portion of the pension, the commuted value thereof, by the amount of such commuted portion of the pension.

35. Other terms and conditions of service of the Chief Commissioner and Commissioner.- (1) The Chief Commissioner and the Commissioner shall be entitled to such leave as is admissible to a Government servant under the Central Civil Service (Leave) Rules, 1972.

(2) The Chief Commissioner and the Commissioner shall be entitled to such leave travel concession as is admissible to a Group “A” officer under the Central Civil Services (Leave Travel Concession) Rules, 1988.

(3) The Chief Commissioner and the Commissioner shall be entitled to such medical benefits as is admissible to a Group “A” officer under the Central Government Health Scheme.

36. Resignation and removal.- (1) The Chief Commissioner and the Commissioner may, by notice in writing, under his hand, addressed to the Central Government, resign from the office:

Provided that he shall continue in the office till his resignation is accepted.

(2) The Central Government may remove a person from the office of the Chief Commissioner and the Commissioner, if he -

- (a) becomes an undischarged insolvent;
- (b) engages during his term of office in any paid employment or activity outside the duties of his office;
- (c) is convicted or sentenced to imprisonment for an offence which in the opinion of the Central Government involves moral turpitude;
- (d) is in the opinion of the Central Government, unfit to continue in office by reason of infirmity of mind or body or serious default in the performance of his functions as laid down in the Act;
- (e) without obtaining leave of absence from the Central Government, remains absent from duty for a consecutive period of fifteen days or more; or
- (f) has, in the opinion of the Central Government, so abused the position of the Chief Commissioner and Commissioner as to render his continuance in office detrimental to the interest of persons with disability:

Provided that no person shall be removed under this rule except after following the procedure, *mutatis mutandis*, applicable for removal of a Group "A" employee of the Central Government.

(3) The Central Government may suspend the Chief Commissioner and the Commissioner, in respect of whom proceedings for removal have been commenced in accordance with sub-rule (2), pending conclusion of such proceedings.

37. Residuary provision.— The conditions of service of the Chief Commissioner and the Commissioner in respect of which no express provision has been made in these rules shall be determined by the rules and orders for the time being applicable to the Secretary and Additional Secretary to the Government of India, as the case may be.

38. Procedure to be followed by Chief Commissioner and Commissioner.— (1) An aggrieved person may present a complaint containing the following particulars in person or by his agent to the Chief Commissioner or the Commissioner or send it by registered post or by email addressed to the Chief Commissioner or the Commissioner, namely:-

- (a) the name, description and the address of the aggrieved person;
- (b) the name, description and the address of the opposite party or parties, as the case may be, so far as they may be ascertained;
- (c) the facts relating to complaint and when and where it arose;
- (d) documents in support of the allegations contained in the complaint; and
- (e) the relief which the aggrieved person claims.

(2) The Chief Commissioner or the Commissioner on receipt of a complaint shall refer a copy of the complaint to the opposite party or parties mentioned in the complaint, directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the Chief Commissioner or the Commissioner.

(3) On the date of hearing or any other date to which hearing could be adjourned, the parties or their agents shall appear before the Chief Commissioner or the Commissioner.

(4) Where the aggrieved person or his agent fails to appear before the Chief Commissioner or the Commissioner on such days, the Chief Commissioner or the Commissioner may either dismiss the complaint on default or decide on merits.

(5) Where the opposite party or his agent fails to appear on the date of hearing, the Chief Commissioner or the Commissioner may take such necessary action under section 77 of the Act as he deems fit for summoning and enforcing the attendance of the opposite party.

(6) The Chief Commissioner or the Commissioner may dispose of the complaint *ex-parte*, if necessary.

(7) The Chief Commissioner or the Commissioner may on such terms as he deems fit and at any stage of the proceedings, adjourn the hearing of the complaint.

(8) The Chief Commissioner or the Commissioner shall decide the complaint as far as possible within a period of three months from the date of receipt of notice by the opposite party.

39. Advisory Committee to assist the Chief Commissioner.— (1) The Central Government shall appoint an Advisory Committee comprising of the following members, namely:-

- (a) five experts to represent each of the five groups of specified disabilities mentioned in the Schedule to the Act of

whom two shall be women;

(b) three experts in the field of barrier-free environment-

(i) one expert from physical environment;

(ii) one expert from transportation system; and

(iii) one expert from information and communication technology or other services and facilities provided to the public;

(c) one expert in the area of employment of persons with disabilities;

(d) one legal expert; and

(e) one expert as recommended by the Chief Commissioner for Persons with Disabilities.

(2) The Chief Commissioner may invite subject or domain expert as per the need who shall assist him in meeting or hearing and in preparation of the report.

(3) The tenure of the members of the Advisory Committee shall be for a period of three years and the members shall not be eligible for re-nomination.

(4) The non-official members of the Advisory Committee, in Delhi, shall be paid an allowance of rupees two thousand per day for each day of the actual meeting.

(5) The non-official members of the Advisory Committee, not residing in Delhi, shall be paid daily allowance and travelling allowance for each day of the actual meeting at the rate admissible to a Group "A" officer of the Central Government.

40. Submission of Annual Report.- (1) The Chief Commissioner, shall as soon as possible, after the end of the financial year but not later than the 30th day of September in the next year ensuing prepare and submit to the Central Government, an annual report giving a complete account of his activities during the said financial year.

(2) In particular, the annual report referred to in sub-rule (1) shall contain information in respect of each of the following matters, namely:-

(a) names of its officers and staff and a chart showing the organisational set up;

(b) the functions which the Chief Commissioner has been empowered under sections 75 and 76 of the Act and the highlights of the performance in this regard;

(c) the main recommendations made by the Chief Commissioner;

(d) the progress made in the implementation of the Act; and

(e) any other matter deemed appropriate for inclusion by the Chief Commissioner or specified by the Central Government from time to time.

CHAPTER X

NATIONAL FUND FOR PERSONS WITH DISABILITIES

41. Management of National Fund.- (1) There shall be a governing body consisting of following members to manage the National Fund, namely:-

(a) Secretary, Department of Empowerment of Persons with Disabilities, in the Central Government - Chairperson;

(b) Chairperson, Board of National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities - Member;

(c) Financial Advisor, Ministry of Social Justice and Empowerment, in the Central Government - Member;

(d) two representatives from the Ministry of Health and Family Welfare, Department of School Education and Literacy, Department of Higher Education, Ministry of Labour and Employment, Department of Financial Services and Department of Rural Development in the Central Government, not below the rank of a Joint Secretary, by rotation in alphabetical order - Members;

(e) two persons representing different types of disabilities to be nominated by the Central Government, by rotation - Members;

(f) Joint Secretary in the Department of Empowerment of Persons with Disabilities in the Central Government - Convener and Chief Executive Officer.

(2) The governing body shall meet as often as necessary, but at least once in every financial year.

- (3) The nominated members shall hold office for not more than three years.
- (4) No member of the governing body shall be a beneficiary of the Fund during the period such member holds office.
- (5) The nominated non-official members shall be eligible for payment of travelling allowance and daily allowance as admissible to a Group 'A' employees of the Central Government for attending the meetings of the governing body.
- (6) No person shall be nominated under clause (e) of sub-rule (1) as a member of the governing body if he -
- (a) is, or has been, convicted of an offence, which in the opinion of the Central Government, involves moral turpitude; or
 - (b) is, or at any time has been, adjudicated as an insolvent.

42. Utilisation of the National Fund.- (1) The amount available under the Trust Fund for empowerment of persons with disabilities and the National Fund for people with disabilities, as on the date of the commencement of the Act, shall form the National Fund.

- (2) All monies available under the two Funds referred to in sub-rule (1) shall stand transferred to the National Fund.
- (3) All monies belonging to the Fund shall be deposited in such banks or invested in such manner as the governing body, may, subject to the general guidelines of the Central Government, decide.
- (4) The Fund shall be invested in such manner as may be decided by the governing body.
- (5) The Fund shall be utilized for the following purposes, namely:-
- (a) financial assistance in the areas which are not specifically covered under any scheme and programme of the Central Government or are not adequately funded under any scheme or programme of the Central Government;
 - (b) for the purpose of implementation of the provisions of the Act;
 - (c) administrative and other expenses of the Fund, as may be required to be incurred by or under this Act; and
 - (d) such other purposes as may be decided by the governing body.
- (6) Every proposal of expenditure shall be placed before the governing body for its approval.
- (7) The governing body may appoint secretarial staff including accountants, with such terms and conditions, as it may think appropriate, to look after the management and utilisation of the Fund.

43. Budget.- The Chief Executive Officer of the Fund shall prepare the budget for incurring expenditure under the Fund for each financial year showing the estimated receipt and expenditure of the Fund, in January every year and shall place the same for consideration of the governing body.

44. Annual Report.- The annual report of the Department of Empowerment of Persons with Disabilities shall include a chapter on National Fund.

FORM-I

(Persons with Disabilities Employer's Return)

[See rule 13 (1)]

Six monthly return to be submitted to the Special Employment Exchange for the half year ended.....

Name and Address of the Employer.....

Whether - Head Office.....

Branch Office.....

Nature of business/principal activity:.....

1. Employment

(a) Total number of persons including working proprietors/ partners/ commission agents/contingent paid and contractual workers, on the pay rolls of the Government establishment excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid by the Government establishment).

On the last working day of the previous half year				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

On the last working day of the half year under report				
Blindness and low vision	Deaf and hard of hearing	Locomotive disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy	Autism, intellectual disability, specific learning disability and mental illness	Multiple disabilities from amongst persons with disabilities under columns (1) to (4) including deaf-blindness
(1)	(2)	(3)	(4)	(5)

Men with disability

Women with disability

Total -----

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the half year.

2. Vacancies.- Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year (Separate figures may be given for men with disability and women with disability).

Number of vacancies which come within the purview of the Act.

Occurred Notified Filled Source

(Describe the source from which filled)

Local/Special Employment Exchange

General Employment Exchange

(b) Reasons for not notifying all vacancies occurred during the half year under report vide 2(a)

3. Manpower Shortages

Vacancies/posts unfilled because of shortage of suitable applicants.

Name of the occupation or Designation of the posts	Number of unfilled		disability wise experience not necessary
	essential qualification	vacancies/posts essential experience	
1	2	3	4

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

Signature of employer

Dated.....

To

The Employment Exchange

Note.- This return relates to half yearly ending 31st March/30th September and shall be rendered to the local Special Employment Exchange within thirty days after the end of the half year concerned.

Form -II

(Persons with Disabilities Employer's Return)

[See rule 13 (1)]

Occupational return to be submitted to the local Special Employment Exchange once in two years.

Name and Address of the Employer.....

Nature of business_____

(describe what the Government establishment makes or does as its principal activity)

- Total number of persons on the pay rolls of the Government establishment on
(Specify date).....(This figure should include every person whose wage or salary is paid by the Government establishment)(Separate figures for men with disability and women with disability may be given).
- Occupational classification of all employees as given in item -1 above.
(please give below the number of employees in each occupation separately)

Occupation Use exact terms	Number of Employees		Total
	Men with disability	Women with disability	
Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);			Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.
Supervisor(tailor); Fitter(internal Combustion engine); Inspector Sanitary); Superintendent Office; apprentice Electrician).			
Total			

Dated.....

Signature of employer

To

The Employment Exchange

(please fill in here the address of your local Special Employment Exchange)

Note: Total of column 5 under item 2 should correspond to the figure given against item-1.

FORM-III

(Persons with Disabilities Employer's Return)

[See rule 14]

Name and Address of the Employer.....

Whether - Head Office.....

Branch Office.....

Nature of business/principal activity:

Total number of persons on the pay rolls of the Government establishment (This figure should include every person whose wage or salary is paid by the Government establishment).

Total number of persons with disabilities (disability-wise) on the payroll of the Government establishment (This figure should include every person with disability whose wage or salary is paid by the Government establishment).

(a) Occupational qualification of all employees (Please give below the number of employees in each occupation separately).

Occupation Use exact terms Such as Engineer (Mechanical); Teacher (domestic/science); Officer on duty (actuary); Assistant Director (Metallurgist); Scientific Assistant (chemist); Research Officer (economist); Instructor (carpenter);	Number of Employees		Total	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next calendar year due to retirement.
	Men with disabilities	Women with disabilities		

 Total

(b) Please indicate the main reasons for any increase or decrease in employment if the increase or decrease is more than 5% during the half year.....

2. Vacancies: Vacancies carrying total emoluments as per prevailing minimum wage per month and of over six months duration.

(a) Number of vacancies occurred and notified during the half year and the number filled during the half year.

 Number of vacancies which come within the purview of the Act

Occurred	Notified		General employment	Filled	Sources (Describe the source form which filled)
	Local Employment Exchange	Special			
1	2	3	4	5	

 Total

(b) Reasons for not notifying all vacancies occurred during the half year under report *vide* (a) 2.....above.

3. Manpower shortages

Vacancies/posts unfilled because of shortage of suitable applicants

Name of the occupation or Designation of the posts	Number of unfilled vacancies/posts		Experience Not necessary
	Essential qualification	Essential experience	
1.	2.	3.	4.

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

Signature of employer

Dated....

FORM- IV

Application for Obtaining Certificate of Disability by Persons with Disabilities

[See rule 17(1)]

(1) Name : _____
(Surname) (First Name) (Middle Name)

(2) Father's Name : _____ Mother's Name: _____

(3) Date of Birth : _____/_____/_____
(Date) (Month) (Year)

(4) Age at the time of application : _____ years

(5) Sex: Male/Female/Transgender _____

(6) Address:

(a) Permanent address (b) Current Address (i.e. for communication)

(c) Period since when residing at current address _____

(7) Educational Status (please tick as applicable)

- (i) Post Graduate
- (ii) Graduate
- (iii) Diploma
- (iv) Higher Secondary
- (v) High School
- (vi) Middle
- (vii) Primary
- (viii) Non-literate

(8) Occupation _____

(9) Identification marks (i) _____ (ii) _____

(10) Nature of disability :

(11) Period since when disabled: From Birth//since year _____

(12) (i) Did you ever apply for issue of a certificate of disability in the past ___ yes/no

(ii) If yes, details:

(a) Authority to whom and district in which applied _____

(b) Result of application _____

(13) Have you ever been issued a certificate of disability in the past? If yes, please enclose a true copy.

Declaration: I hereby declare that all particulars stated above are true to the best of my knowledge and belief, and no material information has been concealed or misstated. I further state that if any inaccuracy is detected in the application, I shall be liable to forfeiture of any benefits derived and other action as per law.

(signature or left thumb impression of person with disability, or of his/her legal guardian in case of persons with intellectual disability, autism, cerebral palsy and multiple disabilities, etc)

Date :

Place:

Enclosures:

1. Proof of residence (Please tick as applicable).
 - (a) ration card,
 - (b) voter identity card,
 - (c) driving license,
 - (d) bank passbook,
 - (e) PAN card,
 - (f) passport,
 - (g) telephone, electricity, water and any other utility bill indicating the address of the applicant,
 - (h) a certificate of residence issued by a Panchayat, municipality, cantonment board, any gazetted officer, or the concerned Patwari or Head Master of a Government school,

(i) in case of an inmate of a residential institution for persons with disabilities, destitute, mentally ill, and other disability, a certificate of residence from head of such institution.

2. Two recent passport size photographs

(For office use only)

Date:

Place:

Signature of issuing authority
Stamp

Form-V

Certificate of Disability

(In cases of amputation or complete permanent paralysis of limbs or dwarfism and in case of blindness)

[See rule 18(1)]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport size attested photograph (Showing face only) of the person with disability.

Certificate No. _____

Date: _____

This is to certify that I have carefully examined Shri/Smt./Kum. _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____ registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of:

- locomotor disability
- dwarfism
- blindness

(Please tick as applicable)

(B) the diagnosis in his/her case is _____

(A) he/she has _____ % (in figure) _____ percent (in words) permanent locomotor disability/dwarfism/blindness in relation to his/her _____ (part of body) as per guidelines (.....number and date of issue of the guidelines to be specified).

2. The applicant has submitted the following document as proof of residence:-

Nature of Document	Date of Issue	Details of authority issuing certificate

(Signature and Seal of Authorised Signatory of notified Medical Authority)

Signature/thumb impression of the person in whose favour certificate of disability is issued

Form - VI

Certificate of Disability

(In cases of multiple disabilities)

[See rule 18(1)]

(Name and Address of the Medical Authority issuing the Certificate)

Recent passport size attested photograph (Showing face only) of the person with disability.

Certificate No. _____

Date: _____

This is to certify that we have carefully examined Shri/Smt./Kum. _____ son/wife/daughter of _____ Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____.

Registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that:

(A) he/she is a case of Multiple Disability. His/her extent of permanent physical impairment/disability has been evaluated as per guidelines (.....number and date of issue of the guidelines to be specified) for the disabilities ticked below, and is shown against the relevant disability in the table below:

Sl. No.	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Dwarfism			
5.	Cerebral Palsy			
6.	Acid attack Victim			
7.	Low vision	#		
8.	Blindness	#		
9.	Deaf	£		
10.	Hard of Hearing	£		
11.	Speech and Language disability			
12.	Intellectual Disability			
13.	Specific Learning Disability			
14.	Autism Spectrum Disorder			
15.	Mental illness			
16.	Chronic Neurological Conditions			
17.	Multiple sclerosis			
18.	Parkinson's disease			
19.	Haemophilia			
20.	Thalassemia			
21.	Sickle Cell disease			

(B) In the light of the above, his/her over all permanent physical impairment as per guidelines (.....number and date of issue of the guidelines to be specified), is as follows : -

In figures : - ----- percent

In words :- ----- percent

2. This condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is :

(i) not necessary,

or

(ii) is recommended/after years months, and therefore this certificate shall be valid till

(DD) (MM) (YY)

@ e.g. Left/right/both arms/legs

e.g. Single eye

£ e.g. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

5. Signature and seal of the Medical Authority.

Name and Seal of Member	Name and Seal of Member	Name and Seal of the Chairperson

Signature/thumb impression of the person in whose favour certificate of disability is issued.

Form – VII

Certificate of Disability

(In cases other than those mentioned in Forms V and VI)

(Name and Address of the Medical Authority issuing the Certificate)

[See rule 18(1)]

Recent passport size attested photograph (Showing face only) of the person with disability

Certificate No.

Date:

This is to certify that I have carefully examined

Shri/Smt/Kum _____ son/wife/daughter of Shri _____ Date of Birth (DD/MM/YY) _____ Age _____ years, male/female _____ Registration No. _____ permanent resident of House No. _____ Ward/Village/Street _____ Post Office _____ District _____ State _____, whose photograph is affixed above, and am satisfied that he/she is a case of _____ disability. His/her extent of percentage physical impairment/disability has been evaluated as per guidelines (.....number and date of issue of the guidelines to be specified) and is shown against the relevant disability in the table below:-

Sl. No.	Disability	Affected part of body	Diagnosis	Permanent physical impairment/mental disability (in %)
1.	Locomotor disability	@		
2.	Muscular Dystrophy			
3.	Leprosy cured			
4.	Cerebral Palsy			
5.	Acid attack Victim			
6.	Low vision	#		
7.	Deaf	€		
8.	Hard of Hearing	€		
9.	Speech and Language disability			
10.	Intellectual Disability			
11.	Specific Learning Disability			
12.	Autism Spectrum Disorder			
13.	Mental illness			
14.	Chronic Neurological Conditions			
15.	Multiple sclerosis			
16.	Parkinson's disease			
17.	Haemophilia			
18.	Thalassemia			
19.	Sickle Cell disease			

(Please strike out the disabilities which are not applicable)

2. The above condition is progressive/non-progressive/likely to improve/not likely to improve.

3. Reassessment of disability is:

(i) not necessary, or

(ii) is recommended/after _____ years _____ months, and therefore this certificate shall be valid till (DD/MM/YY) _____

@ - eg. Left/Right/both arms/legs

- eg. Single eye/both eyes

€ - eg. Left/Right/both ears

4. The applicant has submitted the following document as proof of residence:-

Nature of document	Date of issue	Details of authority issuing certificate

(Authorised Signatory of notified Medical Authority)
(Name and Seal)

Countersigned
{ Countersignature and seal of the
Chief Medical Officer/Medical Superintendent/
Head of Government Hospital, in case the
Certificate is issued by a medical authority who is
not a Government servant (with seal) }

Signature/thumb impression of the person in whose favour certificate of disability is issued
--

Note.- In case this certificate is issued by a medical authority who is not a Government servant, it shall be valid only if countersigned by the Chief Medical Officer of the District

FORM - VIII

[Intimation of rejection of Application for Certificate of Disability]

[See rule 18 (4)]

No. _____

Dated :

To,

(Name and address of applicant
for Certificate of Disability)

Sub: Rejection of Application for Certificate of Disability

Sir/ Madam,

Please refer to your application dated _____ for issue of a Certificate of Disability for the following disability:

2. Pursuant to the above application, you have been examined by the undersigned/ Medical Authority on _____, and I regret to inform that, for the reasons mentioned below, it is not possible to issue a Certificate of Disability in your favour:

(i)

(ii)

(iii)

3. In case you are aggrieved by the rejection of your application, you may represent to _____ , requesting for review of this decision.

Yours faithfully,
(Authorised Signatory of the notified Medical Authority)
(Name and Seal)

[F. No. 03-01/2017-DD-III]
DOLLY CHAKRABARTY, Jt. Secy.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-18032020-218777
CG-DL-E-18032020-218777

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 155]

नई दिल्ली, मंगलवार, मार्च 17, 2020/फाल्गुन 27, 1941

No. 155]

NEW DELHI, TUESDAY, MARCH 17, 2020/PHALGUNA 27, 1941

सामाजिक न्याय और अधिकारिता मंत्रालय

(दिव्यांगजन सशक्तिकरण विभाग)

अधिसूचना

नई दिल्ली, 17 मार्च, 2020

सा.का.नि. 181(अ).—दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 की उपधारा (1) की अपेक्षानुसार, दिव्यांगजन अधिकार नियम, 2017 का और संशोधन करने के लिए कतिपय नियमों का प्रारूप भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (i) में अधिसूचना सं. सा.का.नि. 839(अ), तारीख 13 नवंबर, 2019 द्वारा प्रकाशित किए गए थे, उन सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से जिसको उक्त अधिसूचना से युक्त राजपत्र की प्रतियां जनता को उपलब्ध करा दी गई थीं, तीस दिन की समाप्ति से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और राजपत्र की प्रतियां, जिसमें उक्त अधिसूचना प्रकाशित की गई थी, जनता को 13 नवंबर, 2019 को उपलब्ध करा दी गई थी;

और जनता से प्राप्त आक्षेप और सुझावों पर केन्द्रीय सरकार द्वारा विचार कर लिया गया था;

अतः, अब केन्द्रीय सरकार, दिव्यांगजन अधिकार अधिनियम, 2016 (2016 का 49) की धारा 100 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिव्यांगजन अधिकार नियम, 2017 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:-

1. (1) इन नियमों का संक्षिप्त नाम दिव्यांगजन अधिकार (संशोधन) नियम, 2020 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. दिव्यांगजन अधिकार नियम, 2017 के नियम 31 में, खंड (ख) और खंड (ग) के स्थान पर निम्नलिखित खंड रखे जाएंगे, अर्थात्:-

"(ख) जिनके पास केन्द्रीय सरकार या राज्य सरकार या पब्लिक सेक्टर उपक्रम या अर्द्धसरकारी या स्वायत्त निकायों में दिव्यांगता से संबंधित मामलों या सामाजिक क्षेत्र में समूह "क" स्तर के पद का या किसी रजिस्ट्रीकृत राष्ट्रीय और अंतर्राष्ट्रीय स्वैच्छिक संगठन में ज्येष्ठ स्तर के कृत्यकारी के रूप में दिव्यांगता या सामाजिक विकास के क्षेत्र में कम से कम बीस वर्ष का अनुभव है:

परंतु बीस वर्ष के कुल अनुभव में से उसके पास कम से कम तीन वर्ष का अनुभव दिव्यांगजनों के पुनर्वास या सशक्तिकरण के क्षेत्र में होना चाहिए; और

(ग) वह भर्ती के वर्ष की 1 जनवरी को छप्पन वर्ष की उम्र से कम का हो।"

[फा. सं. 22-26/2019-डीडी-III]

डॉ. प्रबोध सेठ, संयुक्त सचिव

टिप्पण : दिव्यांगजन अधिकार नियम, 2017 भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (i) में सा.का.नि. 591(अ), तारीख 15 जून, 2017 द्वारा प्रकाशित किए गए थे और सा.का.नि. 209(अ), तारीख 8 मार्च, 2019 द्वारा अंतिम संशोधन किया गया था।

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Empowerment of Persons with Disabilities)

NOTIFICATION

New Delhi, the 17th March, 2020

G.S.R. 181(E).—Whereas a draft of certain rules further to amend the Rights of Persons with Disabilities Rules, 2017 was published as required by sub-section (1) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) in the Gazette of India, Extraordinary, Part-II, section 3, sub-section (i) *vide* number G.S.R. 839(E), dated the 13th November, 2019 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of thirty days from the day on which the copies of the Official Gazette containing the said notification was made available to the public;

And whereas the copies of the Official Gazette in which the said notification was published were made available to the public on the 13th November, 2019;

And whereas the objections and suggestions received from the public were considered by the Central Government;

Now, therefore, in exercise of powers conferred by sub-sections (1) and (2) of section 100 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Central Government hereby makes the following rules further to amend the Rights of Persons with Disabilities Rules, 2017, namely:-

1. (1) These rules may be called the Rights of Persons with Disabilities (Amendment) Rules, 2020.
(2) They shall come into force from the date of their publication in the Official Gazette.
2. In the Rights of Persons with Disabilities Rules, 2017, in rule 31, for clauses (b) and (c), the following clauses shall be substituted, namely:-

“(b) he is having at least twenty years experience in a Group “A” level post in the Central Government or a State Government or a public sector undertaking or a semi Government or an autonomous body dealing with disability

related matters or social sector or as senior level functionary in registered national and international voluntary organisations in the field of disability or social development:

Provided that out of the total of twenty years of experience, he should have at least three years of experience in the field of rehabilitation or empowerment of persons with disabilities; and

(c) he is less than fifty-six years of age as on the 1st January of the year of recruitment.”

[F. No. 22-26/2019-DD-III]

Dr. PRABODH SETH, Jt. Secy.

Note: The Rights of Persons with Disabilities Rules, 2017 were published in the Gazette of India, Extraordinary, Part II, section 3, sub-section (i) vide G.S.R. 591(E), dated the 15th June, 2017 and last amended vide G.S.R. 209 (E), dated the 8th March, 2019.



भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-29092020-222111
CG-DL-E-29092020-222111

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 61] नई दिल्ली, मंगलवार, सितम्बर 29, 2020/ आश्विन 7, 1942 (शक)
No. 61] NEW DELHI, TUESDAY, SEPTEMBER 29, 2020/ASVINA 7, 1942 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 29th September, 2020/Asvina 7, 1942 (Saka)

The following Act of Parliament received the assent of the President on the 28th September, 2020 and is hereby published for general information:—

THE CODE ON SOCIAL SECURITY, 2020

No. 36 OF 2020

[28th September, 2020.]

An Act to amend and consolidate the laws relating to social security with the goal to extend social security to all employees and workers either in the organised or unorganised or any other sectors and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Code on Social Security, 2020.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Code and any reference in any such provision to the commencement of this Code shall be construed as a reference to the coming into force of that provision.

Short title,
extent,
commencement
and application.

(4) The applicability of the Chapters specified in columns (1) and (2) of the First Schedule shall, without prejudice to the applicability of the other provisions of this Code, be such as is specified in corresponding entry in column (3) of that Schedule.

(5) Notwithstanding anything contained in sub-section (4), where it appears to the Central Provident Fund Commissioner, whether on an application made to him by the employer of an establishment or otherwise, that the employer and majority of employees of that establishment have agreed that the provisions of Chapter III should be made applicable to that establishment, the Central Provident Fund Commissioner, may, by notification, apply the provisions of the said Chapter to that establishment on and from the date of such agreement or from any subsequent date specified in the agreement:

Provided that where the employer of an establishment to which the provisions of Chapter III applied under this sub-section desires to come out of such applicability, he may make an application to the Central Provident Fund Commissioner and the Central Provident Fund Commissioner shall, if satisfied that there is an agreement between the employer and majority of the employees to this effect, make the provisions of that Chapter inapplicable to such establishment, in such manner and subject to such conditions as may be prescribed by the Central Government.

(6) The Central Government may, after giving not less than two months' notice of its intention so to do, by notification, apply the provisions of this Code to any establishment employing not less than such number of persons as may be specified in the notification.

(7) Notwithstanding anything contained in sub-section (4), where it appears to the Director General of the Corporation, whether on an application made to him by the employer of an establishment or otherwise, that the employer and majority of employees of that establishment have agreed that the provisions of Chapter IV should be made applicable to that establishment, the Director General of the Corporation, may, by notification, apply the provisions of the said Chapter to that establishment on and from the date of such agreement or from any subsequent date specified in the agreement:

Provided that where the employer of an establishment to which the provisions of Chapter IV applied under this sub-section desires to come out of such applicability, he may make an application to the Director General of the Corporation and Director General of the Corporation shall, if satisfied that there is an agreement between the employer and majority of the employees to this effect, make the provisions of that Chapter inapplicable to such establishment, in such manner and subject to such conditions as may be prescribed by the Central Government.

(8) Notwithstanding anything contained in sub-section (4), an establishment to which any Chapter applies at the first instance shall continue to be applied thereafter even if the number of employees therein at any subsequent time falls below the threshold specified in the First Schedule in respect of that Chapter.

Definitions.

2. In this Code, unless the context otherwise requires,—

(1) "agent" when used in relation to an establishment, means every person, whether appointed as such or not, who acting or purporting to act on behalf of the owner, takes part in the management, control, supervision or direction of such establishment or part thereof;

(2) "aggregator" means a digital intermediary or a market place for a buyer or user of a service to connect with the seller or the service provider;

(3) "appropriate Government" means—

(a) in relation to, an establishment carried on by or under the authority of the Central Government or concerning any such controlled industry as may be specified by notification in this behalf, by the Central Government or the establishment of railways including metro railways, mines, oil field, major

ports, air transport service, telecommunication, banking and insurance company or a corporation or other authority established by a Central Act or the central public sector undertaking or subsidiary companies set up by the central public sector undertakings, subsidiary companies set up by the principal undertakings or autonomous bodies owned or controlled by the Central Government, including establishment of contractors for the purposes of such establishment, corporation or other authority, central public sector undertakings, subsidiary companies or autonomous bodies or any company in which not less than fifty-one per cent. of the paid up share capital is held by the Central Government, as the case may be, or in relation to an establishment having departments or branches in more than one State, as the case may be, the Central Government; and

(b) in relation to any other establishment, the State Government.

60 of 2002. *Explanation 1.*—For the purposes of this clause, the expression "metro railway" means the metro railway as defined in sub-clause (i) of clause (1) of section 2 of the Metro Railways (Operation and Maintenance) Act, 2002.

Explanation 2.—For the purposes of this clause, the Central Government shall continue to be the appropriate Government for the central public sector undertakings even if the holding of the Central Government reduces to less than fifty per cent. equity in that public sector undertaking after the commencement of this Code;

(4) "audio-visual production" means audio-visual produced wholly or partly in India and includes—

(i) animation, cartoon depiction, audio-visual advertisement;

(ii) digital production or any of the activities in respect of making thereof; and

(iii) features films, non-feature films, television, web-based serials, talk shows, reality shows and sport shows;

(5) "Authorised Officer" means such officer of the Central Board, or as the case may be, of the Corporation notified by the Central Government;

(6) "building or other construction work" means the construction, alteration, repairs, maintenance or demolition in relation to buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distribution of water), oil and gas installations, electric lines, internet towers, wireless, radio, television, telephone, telegraph and overseas communications, dams, canals, reservoirs, watercourses, tunnels, bridges, viaducts, aqueducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the Central Government, by notification, but does not include any building or other construction work which is related to any factory or mine or any building or other construction work employing less than ten workers in the preceding twelve months or where such work is related to own residential purposes of an individual or group of individuals for their own residence and the total cost of such work does not exceed fifty lakhs rupees or such higher amount and employing more than such number of workers as may be notified by the appropriate Government;

(7) "building worker" means a person who is employed to do any skilled, semi-skilled or unskilled, manual, technical or clerical work for hire or reward, whether the terms of such employment are express or implied, in connection with any building or other construction work, but does not include any such person who is employed mainly in a managerial or supervisory or administrative capacity;

(8) "Building Workers' Welfare Board" means the State Building and other Construction Workers' Welfare Board constituted under sub-section (1) of section 7;

(9) "career centre" means any office (including employment exchange, place or portal) established and maintained in the manner prescribed by the Central Government for providing such career services (including registration, collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode) as may be prescribed by the Central Government, which may, *inter alia*, relate generally or specifically to—

(i) persons who seek to employ employees;

(ii) persons who seek employment;

(iii) occurrence of vacancies; and

(iv) persons who seek vocational guidance and career counselling or guidance to start self-employment;

(10) "Central Board" means the Board of Trustees of the Employees' Provident Fund constituted under section 4;

(11) "Central Provident Fund Commissioner" means the Central Provident Fund Commissioner of the Central Board appointed under sub-section (1) of section 14;

(12) "child", for the purposes of Chapter VI, includes a stillborn child;

(13) "Commissioning mother" means a biological mother who uses her egg to create an embryo implanted in any other woman;

(14) "company" means a company as defined in clause (20) of section 2 of the Companies Act, 2013;

18 of 2013.

(15) "compensation" means compensation as provided under Chapter VII;

(16) "competent authority" means any authority appointed under section 58 for the purposes of Chapter V or notified for the purposes of Chapter VI or appointed under section 91 for the purposes of Chapter VII, as the case may be, as competent authority by the appropriate Government or the State Government, as the case may be;

(17) "completed year of service" means continuous service for twelve months;

(18) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead;

(19) "contract labour" means a worker who shall be deemed to be employed in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer and includes inter-State migrant worker but does not include an employee (other than part time employee) who is regularly employed by the contractor for any activity of his establishment and his employment is governed by mutually accepted standards of the conditions of employment (including engagement on permanent basis), and gets periodical increment in the pay, social security coverage and other welfare benefits in accordance with the law for the time being in force in such employment;

(20) "contractor", in relation to an establishment means a person, who—

(i) undertakes to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment through contract labour; or

(ii) supplies contract labour for any work of the establishment as mere human resource,

and includes a sub-contractor;

(21) "contribution" means the sum of money payable by the employer, under this Code, to the Central Board and to the Corporation, as the case may be, and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Code;

(22) "Corporation" means the Employees' State Insurance Corporation constituted under section 5;

(23) "delivery" means the birth of a child;

(24) "dependant" means any of the following relatives of deceased employee, namely:—

(a) a widow, a minor legitimate or adopted son, an unmarried legitimate or adopted daughter or a widowed mother:

Provided that for the purposes of Chapter IV, a legitimate adopted son, who has not attained the age of twenty-five years, shall be dependant of the deceased employee;

(b) if wholly dependant on the earnings of the employee at the time of his death, a legitimate or adopted son or a daughter who has attained the age of eighteen years and who is infirm; except for the purposes of Chapter IV wherein the word "eighteen" occurring in this sub-clause shall be deemed to have been substituted by the word "twenty-five";

(c) if wholly or in part dependent on the earnings of the employee at the time of his death,—

(i) a widower;

(ii) a parent other than a widowed mother;

(iii) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate or adopted if married and a minor or if widowed and a minor;

(iv) a minor brother or an unmarried sister or a widowed sister if a minor;

(v) a widowed daughter-in-law;

(vi) a minor child of a pre-deceased son;

(vii) a minor child of a pre-deceased daughter where no parent of the child is alive, or;

(viii) a grandparent if no parent of the employee is alive.

Explanation.—For the purposes of sub-clause (b) and items (vi) and (vii) of sub-clause (c), references to a son, daughter or child include an adopted son, daughter or child, respectively;

(25) "dock work" means any work in or within the vicinity of any port in connection with, or required for, or incidental to, the loading, unloading, movement or storage of cargoes into or from ship or other vessel, port, dock, storage place or landing place, and includes—

(i) work in connection with the preparation of ships or other vessels for receipt or discharge of cargoes or leaving port;

(ii) all repairing and maintenance processes connected with any hold, tank structure or lifting machinery or any other storage area on board the ship or in the docks; and

(iii) chipping, painting or cleaning of any hold, tank, structure or lifting machinery or any other storage area in board the ship or in the docks;

(26) "employee" means any person (other than an apprentice engaged under the Apprentices Act, 1961) employed on wages by an establishment, either directly or through a contractor, to do any skilled, semi-skilled or unskilled, manual, operational, supervisory,

managerial, administrative, technical, clerical or any other work, whether the terms of employment be express or implied, and also includes a person declared to be an employee by the appropriate Government, but does not include any member of the Armed Forces of the Union:

Provided that for the purposes of Chapter III, except in case of the Employees' Provident Fund Scheme and Chapter IV, the term "employee" shall mean such employee drawing wages less than or equal to the wage ceiling notified by the Central Government and includes such other persons or class of persons as the Central Government may by notification, specify to be employee, for the purposes of those Chapters:

Provided further that for the purposes of counting of employees for the coverage of an establishment under Chapter III and Chapter IV, as the case may be, the employees, whose wages are more than the wage ceiling so notified by the Central Government, shall also be taken into account:

Provided also that for the purposes of Chapter VII, the term "employee" shall mean only such persons as specified in the Second Schedule and such other persons or class of persons as the Central Government, or as the case may be, the State Government may add to the said Schedule, by notification, for the purposes of that Government;

(27) "employer" means a person who employs, whether directly or through any person, or on his behalf, or on behalf of any person, one or more employees in his establishment and where the establishment is carried on by any department of the Central Government or the State Government, the authority specified, by the head of such department, in this behalf or where no authority is so specified, the head of the department and in relation to an establishment carried on by a local authority, the chief executive of that authority, and includes,—

(a) in relation to an establishment which is a factory, the occupier of the factory;

(b) in relation to mine, the owner of the mine or agent or manager having requisite qualification under the law for the time being in force and appointed by the owner or agent of the mine as such;

(c) in relation to any other establishment, the person who, or the authority which has ultimate control over the affairs of the establishment and where the said affairs are entrusted to a manager or managing director, such manager or managing director;

(d) contractor; and

(e) legal representative of a deceased employer;

(28) "employment injury" means a personal injury to an employee, caused by accident or an occupational disease, as the case may be, arising out of and in the course of his employment,—

(i) for the purposes of Chapter IV, if the employee is an insured or insurable employee under section 28 whether such accident occurs or the occupational disease is contracted within or outside the territorial limits of India; and

(ii) for the purposes of Chapter VII, whether such accident occurs or the occupational disease is contracted within or outside the territorial limits of India;

(29) "establishment" means—

(a) a place where any industry, trade, business, manufacture or occupation is carried on; or

(b) a factory, motor transport undertaking, newspaper establishment, audio-visual production, building and other construction work or plantation; or

(c) a mine, port or vicinity of port where dock work is carried out.

Explanation.—For the purposes of Chapter III, where an establishment consists of different departments or has branches, whether situate in the same place or in different places, all such departments or branches shall be treated as parts of the same establishment;

(30) "executive officer" means such officer of the appropriate Government as may be notified by that Government for the purposes of Chapter XIII or an officer authorised in writing by such executive officer to discharge his duties under that Chapter;

(31) "exempted employee" for the purposes of Chapter III, means an employee to whom any of the schemes referred to in section 15, but for the exemption granted under this Code, would have applied and for the purposes of Chapter IV, means an employee, whose wage is specified in the notification by the Central Government and who is not liable to pay employee's contribution;

(32) "factory" means any premises including the precincts thereof—

(a) whereon ten or more employees are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or

(b) whereon twenty or more employees are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on,

but does not include a mine, or a mobile unit belonging to the Armed Forces of the Union, railways running shed or a hotel, restaurant or eating place.

Explanation 1.—For computing the number of employees for the purposes of this clause, all the employees in (different groups and relays) a day shall be taken into account.

Explanation 2.—For the purposes of this clause, the mere fact that an Electronic Data Processing Unit or a Computer Unit is installed in any premises or part thereof, shall not be construed as factory if no manufacturing process is being carried on in such premises or part thereof;

(33) "family" means all or any of the following relatives of an employee or an unorganised worker, as the case may be, namely:—

(a) a spouse;

(b) a minor legitimate or adopted child dependent upon the employee or an unorganised worker, as the case may be;

(c) a child who is wholly dependent on the earnings of the employee or an unorganised worker, as the case may be, and who is—

(i) receiving education, till he attains the age of twenty-one years; and

(ii) an unmarried daughter;

(d) a child who is infirm by reason of any physical or mental abnormality or injury and is wholly dependent on the earnings of the employee or an unorganised worker, as the case may be, so long as the infirmity continues;

(e) dependent parents (including father-in-law and mother-in-law of a woman employee), whose income from all sources does not exceed such income as may be prescribed by the Central Government;

(f) in case the employee or an unorganised worker, as the case may be, is unmarried and his parents are not alive, a minor brother or sister wholly dependent upon the earnings of the Insured Person;

(34) "fixed term employment" means the engagement of an employee on the basis of a written contract of employment for a fixed period:

Provided that—

(a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent employee doing the same work or work of a similar nature; and

(b) he shall be eligible for all benefits, under any law for the time being in force, available to a permanent employee proportionately according to the period of service rendered by him even if his period of employment does not extend to the required qualifying period of employment;

(35) "gig worker" means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship;

(36) "home-based worker" means a person engaged in, the production of goods or services for an employer in his home or other premises of his choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, materials or other inputs;

(37) "Inspector-cum-Facilitator" means an Inspector-cum-Facilitator appointed under section 122;

(38) "Insurance Fund" means the Deposit-Linked Insurance Fund established under clause (c) of sub-section (1) of section 16;

(39) "Insured Person" means the Insured Person referred to in section 28;

(40) "Insurance Scheme" means the Deposit-Linked Insurance Scheme framed under clause (c) of sub-section (1) of section 15;

(41) "inter-State migrant worker" means a person who is employed in an establishment and who—

(i) has been recruited directly by the employer or indirectly through contractor in one State for employment in such establishment situated in another State; or

(ii) has come on his own from one State and obtained employment in an establishment of another State (hereinafter called destination State) or has subsequently changed the establishment within the destination State,

under an agreement or other arrangement for such employment and drawing wages not exceeding eighteen thousand rupees per month or such higher amount as may be notified by the Central Government from time to time;

(42) "manufacturing process" means any process for—

(i) making, altering, repairing, ornamenting, finishing, oiling, washing, cleaning, breaking up, demolishing, refining, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal; or

(ii) pumping oil, water, sewage or any other substance; or

(iii) generating, transforming or transmitting power; or

(iv) composing, offset printing, printing by letter press, lithography, photogravure screen printing, three or four dimensional printing, prototyping, flexography or other types of printing process or book binding; or

(v) constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or

(vi) preserving or storing any article in cold storage; or

(vii) such other activities as the Central Government may notify;

(43) "maternity benefit", in respect of Chapter VI, means the payment referred to in sub-section (1) of section 60;

(44) "medical practitioner" means a person registered under any law for the time being in force, or, any person declared by the State Government, by notification, to be qualified as medical practitioner for the purposes of this Code:

Provided that different class or classes of medical practitioner having specific qualification may be notified by the Central Government for the purposes of Chapter IV and by the appropriate Government for other Chapters of this Code;

34 of 1971. (45) "medical termination of pregnancy" means the termination of pregnancy permissible under the provisions of the Medical Termination of Pregnancy Act, 1971;

35 of 1952. (46) "mine" shall have the meaning assigned to it in clause (j) of sub-section (1) of section 2 of the Mines Act, 1952;

(47) "minor" means a person who has not attained the age of eighteen years;

45 of 1860. (48) "miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy, but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code;

(49) "National Social Security Board" means the National Social Security Board for Unorganised Workers constituted under sub-section (1) of section 6;

(50) "notification" means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression "notify" with its grammatical variations and cognate expressions shall be construed accordingly;

(51) "occupational disease" means a disease specified in the Third Schedule as a disease peculiar to the employment of the employee;

(52) "occupier" in respect of a factory means the person who has ultimate control over the affairs of the factory:

Provided that—

(a) in the case of a firm or other association of individuals, any one of the individual partners or members thereof;

18 of 2013. (b) in the case of a company, any one of the directors, except any independent director within the meaning of sub-section (6) of section 149 of the Companies Act, 2013;

(c) in the case of a factory owned or controlled by the Central Government or any State Government, or any local authority, the person or persons appointed to manage the affairs of the factory by the Central Government, the State Government or the local authority or such other authority as may be prescribed by the Central Government,

shall be deemed to be the occupier:

Provided further that in the case of a ship which is being repaired, or on which maintenance work is being carried out, in a dry dock which is available for hire, the owner of the dock shall be deemed to be the occupier for all purposes except the matters as may be prescribed by the Central Government which are directly related to the condition of ship for which the owner of ship shall be deemed to be the occupier;

53 of 1948. (53) "oilfield" shall have the meaning assigned to it in clause (e) of section 3 of the Oilfields (Regulation and Development) Act, 1948;

(54) "organised sector" means an enterprise which is not an unorganised sector;

(55) "permanent partial disablement" means, where the disablement is of a permanent nature, such disablement as reduces the earning capacity of an employee in every employment which he was capable of undertaking at the time of the accident resulting in the disablement:

Provided that every injury specified in Part II of the Fourth Schedule shall be deemed to result in permanent partial disablement;

(56) "permanent total disablement" means such disablement of a permanent nature as incapacitates an employee for all work which he was capable of performing at the time of the accident resulting in such disablement:

Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of the Fourth Schedule or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred per cent.;

(57) "Pension Fund" means the Pension Fund established under clause (b) of sub-section (1) of section 16;

(58) "Pension Scheme" means the Employees' Pension Scheme framed under clause (b) of sub-section (1) of section 15;

(59) "plantation" means—

(a) any land used or intended to be used for—

(i) growing tea, coffee, rubber, cinchona or cardamom which admeasures five hectares or more;

(ii) growing any other plant, which admeasures five hectares or more and in which ten or more persons are employed or were employed on any day of the preceding twelve months, if, after obtaining the approval of the Central Government, the State Government, by notification, so directs.

Explanation.—Where any piece of land used for growing any plant referred to in this sub-clause admeasures less than five hectares and is contiguous to any other piece of land not being so used, but capable of being so used, and both such pieces of land are under the management of the same employer, then, for the purposes of this sub-clause, the piece of land first mentioned shall be deemed to be a plantation, if the total area of both such pieces of land admeasures five hectares or more;

(b) any land which the State Government may, by notification, declare and which is used or intended to be used for growing any plant referred to in sub-clause (a), notwithstanding that it admeasures less than five hectares:

Provided that no such declaration shall be made in respect of such land which admeasures less than five hectares immediately before the commencement of this Code; and

(c) offices, hospitals, dispensaries, schools and any other premises used for any purpose connected with any plantation within the meaning of sub-clause (a) and sub-clause (b); but does not include factory on the premises;

(60) "platform work" means a work arrangement outside of a traditional employer-employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment;

(61) "platform worker" means a person engaged in or undertaking platform work;

- 15 of 1908. (62) "port" shall have the meaning assigned to it in clause (4) of section 3 of the Indian Ports Act, 1908;
- (63) "Provident Fund" means the Employees' Provident Fund established under clause (a) of sub-section (1) of section 16;
- (64) "Provident Fund Scheme" means the Employees' Provident Fund Scheme framed under clause (a) of sub-section (1) of section 15;
- (65) "prescribed" means prescribed by rules made under this Code;
- 24 of 1989. (66) "railway" shall have the meaning assigned to it in clause (31) of section 2 of the Railways Act, 1989;
- (67) "railway company" includes any persons whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway;
- (68) "Recovery Officer" means any officer of the Central Government, the State Government, the Central Board or the Corporation, who may be authorised by the Central Government or the State Government, as the case may be, by notification, to discharge the functions and to exercise the powers of a Recovery Officer under this Code;
- (69) "regulations" means regulations made by the Corporation under this Code;
- (70) "retirement" means termination of the service of an employee otherwise than on superannuation;
- 11 of 1976. (71) "sales promotion employees" means the sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976;
- (72) "Schedule" means a Schedule to this Code;
- (73) "seamen" means any person forming part of the crew of any ship, but does not include the master of the ship;
- (74) "seasonal factory" means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of ground-nuts, the manufacture of indigo, lac, sugar (including gur) or any manufacturing process which is incidental to or connected with any of the aforesaid processes and includes a factory which is engaged for a period not exceeding seven months in a year in a manufacturing process as the Central Government may, by notification, specify;
- (75) "self-employed worker" means any person who is not employed by an employer, but engages himself in any occupation in the unorganised sector subject to a monthly earning of an amount as may be notified by the Central Government or the State Government, as the case may be, from time to time or holds cultivable land subject to such ceiling as may be notified by the State Government;
- (76) "shop", in respect of a State, means a shop as defined in any law for the time being in force dealing with the shop in that State;
- (77) "sickness" means a condition which requires medical treatment and attendance and necessitates abstention from work on medical ground;
- (78) "social security" means the measures of protection afforded to employees, unorganised workers, gig workers and platform workers to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights conferred on them and schemes framed, under this Code;

(79) "Social Security Organisation" means any of the following organisations established under this Code, namely:—

(a) the Central Board of Trustees of Employees' Provident Fund constituted under section 4;

(b) the Employees' State Insurance Corporation constituted under section 5;

(c) the National Social Security Board for Unorganised Workers constituted under section 6;

(d) the State Unorganised Workers' Social Security Board constituted under section 6;

(e) the State Building and other Construction Workers' Welfare Boards constituted under section 7; and

(f) any other organisation or special purpose vehicle declared to be the social security organisation by the Central Government;

(80) "State Government" includes—

(a) in relation to a Union territory with legislature, the Government of the Union territory; and

(b) in relation to a Union territory without legislature, the administrator appointed under article 239 of the Constitution as an administrator thereof;

(81) "State Unorganised Workers' Board" means the State Unorganised Workers' Social Security Board constituted under sub-section (9) of section 6;

(82) "superannuation", in relation to an employee, means the attainment by the employee of such age as is fixed in the contract or conditions of service, as the age on the attainment of which the employee shall vacate the employment:

Provided that for the purposes of Chapter III, the age of superannuation shall be fifty-eight years;

(83) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee, as a result of such injury, temporarily incapable of doing the work which he was doing prior to or at the time of the injury;

(84) "Tribunal" means the Industrial Tribunal constituted by the appropriate Government under section 7A of the Industrial Disputes Act, 1947;

14 of 1947.

(85) "unorganised sector" means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten;

(86) "unorganised worker" means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by the Industrial Disputes Act, 1947 or Chapters III to VII of this Code;

14 of 1947.

(87) "vacancy", for the purposes of Chapter XIII, means an unoccupied post (including newly created post, post of trainee, post to be filled through apprentice or any unoccupied post created in an establishment by any other means) in a cadre or occupation for the purpose of employing a person and carrying remuneration;

(88) "wages" means all remuneration, whether by way of salaries, allowances or otherwise, expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes,—

(a) basic pay;

- (b) dearness allowance; and
- (c) retaining allowance, if any,

but does not include—

- (a) any bonus payable under any law for the time being in force, which does not form part of the remuneration payable under the terms of employment;
- (b) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the appropriate Government;
- (c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;
- (d) any conveyance allowance or the value of any travelling concession;
- (e) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment;
- (f) house rent allowance;
- (g) remuneration payable under any award or settlement between the parties or order of a court or Tribunal;
- (h) any overtime allowance;
- (i) any commission payable to the employee;
- (j) any gratuity payable on the termination of employment;
- (k) any retrenchment compensation or other retirement benefit payable to the employee or any *ex gratia* payment made to him on the termination of employment, under any law for the time being in force:

Provided that for calculating the wages under this clause, if payments made by the employer to the employee under sub-clauses (a) to (i) exceeds one-half, or such other per cent. as may be notified by the Central Government, of the all remuneration calculated under this clause, the amount which exceeds such one-half, or the per cent. so notified, shall be deemed as remuneration and shall be accordingly added in wages under this clause:

Provided further that for the purpose of equal wages to all genders and for the purpose of payment of wages, the emoluments specified in sub-clauses (d), (f), (g) and (h) shall be taken for computation of wage.

Explanation.—Where an employee is given in lieu of the whole or part of the wages payable to him, any remuneration in kind by his employer, the value of such remuneration in kind which does not exceed fifteen per cent. of the total wages payable to him, shall be deemed to form part of the wages of such employee;

(89) "wage ceiling" means such amount of wages as may be notified by the Central Government, for the purposes of becoming a member under Chapter III and Chapter IV;

(90) "wage worker" means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home-based worker, or as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers, with a monthly wage of an amount as may be notified by the Central Government and the State Government, as the case may be;

(91) "woman" means a woman employed, whether directly or through any contractor, for wages in any establishment:

Provided that for the purposes of Chapter IV, a woman who is or was an employee in respect of whom contribution is or were payable under the said Chapter and who is by

reason thereof, entitled to any of the benefits provided under the said Chapter shall be called “insured woman” and shall include—

- (i) a commissioning mother who as biological mother wishes to have a child and prefers to get embryo implanted in any other woman;
- (ii) a woman who legally adopts a child of up to three months of age.

Registration and cancellation of an establishment.

3. (1) Every establishment to which this Code applies shall be electronically or otherwise, registered within such time and in such manner as may be prescribed by the Central Government:

Provided that the establishment which is already registered under any other Central labour law for the time being in force shall not be required to obtain registration again under this Code and such registration shall be deemed to be registration for the purposes of this Code:

(2) Any establishment to which Chapter III or Chapter IV applies, and whose business activities are in the process of closure, may make an application for cancellation of registration granted under this section.

(3) The manner of making application for cancellation of the registration under sub-section (2), the conditions subject to which the registration shall be cancelled and the procedure of cancellation and other matters relating thereto, shall be such as may be prescribed by the Central Government.

CHAPTER II

SOCIAL SECURITY ORGANISATIONS

Constitution of Board of Trustees of Employees' Provident Fund.

4. (1) The Central Government may, by notification, constitute, with effect from such date as may be specified therein, a Board of Trustees of the Employees' Provident Fund to be called the Central Board, for the purposes of Chapter III and the provisions of this Code relating to that Chapter, for the administration of the funds vested in it in such manner as may be prescribed by the Central Government, consisting of the following members, namely:—

- (a) a Chairperson and a Vice-Chairperson to be appointed by the Central Government;
- (b) not more than five persons appointed by the Central Government from amongst its officials;
- (c) not more than fifteen persons representing Governments of such States as the Central Government may specify in this behalf, to be appointed by the Central Government;
- (d) ten persons representing employers of the establishments to which the schemes referred to in sub section (1) of section 15 applies, to be appointed by the Central Government after consultation with such organisations of employers as may be recognised by the Central Government in this behalf;
- (e) ten persons representing employees in the establishments to which schemes referred to in sub-section (1) of section 15 applies, who shall be appointed by the Central Government after consultation with such organisations of employees as may be recognised by that Government in this behalf; and
- (f) the Central Provident Fund Commissioner, *ex officio*.

(2) The Central Board shall be a body corporate by the name of Board of Trustees of the Employees' Provident Fund, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Central Government may, by notification, constitute, with effect from such date as may be specified therein, an Executive Committee from amongst the members of the Central Board to assist the Central Board in performance of its functions in such manner as may be prescribed by the Central Government.

(4) The Central Board may, by order, constitute one or more committees of such composition as may be specified in the order to assist it in the discharge of its functions.

(5) The Central Board may, by order, delegate to its Chairperson or to its Executive Committee or to any of its officers and a State Board constituted under section 12 may, by order, delegate to its Chairperson or to any of its officers, subject to such conditions and limitations, if any, as it may specify in such order, such of its powers and functions under this Code as it may deem necessary for efficient administration of the schemes referred to in sub-section (1) of section 15.

(6) The terms and conditions, including tenure of office, subject to which a member of the Central Board and Executive Committee shall discharge their respective duties may be such as may be prescribed by the Central Government:

Provided that a member of the Central Board shall, notwithstanding the expiry of the tenure of his office, continue to hold office until his successor is appointed.

(7) The Central Board, apart from the functions specified in this Code, shall also perform such other functions in such manner as may be prescribed by the Central Government.

5. (1) The Central Government may, by notification, constitute with effect from such date as may be specified therein, the Employees' State Insurance Corporation to be called the Corporation, for the purposes of Chapter IV and the provisions of this Code relating to that Chapter and the administration thereof, in such manner as may be prescribed by the Central Government, consisting of the following members, namely:—

Constitution of Employees' State Insurance Corporation.

(a) a Chairperson to be appointed by the Central Government;

(b) a Vice-Chairperson to be appointed by the Central Government;

(c) not more than five persons to be appointed by the Central Government from amongst its officials;

(d) one person representing each of such States in such manner, as may be prescribed by the Central Government;

(e) one person to be appointed by the Central Government to represent the Union territories;

(f) ten persons representing employers to be appointed by the Central Government in consultation with such organisations of employers as may be recognised for the purpose by the Central Government;

(g) ten persons representing employees to be appointed by the Central Government in consultation with such organisations of employees as may be recognised for the purpose by the Central Government;

(h) two persons representing the medical profession to be appointed by the Central Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the Central Government;

(i) three members of Parliament of whom two shall be members of the House of the People (Lok Sabha) and one shall be a member of the Council of States (Rajya Sabha) elected respectively by the members of the House of the People and the members of the Council of States; and

(j) the Director General of the Corporation, *ex officio*.

(2) The Corporation shall be a body corporate by the name of Employees' State Insurance Corporation, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Central Government may, by notification, constitute, with effect from such date as may be specified therein, a Standing Committee from amongst the members of the Corporation, in such manner as may be prescribed by the Central Government.

(4) Subject to the general superintendence and control of the Corporation, the Standing Committee—

(a) shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation in such manner as may be prescribed by the Central Government;

(b) shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in the regulations made in this behalf; and

(c) may, in its discretion, submit any other case or matter for the decision of the Corporation.

(5) (a) The Central Government may, by notification, constitute, with effect from such date as may be specified therein, a Medical Benefit Committee of such composition as may be specified therein, to assist the Corporation and the Standing Committee in performance of its functions relating to administration of medical benefits.

(b) the Medical Benefit Committee shall perform such duties and exercise such powers as may be prescribed by the Central Government.

(6) The Corporation may, by order, constitute one or more committees of such composition as may be specified in the regulations to assist it in the discharge of its functions.

(7) The terms and conditions, including tenure of office, subject to which a member of the Corporation and Standing Committee shall discharge their respective duties may be such as may be prescribed by the Central Government:

Provided that a member of the Corporation shall, notwithstanding the expiry of the tenure of his office, continue to hold office until his successor is appointed.

National
Social Security
Board and
State
Unorganised
Workers'
Board.

6. (1) The Central Government shall, by notification, constitute a National Social Security Board for unorganised workers to exercise the powers conferred on, and to perform the functions assigned to, it under this Code, in such manner as may be prescribed by the Central Government.

(2) The National Social Security Board shall consist of the following members, namely:—

(a) Union Minister for Labour and Employment as Chairperson;

(b) Secretary, Ministry of Labour and Employment as Vice-Chairperson;

(c) forty members to be nominated by the Central Government, out of whom—

(i) seven members representing unorganised sector workers;

(ii) seven members representing employers of unorganised sector;

(iii) seven members representing eminent persons from civil society;

(iv) two members representing the Lok Sabha and one from the Rajya Sabha;

(v) ten members representing Central Government Ministries and Departments concerned;

(vi) five members representing State Governments;

(vii) one member representing the Union territories; and

(d) the Director General Labour Welfare, as Member-Secretary, *ex officio*.

(3) All members except Chairperson of the National Social Security Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

(4) The manner in which members shall be nominated from each of the categories specified in clause (c) of sub-section (2), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the National Social Security Board shall be such as may be prescribed by the Central Government:

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the minorities and women.

(5) The term of the National Social Security Board shall be three years.

(6) The National Social Security Board shall meet at least thrice a year, at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed by the Central Government.

(7) The National Social Security Board shall perform the following functions, namely:—

(a) recommend to the Central Government for framing suitable schemes for different sections of unorganised workers, gig workers and platform workers;

(b) advise the Central Government on such matters arising out of the administration of this Code as may be referred to it;

(c) monitor such social welfare schemes for unorganised workers, gig workers and platform workers as are administered by the Central Government;

(d) review the record keeping functions performed at the State level;

(e) review the expenditure from the fund and account; and

(f) undertake such other functions as are assigned to it by the Central Government from time to time.

(8) The Central Government may, by notification, constitute with effect from such date as may be specified therein one or more advisory committee to advise the Central Government upon such matters arising out of the administration of this Code relating to unorganised workers and such other matters as the Central Government may refer to it for advice.

(9) Every State Government shall, by notification, constitute a State Board to be known as (name of the State) Unorganised Workers' Social Security Board to exercise the powers conferred on, and to perform the functions assigned to, it under this Code, in such manner as may be prescribed by the State Government.

(10) Every State Unorganised Workers' Board shall consist of the following members, namely:—

(a) Minister of Labour and Employment of the concerned State as Chairperson, *ex officio*;

(b) Principal Secretary or Secretary (Labour) as Vice-Chairperson;

(c) one member representing the Central Government in the Ministry of Labour and Employment;

(d) thirty-one members to be nominated by the State Government, out of whom—

(i) seven representing the unorganised workers;

(ii) seven representing employers of unorganised workers;

(iii) two members representing the Legislative Assembly of the concerned State;

(iv) five members representing eminent persons from civil society;

(v) ten members representing the State Government Departments concerned; and

(e) Member-Secretary as notified by the State Government.

(11) All members except Chairperson of the State Unorganised Workers' Board shall be from amongst persons of eminence in the fields of labour welfare, management, finance, law and administration.

(12) The manner in which members shall be nominated from each of the categories specified in clause (d) of sub-section (10), the term of office and other conditions of service of members, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the State Unorganised Workers' Board shall be such as may be prescribed by the State Government:

Provided that adequate representation shall be given to persons belonging to the Scheduled Castes, the Scheduled Tribes, the minorities and women.

(13) The term of the State Unorganised Workers' Board shall be three years.

(14) The State Unorganised Workers' Board shall meet at least once in a quarter at such time and place and shall observe such rules of procedure relating to the transaction of business at its meetings, as may be prescribed by the State Government.

(15) The State Board shall perform the following functions, namely:—

(a) recommend the State Government for framing suitable schemes for different sections of the unorganised sector workers;

(b) advise the State Government on such matters arising out of the administration of this Code as may be referred to it;

(c) monitor such social welfare schemes for unorganised workers as are administered by the State Government;

(d) review the record keeping functions performed at the district level;

(e) review the progress of registration and issue of cards to unorganised sector workers;

(f) review the expenditure from the funds under various schemes; and

(g) undertake such other functions as are assigned to it by the State Government from time to time.

(16) The State Government may, by notification, constitute with effect from such date as may be specified therein, one or more advisory committee to advise the State Government upon such matters arising out of the administration of this Code relating to unorganised workers and such other matters as the State Government may refer to it for advice.

Constitution
of State
Building
Workers'
Welfare
Boards.

7. (1) Every State Government shall, with effect from such date as it may, by notification, appoint, constitute a Board to be known as the.....(name of the State) Building and Other Construction Workers' Welfare Board to exercise the powers conferred on, and perform the functions assigned to, it under this section and Chapter VIII.

(2) The Building Workers' Welfare Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Building Workers' Welfare Board shall consist of a chairperson to be nominated by the State Government, one member to be nominated by the Central Government and such number of other members, not exceeding fifteen, as may be appointed to it by the State Government:

Provided that the Building Workers' Welfare Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one member of the Board shall be a woman.

(4) The terms and conditions of appointment and the salaries and other allowances payable to the chairperson and the other members of the Building Workers' Welfare Board, and the manner of filling of casual vacancies of the members of the Building Workers' Welfare Board, shall be such as may be prescribed by the State Government.

(5) (a) The Building Workers' Welfare Board shall appoint a Secretary and such officers and employees as it considers necessary for the efficient discharge of its functions under this Code.

(b) The Secretary of the Building Workers' Welfare Board shall be its chief executive officer.

(c) The terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the Building Workers' Welfare Board shall be such as may be prescribed by the State Government.

(6) The Building Workers' Welfare Board shall perform the following functions, namely:—

(a) provide death and disability benefits to a beneficiary or his dependants;

(b) make payment of pension to the beneficiaries who have completed the age of sixty years;

(c) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries as may be prescribed by the appropriate Government;

(d) frame educational schemes for the benefit of children of the beneficiaries as may be prescribed by the appropriate Government;

(e) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant, as may be prescribed by the appropriate Government;

(f) make payment of maternity benefit to the beneficiaries;

(g) frame skill development and awareness schemes for the beneficiaries;

(h) provide transit accommodation or hostel facility to the beneficiaries;

(i) formulation of any other welfare scheme for the building worker beneficiaries by State Government in concurrence with the Central Government; and

(j) make provision and improvement of such other welfare measures and facilities as may be prescribed by the Central Government.

(7) The State Government may, by notification, constitute with effect from such date as may be specified therein one or more advisory committee to advise the State Government upon such matters arising out of the administration of this Code relating to building workers and such other matters as the State Government may refer to it for advice.

8. (1) No person shall be chosen as, or continue to be, a member of a Social Security Organisation, or any Committee thereof who,—

(a) is or at any time has been adjudged an insolvent; or

(b) is found to be a lunatic or becomes of unsound mind; or

(c) is or has been convicted of any offence involving moral turpitude; or

(d) is an employer in an establishment and has defaulted in the payment of any dues under this Code;

(e) is a member of a Social Security Organisation being a member of the Parliament or a member of a State Legislative Assembly, when he ceases to be such member of the Parliament or State Legislative Assembly, as the case may be; or

(f) is a member of Social Security Organisation being a member of the Parliament or a member of a State Legislative Assembly, and he becomes a—

(i) Minister of Central or State Government; or

(ii) Speaker or Deputy Speaker of House of the People or a State Legislative Assembly; or

(iii) Deputy Chairman of the Council of States.

Disqualification and removal of a member of any Social Security Organisation.

Explanation 1.—If any question arises whether any person is disqualified under clause (d), it shall be referred to the appropriate Government and the decision of the appropriate Government on any such question shall be final.

Explanation 2.—Clause (f) shall not apply in case of persons who are members of the Social Security Organisation *ex officio*, by virtue of being a Minister.

(2) The Central Government, in case of the Central Board, the Corporation and the National Social Security Board and the State Government in case of the State Unorganised Workers' Board and the Building Workers' Welfare Board, may remove any member of such Social Security Organisation from his office, who,—

(a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or

(b) is absent without leave of the Social Security Organisation of which he is a member for more than three consecutive meetings of the Social Security Organisation or a Committee thereof;

(c) in the opinion of such Government, has so abused the position of his office as to render that member's continuation in the office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such member in the opinion of such Government:

Provided that no person shall be removed under clauses (b) and (c), unless that person has been given an opportunity to show cause as to why he should not be removed:

Provided further that a member of the Executive Committee of the Central Board or the Standing Committee of the Corporation shall cease to hold office if he ceases to be a member of the Central Board or the Corporation, as the case may be.

(3) Any member of a Social Security Organisation or a Committee thereof may at any time resign from his office in writing under his hand addressed to the Central Government or the State Government, as the case may be, which had made his appointment and on acceptance of such resignation, his office shall become vacant.

(4) If in a Social Security Organisation or a Committee thereof, the Central Government or the State Government, as the case may be, is of the opinion that—

(a) any member thereof representing employers or the employees or the unorganised workers, as the case may be, ceases to adequately represent so; or

(b) any member thereof representing to be an expert in a specified area, is later on found not to possess sufficient expertise in that area; or

(c) having regard to exigencies of circumstances or services in such Government, the member thereof representing such Government cannot continue to represent the Government,

then, such Government may, by order, remove such member from his office:

Provided that no person shall be removed under clause (a) or clause (b), unless that person has been given an opportunity to show cause as to why he should not be removed.

(5) If any member of a Social Security Organisation or a Committee thereof, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any matter coming up for consideration of the Social Security Organisation or a Committee thereof, then, he shall, as soon as may be possible after such fact of interest has come to his knowledge, disclose the nature of the interest and such disclosure shall be recorded in the proceedings of the Social Security Organisation or the Committee thereof, as the case may be, and such member, thereafter, shall not take part in any proceeding or decision of the Social Security Organisation, or a Committee thereof relating to that matter.

9. (1) A Social Security Organisation or any Committee thereof shall meet at such intervals and observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be prescribed by the Central Government.

Procedure for transaction of business of Social Security Organisation, etc.

(2) All orders and decisions of the Social Security Organisation shall be authenticated by the Central Provident Fund Commissioner, Director General, Director General Labour Welfare, State Principal Secretary or Secretary (Labour) of the respective Social Security Organisations or such other officer as may be notified by the appropriate Government and all other instruments issued by the Social Security Organisation shall be authenticated by the signature of such officer as may be authorised by an order by the respective Social Security Organisations.

(3) No act done or proceeding taken by a Social Security Organisation or any Committee thereof shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Social Security Organisation or the Committee thereof, as the case may be.

(4) Such members of a Social Security Organisation or any Committee thereof shall be entitled for such fee and allowances as may be prescribed by the Central Government.

10. The Central Provident Fund Commissioner and the Director General shall be the whole-time officer of the Central Board and the Corporation, respectively, and such officer shall not undertake any work unconnected with his office without the prior approval of the Central Government.

Executive
Heads of
Central Board
and
Corporation.

11. (1) If the Central Government in case of the Central Board, the Corporation or the National Social Security Board and the State Government, in case of the State Unorganised Workers' Board or the Building Workers' Welfare Board, is of the opinion that the Corporation or the Central Board or the National Social Security Board or the State Unorganised Workers' Board or the Building Workers' Welfare Board or any of the Committee thereof, as the case may be, is unable to perform its functions, or, has persistently made delay in the discharge of its functions or has exceeded or abused its powers or jurisdiction, then such Government may, by notification, supersede the Corporation or the Central Board or the National Social Security Board or the State Unorganised Workers' Board or the Building Workers' Welfare Board, or any of the Committees thereof, as the case may be, and reconstitute it in such manner as may be prescribed by the Central Government:

Supersession
of Corporation,
Central
Board,
National
Social
Security
Board or
State
Unorganised
Workers'
Board or the
Building
Workers'
Welfare
Board.

Provided that, before issuing a notification under this sub-section on any of the grounds specified herein, such Government shall give an opportunity to the Corporation or the Central Board or the National Social Security Board or the State Unorganised Workers' Board or the Building Workers' Welfare Board or any Committee thereof, as the case may be, to show cause as to why it should not be superseded and shall consider the explanations and objections raised by it and take appropriate action thereon.

(2) After the supersession of the Corporation, or the Central Board or the National Social Security Board, the State Unorganised Workers' Board or the Building Workers' Welfare Board, or any of the Committee thereof, as the case may be, and until it is reconstituted, the Central Government or the State Government, as the case may be, shall make such alternate arrangements for the purpose of administration of the relevant provisions of this Code, as may be prescribed by the Central Government.

(3) The Central Government or the State Government, as the case may be, shall cause, a full report of any action taken by it under this section and the circumstances leading to such action, to be laid before each House of Parliament or the State Legislature, as the case may be, at the earliest opportunity and in any case not later than three months from the date of the notification of supersession issued under sub-section (1).

12. (1) The Central Government may, by notification,—

State Board,
Regional
Boards, local
committees,
etc.

(i) after consultation with the Government of any State, constitute for that State, a Board of Trustees (hereinafter in this Code referred to as a State Board) which shall exercise such powers and perform such functions as may be assigned by notification, to it by the Central Government from time to time;

(ii) specify the manner of constitution of a State Board, the terms and conditions of the appointment of its members and the procedure of its meeting and other proceedings relating thereto.

(2) The Corporation may, by order, appoint Regional Boards and local committees in such area and in such manner to perform such functions and to exercise such powers as may be specified in the regulations.

Entrustment
of additional
functions to
Social Security
Organisations.

13. Notwithstanding anything contained in this Code, the Central Government may, by notification,—

(i) assign additional functions to a Social Security Organisation including administration of any other Act or scheme relating to social security subject to such provisions as may be specified in this behalf in the notification:

Provided that while the additional function of administering the Act or scheme are assigned under this clause to a Social Security Organisation, the officer or authority of such organisation, to whom such function has been assigned, shall exercise the powers under the enactment or scheme required for discharging such function in the manner as may be specified in the notification:

Provided further that the Social Security Organisations may assign such additional functions to existing officers or appoint or engage new officers necessary for such purpose, if such functions may not be performed and completed with the assistance of its personnel as existing immediately before the assignment of the additional functions;

(ii) specify the terms and conditions of discharging the functions under clause (i) by the Social Security Organisation;

(iii) provide that the expenditure incurred in discharging the functions specified in clause (i) including appointment or engagement of personnel necessary for proper discharge of such functions shall be borne by the Central Government;

(iv) specify the powers which the Social Security Organisation shall exercise while discharging the functions specified in clause (i); and

(v) provide that any expenditure referred to in clause (iii) shall be made by the Social Security Organisation after prior approval of the Central Government.

CHAPTER III

EMPLOYEES' PROVIDENT FUND

Appointment
of officers of
Central Board.

14. (1) The Central Government may appoint a Central Provident Fund Commissioner who shall be the Chief Executive Officer of the Central Board and shall also function as head of the Employees' Provident Fund Organisation.

Explanation.—For the purposes of this Code, the expression "Employees' Provident Fund Organisation" means the organisation consisting of officers and employees of the Central Board.

(2) The Central Provident Fund Commissioner shall be subject to the general control and superintendence of the Central Board in the discharge of his functions under this Code.

(3) The Central Government shall also appoint a Financial Advisor and Chief Accounts Officer to assist the Central Provident Fund Commissioner in the discharge of his duties.

(4) The Central Board may appoint, as many Additional Central Provident Fund Commissioners, Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners and such other officers and employees as it may consider necessary for the efficient administration of the Provident Fund Scheme, the Pension Scheme and the Insurance Scheme or other responsibilities assigned to the Central Board from time to time by the Central Government.

(5) No appointment to the post of the Central Provident Fund Commissioner or an Additional Central Provident Fund Commissioner or a Financial Advisor and Chief Accounts Officer or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Group 'A' or Group 'B' post under the Central Government shall be made except after consultation with the Union Public Service Commission:

Provided that no such consultation shall be necessary in regard to any such appointment—

(a) for a period not exceeding one year; or

(b) if the person to be appointed is, at the time of his appointment,—

(i) a member of the Indian Administrative Service, or

(ii) in the service of the Central Government or the Central Board in a Group 'A' or Group 'B' post.

(6) The method of recruitment, salary and allowances, discipline and other conditions of service of the Central Provident Fund Commissioner and the Financial Adviser and Chief Accounts Officer shall be such as may be specified by the Central Government and such salary and allowances shall be paid out of the Provident Fund.

(7) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the Additional Central Provident Fund Commissioners, Deputy Provident Fund Commissioners, Regional Provident Fund Commissioners, Assistant Provident Fund Commissioners and other officers and employees of the Central Board shall be such as may be specified by the Central Board in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay:

Provided that where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government:

Provided further that the salary and allowances of the officers specified in this clause shall not exceed the scale of pay respectively provided in the Provident Fund Scheme.

(b) In determining the corresponding scales of pay of officers and employees under clause (a), the Central Board shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Central Board shall refer the matter to the Central Government whose decision thereon shall be final.

15. (1) The Central Government may, by notification—

Schemes.

(a) frame a scheme to be called the Employees' Provident Fund Scheme for which the provident funds shall be established under this Chapter for employees or for any class of employees and specify the establishments or class of establishments to which the said scheme shall apply;

(b) frame a scheme to be called the Employees' Pension Scheme for the purpose of providing for—

(i) superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this Chapter applies;

(ii) widow or widower's pension, children pension or orphan pension payable to the beneficiaries of such employees; and

(iii) nominee pension;

(c) frame a scheme to be called the Employees' Deposit Linked Insurance Scheme for the purpose of providing life insurance benefits to the employees of any establishment or class of establishments to which this Chapter applies;

(d) frame any other scheme or schemes for the purposes of providing social security benefits under this Code to self-employed workers or any other class of persons; and

(e) modify any scheme referred to in clauses (a), (b), (c) and (d) by adding thereto, amending or varying therein, either prospectively or retrospectively.

(2) Subject to the provisions of this Chapter, the schemes referred to in clauses (a), (b) and (c) of sub-section (1) may provide for all or any of the matters respectively specified in Part A, Part B and Part C of the Fifth Schedule.

(3) The schemes may provide that all or any of its provisions shall take effect either prospectively or retrospectively on and from such date as may be specified in that behalf in the scheme.

Funds.

16. (1) The Central Government may, for the purposes of—

(a) the Provident Fund Scheme, establish a Provident Fund where the contributions paid by the employer to the fund shall be ten per cent. of the wages for the time being payable to each of the employees (whether employed by him directly or by or through a contractor), and the employee's contribution shall be equal to the contribution payable by the employer in respect of him and may, if any employee so desires, be an amount exceeding ten per cent. of the wages, subject to the condition that the employer shall not be under an obligation to pay any contribution over and above his contribution payable under this section:

Provided that in its application to any establishment or class of establishments which the Central Government, after making such inquiry as it deems fit, may, by notification, specify, this section shall be subject to the modification that for the words "ten per cent." at both the places where they occur, the words "twelve per cent." shall be substituted:

Provided further that the Central Government, after making such inquiry as it deems fit, may, by notification, specify rates of employees' contributions and the period for which such rates shall apply for any class of employee;

(b) the Pension Scheme, establish a Pension Fund in the manner specified in that scheme by that Government into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme,—

(i) such sums from the employer's contribution under clause (a) not exceeding eight and one-third per cent. of the wages or such per cent. of wages as may be notified by the Central Government;

(ii) such sums payable as contribution to the Pension Fund, as may be specified in the Pension Scheme, by the employers of the exempted establishments under section 143 to which the pension scheme applies;

(iii) such sums as the Central Government after due appropriation by Parliament by law in this behalf, specify;

(c) the Insurance Scheme, establish a Deposit-Linked Insurance Fund in the manner specified in that scheme by that Government into which there shall be paid by the employer from time to time in respect of every such employee in relation to whom he is the employer, such amount, not being more than one per cent. of the wages or such per cent. of wages as may be notified by the Central Government for the time being payable in relation to such employee:

Provided that the employer shall pay into the Insurance Fund such further sums of money, not exceeding one-fourth of the contribution which he is required to make under this clause, as the Central Government may, from time to time, determine to meet all the expenses in connection with the administration of the Insurance Scheme other than the expenses towards the cost of any benefits provided by or under the Insurance Scheme.

(2) The Provident Fund, the Pension Fund and the Insurance Fund shall vest in, and be administered by, the Central Board in such manner as may be specified in the respective schemes.

17. (1) The amount of contribution (that is to say, the employer's contribution as well as the employee's contribution in pursuance of any scheme and the employer's contribution in pursuance of the Insurance Scheme) and any charge for meeting the cost of administering the fund paid or payable by an employer in respect of an employee employed by or through a contractor may be recovered by such employer from the contractor, either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.

Contribution in respect of employees and contractors.

(2) A contractor from whom the amounts mentioned in sub-section (1) may be recovered in respect of any employee employed by or through him may recover from such employee, the employee's contribution under any scheme by deduction from the wages payable to such employee.

(3) Notwithstanding any contract to the contrary, no contractor shall be entitled to deduct the employer's contribution or the charges referred to in sub-section (1) from the wages payable to an employee employed by or through him or otherwise to recover such contribution or charges from such employee.

18. For the purposes of the Income-tax Act, 1961, the Provident Fund shall be deemed to be a recognised provident fund within the meaning of clause (38) of section 2 of that Act:

Fund to be recognised under Act 43 of 1961.

Provided that nothing contained in the said Act shall operate to render ineffective any provision of the Provident Fund Scheme (under which the Provident Fund is established) which is repugnant to any of the provisions of that Act or of the rules made thereunder.

19. Notwithstanding anything contained in any other law for the time being in force, any amount due under this Chapter shall be the charge on the assets of the establishment to which it relates and shall be paid in priority in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016.

31 of 2016.

Priority of payment of contributions over other debts.

20. (1) This Chapter shall not apply—

2 of 1912.

(a) to any establishment registered under the Co-operative Societies Act, 1912 or under any other law for the time being in force in any State relating to co-operative societies employing less than fifty persons and working without the aid of power; or

(b) to any other establishment belonging to or under the control of the Central Government or a State Government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any scheme or rule framed by the Central Government or the State Government governing such benefits; or

(c) to any other establishment set up under any Central or State or any other law for the time being in force and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that law governing such benefits; or

(d) to the employees who, immediately before the commencement of this Code, were receiving benefits of Provident Fund under any Central or State enactment.

Chapter not to apply to certain establishments.

(2) If the Central Government is of the opinion that having regard to the financial position of any class of establishment or other circumstances of the case, it is necessary or expedient so to do, it may, by notification and subject to such conditions, as may be specified in the notification, exempt, whether prospectively or retrospectively, that class of establishments from the operation of this Chapter for such period as may be specified in the notification.

Authorising certain employers to maintain provident fund accounts.

21. (1) The Central Government may, on an application made to it in this behalf by the employer and the majority of employees in relation to an establishment employing one hundred or more persons, authorise the employer by an order in writing, to maintain a provident fund account in relation to the establishment, in such manner as may be prescribed by the Central Government and subject to such terms and conditions as may be specified in the Provident Fund Scheme:

Provided that no authorisation shall be made under this sub-section if the employer of such establishment had committed any default in the payment of provident fund contribution or had committed any other offence under this Code during the three years immediately preceding the date of such authorisation.

(2) Where an establishment is authorised to maintain a provident fund account under sub-section (1), the employer in relation to such establishment shall maintain such account, submit such return, deposit the contribution in such manner, provide for such facilities for inspection, pay such administrative charges, and abide by such other terms and conditions, as may be specified in the Provident Fund Scheme.

(3) Any authorisation made under this section may be cancelled by the Central Government by order in writing if the employer fails to comply with any of the terms and conditions of the authorisation or where he commits any offence under any provision of this Code:

Provided that before cancelling the authorisation, the Central Government shall give the employer a reasonable opportunity of being heard.

Transfer of accounts.

22. Where an employee,—

(a) employed in an establishment to which this Chapter applies, relinquishes his employment therefrom and obtains employment in any other establishment to which this Chapter applies or not; or

(b) employed in an establishment to which this Chapter does not apply, relinquishes his employment therefrom and obtains employment in an establishment to which this Chapter applies,

then, his accumulated amount in provident fund account or pension account, as the case may be, shall be transferred or dealt with in the manner as may be specified in the Provident Fund Scheme or the Pension Scheme, as the case may be.

Appeal to Tribunal.

23. (1) Any person aggrieved by an order passed by any authority in regard to the following matters may prefer an appeal to the Tribunal constituted by the Central Government, namely:—

(a) determination and assessment of dues under section 125 relating to Chapter III; and

(b) levy of damages under section 128 relating to Chapter III.

(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and accompanied by such fees as may be prescribed by the Central Government.

(3) No appeal under clause (a) of sub-section (1) by the employer shall be entertained by the Tribunal unless he has deposited with Social Security Organisation concerned twenty-five per cent. of the amount due from him as determined by an officer under section 125.

(4) The Tribunal shall endeavour to decide the appeal within a period of one year from the date on which the appeal has been preferred.

CHAPTER IV

EMPLOYEES STATE INSURANCE CORPORATION

24. (1) The Central Government may appoint a Director General of the Corporation and a Financial Commissioner, who shall be the Principal Officers of the Corporation.

Principal
Officers and
other staff.

(2) The Director General and the Financial Commissioner shall hold office for such period, not exceeding five years, as may be specified in the order of appointment:

Provided that outgoing Director General or Financial Commissioner, as the case may be, shall be eligible for re-appointment if he is otherwise qualified.

(3) The Director General or the Financial Commissioner shall receive such salary and allowances as may be prescribed by the Central Government.

(4) The Director General and the Financial Commissioner shall exercise such powers and discharge such duties as may be prescribed by the Central Government and shall perform such other functions as may be specified in the regulations.

(5) A person shall be disqualified from being appointed as or for being the Director General of the Corporation or the Financial Commissioner if he is subject to any of the disqualifications specified in section 8.

(6) The Central Government may at any time remove the Director General of the Corporation or the Financial Commissioner from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-third of the total strength of the Corporation.

(7) The Corporation may employ such other officers and employees as may be necessary for the efficient transaction of its business and for discharge of any other responsibilities assigned to the Corporation from time to time by the Central Government:

Provided that the sanction of the Central Government shall be obtained for the creation of any post the maximum monthly salary of which exceeds such salary as may be prescribed by the Central Government.

(8) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the officers and employees of the Corporation shall be such as may be specified in the regulations in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay:

Provided that the terms and conditions of service including pay and allowances of such posts of medical specialists and super specialists in the Corporation possessing comparable qualifications and expertise, as may be notified by the Central Government, with the equivalent posts of the specialists and super specialists in the All India Institute of Medical Sciences or in the Post Graduate Institutes of Medical Sciences and Research or other similar institutions established by the Central Government, shall respectively be similar:

Provided further that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government:

Provided also that this sub-section shall not apply to appointment of consultants and specialists in various fields appointed on contract basis.

(b) In determining the corresponding scales of pay of officers and employees under clause (a), the Corporation shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Corporation shall refer the matter to the Central Government whose decision thereon shall be final.

(9) Every appointment to posts (other than medical, nursing or para-medical posts) corresponding to Group 'A' and Group 'B' Gazetted posts under the Central Government shall be made in consultation with the Union Public Service Commission:

Provided that the provisions of this sub-section shall not apply to an officiating or temporary appointment for a period not exceeding one year:

Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade.

(10) If any question arises whether a post corresponds to a Group 'A' and Group 'B' posts under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.

Employees' State Insurance Fund.

25. (1) All contributions and user charges paid under this Chapter and all other moneys received on behalf of the Corporation shall be paid into a fund (hereinafter referred to as the Employees' State Insurance Fund) which shall be held and administered by the Corporation for the purposes of this Code:

Provided that the user charges collected from the other beneficiaries referred to in section 44 shall be deemed to be contribution and shall form part of Employees' State Insurance Corporation.

(2) The Corporation may accept grants, donations, Corporate Social Responsibility Fund and gifts from the Central or any State Government, local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Chapter.

(3) Subject to the other provisions contained in this Code and to any rules or regulations made in this behalf, all moneys accruing or payable to the said Fund shall be deposited in such bank or banks as may be approved by the Central Government to the credit of an account styled the account of the Employees' State Insurance Fund.

(4) The Employees State Insurance Fund or any other money which is held by the Corporation shall be deposited or invested in the manner prescribed by the Central Government and the account referred to in sub-section (3) shall be operated by such officers as may be authorised by the Committee constituted under sub-section (3) of section 5 (hereinafter referred to as the Standing Committee) with the approval of the Corporation.

Purposes for which Employees' State Insurance Fund may be expended.

26. Subject to the provisions of this Chapter and the rules and regulations relating thereto, made under this Code, the Employees' State Insurance Fund shall be expended only for the following purposes, namely:—

(a) payment of benefits and provision of medical treatment and attendance to Insured Persons referred to in section 28 and, where the medical benefit is extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Chapter and the rules and regulations relating thereto and defraying the charges and costs in connection therewith;

(b) payment of fees and allowances to members of the Corporation, the Standing Committee, the Medical Benefit Committee or other Committees thereof;

(c) payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and staff of the Corporation and meeting the expenditure in respect of offices and other services set up for the purpose of giving effect to the provisions of this Code relating to this Chapter;

(d) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit

of Insured Persons referred to in section 28 and, where the medical benefit is extended to their families;

(e) payment of contributions to any State Government, local authority or any private body or individual, towards the cost of medical treatment and attendance provided to Insured Persons referred to in section 28 and, where the medical benefit is extended to their families, their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation;

(f) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities;

(g) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Chapter;

(h) payment of any sums under any contract entered into for the purposes of this Code by Corporation or the Standing Committee or by any officer duly authorised by the Corporation or the Standing Committee in that behalf;

(i) payment of sums under any decree, order or award of any Court or Tribunal against the Corporation or any of its officers or staff for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation;

(j) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Code relating to this Chapter;

(k) defraying expenditure, within the limits prescribed by the Central Government after consultation with the Corporation, on measures for the improvement of the health and welfare of Insured Persons and for the rehabilitation and re-employment of Insured Persons referred to in section 28 who have been disabled or injured; and

(l) such other purposes as may be authorised by the Corporation with the previous approval of the Central Government.

27. (1) The Corporation may, subject to such conditions as may be prescribed by the Central Government, acquire and hold property, both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Corporation is established.

Holding of property, etc.

(2) Subject to such conditions as may be prescribed by the Central Government, the Corporation may from time to time invest any moneys which are not immediately required for expenses properly defrayable under this Code and may, subject to as aforesaid, from time to time re-invest or realise such investments.

(3) The Corporation may, with the previous sanction of the Central Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.

(4) The Corporation may constitute for the benefit of its officers and staff or any class of them, such provident or other benefit fund as it may think fit.

28. (1) Subject to the provisions of this Code, every employee in an establishment to which this Chapter applies shall be insured in such manner whether electronically or otherwise, as may be prescribed by the Central Government.

All employees to be insured.

(2) An employee whether insured or insurable under sub-section (1) in respect of whom contributions are or were payable and who is by reason thereof, entitled to any of the benefits provided under this Chapter, shall be called "Insured Person".

Contributions.

29. (1) The contribution payable under this Chapter in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.

(2) The contributions (employer's contribution and the employee's contribution both) shall be paid at such rates as may be prescribed by the Central Government.

(3) The wage period in relation to an employee shall be the unit as specified in the regulations (hereinafter referred to as the wage period) in respect of which all contributions shall be payable under this Chapter.

(4) The contributions payable in respect of each wage period shall ordinarily fall due on the last day of the wage period, and where an employee is employed for part of the wage period, or is employed under two or more employers during the same wage period, the contributions shall fall due on such days as may be specified in the regulations.

Administrative expenses.

30. The types of expenses which may be termed as administrative expenses and the percentage of the income of the Corporation which may be spent for such expenses shall be such as may be prescribed by the Central Government and the Corporation shall keep its administrative expenses within the limit so prescribed by the Central Government.

Provisions as to payment of contributions by employer, etc.

31. (1) The employer shall pay in respect of every employee, whether directly employed by him or by or through a contractor, both the employer's contribution and the employee's contribution.

(2) Notwithstanding anything contained in any other law for the time being in force, but subject to the provisions of this Code and the rules and regulations, if any, made thereunder in this behalf, the employer shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by reduction from his wages and not otherwise:

Provided that no such deduction shall be made from any wages other than such as relates to the period or part of the period in respect of which the contribution is payable or in excess of the sum representing the employee's contribution for the period.

(3) Notwithstanding any contract to the contrary, neither the employer nor the contractor shall be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.

(4) Any sum deducted by the employer from wages under this Chapter shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.

(5) The employer shall bear the expenses of remitting the contributions to the Corporation.

(6) An employer, who has paid contribution in respect of an employee employed by or through a contractor, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any,) from the contractor, either by deduction from any amount payable to him by the employer under any contract, or as a debt payable by the contractor.

(7) The contractor shall maintain a register of employees employed by or through him as provided in the regulations and submit the same to the employer before the settlement of any amount payable under sub-section (6).

(8) In the case referred to in sub-section (6), the contractor shall be entitled to recover the employee's contribution from the employee employed by or through him by deduction from wages and not otherwise, subject to such conditions as specified in the proviso to sub-section (2).

(9) Subject to the provisions of this Code, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Chapter.

32. (1) Subject to the provisions of this Code, the Insured Persons, their dependants or the persons hereinafter mentioned, as the case may be, shall be entitled to the following benefits, namely:—

(a) periodical payments to any Insured Person in case of his sickness certified by a duly appointed medical practitioner or by any other person possessing such qualifications and experience as the Corporation may, by the regulations, specify in this behalf (hereinafter referred to as sickness benefit);

(b) periodical payments to an Insured Person being a woman in case of confinement or miscarriage or sickness arising out of pregnancy, confinement, premature birth of child or miscarriage, such woman being certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as maternity benefit);

(c) periodical payments to an Insured Person suffering from disablement as a result of an employment injury sustained by him as an employee for the purposes of this Chapter and certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as disablement benefit);

(d) periodical payments to such dependants of an Insured Person who dies as a result of an employment injury sustained by him as an employee for the purposes of this Chapter, as are entitled under this Chapter (hereinafter referred to as dependants' benefit);

(e) medical treatment for and attendance on Insured Persons (hereinafter referred to as medical benefit); and

(f) payment to the eldest surviving member of the family of an Insured Person who has died, towards the expenditure on the funeral of the deceased Insured Person, or, where the Insured Person did not have a family or was not living with his family at the time of his death, to the person who actually incurs the expenditure on the funeral of the deceased Insured Person (to be known as funeral expenses):

Provided that the amount of payment under this clause shall not exceed such amount as may be prescribed by the Central Government and the claim for such payment shall be made within three months of the death of the Insured Person or within such extended period as the Corporation or any officer or authority authorised by it in this behalf may allow.

(2) The Corporation may, subject to such conditions as may be laid down in the regulations, extend the medical benefits to the family of an Insured Person.

(3) The qualification of a person to claim sickness benefit, maternity benefit, disablement benefit and dependants' benefit and the conditions subject to which such benefit may be given and the rate and period thereof, shall be such as may be prescribed by the Central Government.

(4) Subject to the provisions of this Code and the rules made thereunder relating to this Chapter, the Corporation may make regulations for any matter relating or incidental to the accrual and payment of benefits payable under this Chapter.

33. The Corporation may, in addition to the benefits specified in this Chapter, promote measures for the improvement of the health and welfare of Insured Persons and for the rehabilitation and re-employment of Insured Persons who have been disabled or injured and may incur in respect of such measures, expenditure from the Employees' State Insurance Fund within such limits as may be prescribed by the Central Government.

Benefits.

Corporation's power to promote measures for health, etc., of Insured Persons.

Presumption as to accident arising in course of employment.

34. (1) For the purposes of this Chapter, an accident arising in the course of an employee's employment shall be presumed, in the absence of evidence to the contrary, to have arisen out of that employment.

(2) An accident happening to an employee in or about any premises at which he is for the time being employed for the purpose of his employer's trade or business shall be deemed to arise out of and in the course of his employment, if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimise serious damage to property.

(3) An accident occurring to an employee while commuting from his residence to the place of employment for duty or from the place of employment to his residence after performing duty, shall be deemed to have arisen out of and in the course of employment if nexus between the circumstances, time and place in which the accident occurred and the employment is established.

(4) An accident happening while an employee is, with the express or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment, if—

(a) the accident would have been deemed so to have arisen had he been under such obligation; and

(b) at the time of the accident, the vehicle—

(i) is being operated by or on behalf of his employer or some other person by whom it is provided in pursuance of arrangements made with his employer; and

(ii) is not being operated in the ordinary course of public transport service.

Explanation.—In this section, "vehicle" includes a vessel and an aircraft.

Accidents happening while acting in breach of law, etc.

35. An accident shall be deemed to arise out of and in the course of an employee's employment notwithstanding that he is at the time of the accident acting in contravention of the provisions of any law applicable to him, or of any orders given by or on behalf of his employer or that he is acting without instructions from his employer, if—

(a) the accident would have been deemed so to have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be; and

(b) the act is done for the purpose of and in connection with the employer's trade or business.

Occupational disease.

36. (1) If an employee employed in any employment specified in Part A of the Third Schedule contracts any disease specified therein as an occupational disease peculiar to that employment, or if an employee employed in the employment specified in Part B of that Schedule for a continuous period of not less than six months contracts any disease specified therein as an occupational disease peculiar to that employment or if an employee employed in any employment specified in Part C of that Schedule for such continuous period as the Corporation may specify by regulations in respect of each such employment, contracts any disease specified in such Part C as an occupational disease peculiar to that employment, the contracting of the disease shall, unless the contrary is proved, be deemed to be an "employment injury", arising out of and in the course of employment.

(2) Save as provided by sub-section (1), no benefit shall be payable to an employee in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.

(3) The provisions of sub-section (1) of section 34 shall not apply to the cases to which this section applies.

37. (1) Any question—

(a) whether the relevant accident has resulted in permanent disablement; or

(b) whether the extent of loss of earning capacity can be assessed provisionally or finally; or

(c) whether the assessment of the proportion of the loss of earning capacity is provisional or final; or

(d) in the case of provisional assessment, as to the period for which such assessment shall hold good,

References to
medical board.

shall be determined by a medical board constituted in accordance with the provisions of the regulations (hereinafter referred to as medical board) and any such question shall hereafter be referred to as the "disablement question".

(2) The case of any Insured Person for permanent disablement benefit shall be referred by the Corporation to a medical board for determination of the disablement in question and if, on that or any subsequent reference, the extent of loss of earning capacity of the Insured Person is provisionally assessed, it shall again be so referred to the medical board not later than the end of the period taken into account by the provisional assessment.

(3) Any decision under this Chapter of a medical board may be reviewed at any time by the medical board if it is satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the employee or any other person of a material fact whether the non-disclosure or misrepresentation was or was not fraudulent.

(4) Any assessment of the extent of the disablement resulting from the relevant employment injury may also be reviewed by a medical board if it is satisfied that since the making of the assessment there has been a substantial and unforeseen aggravation of the results of the relevant injury:

Provided that an assessment shall not be reviewed under this sub-section unless the medical board is of the opinion, having regard to the period taken into account by the assessment and the probable duration of the aggravation aforesaid, that substantial injustice will be done by not reviewing it.

(5) Except with the leave of a medical appeal tribunal constituted by regulations, an assessment shall not be reviewed under sub-section (4) on any application made less than five years, or in the case of a provisional assessment, six months, from the date thereof and on such a review the period to be taken into account by any revised assessment shall not include any period before the date of the application.

(6) Subject to the foregoing provisions of this section, a medical board may deal with a case of review in any manner in which it could deal with it on an original reference to it, and in particular may make a provisional assessment notwithstanding that the assessment under review was final and the provisions of sub-section (2) shall apply to an application for review under this sub-section and to a decision of a medical board in connection with such application as they apply to a case for disablement benefit under that sub-section and to a decision of the medical board in connection with such case.

(7) (a) If the Insured Person or the Corporation is aggrieved by any decision of the medical board, the Insured Person or the Corporation, as the case may be, may appeal in such manner and within such time as may be prescribed by the Central Government to—

(i) the medical appeal tribunal constituted in accordance with the provisions of the regulations; or

(ii) the Employees' Insurance Court directly:

Provided that no appeal by an Insured Person shall lie under this sub-section if such person has applied for commutation of disablement benefit on the basis of the decision of the medical board and received the commuted value of such benefits:

Provided further that no appeal by the Corporation shall lie under this sub-section if the Corporation paid the commuted value of the disablement benefit on the basis of the decision of the medical board.

(b) Where the Insured Person or the Corporation preferred appeal to the medical appeal tribunal under sub-clause (i) of clause (a) instead of to the Employees' Insurance Court under sub-clause (ii) of that clause, then, he or it, as the case may be, shall have the further right to file second appeal to the Employees' Insurance Court in such manner and within such time as may be prescribed by the appropriate Government.

Dependants'
benefit.

38. (1) If an Insured Person dies as a result of an employment injury sustained as an employee under this Chapter (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury), dependants' benefit shall be payable to his dependants specified in sub-clause (a) and sub-clause (b) of clause (24) of section 2 at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government.

(2) In case the Insured Person dies without leaving behind him the dependants as aforesaid, the dependants' benefit shall be paid to the other dependants of the deceased at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government.

(3) Any decision awarding dependants' benefit under this Chapter may be reviewed at any time by the Corporation if it is satisfied by fresh evidence that the decision was given in consequence of non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) or that the decision is no longer in accordance with this Chapter due to any birth or death or due to the marriage, re-marriage, or ceasing of infirmity, or attainment of the age of twenty-five years by, a claimant.

(4) Subject to the provisions of this Chapter, the Corporation may, on such review under sub-section (3), direct that the dependants' benefit be continued, increased, reduced or discontinued.

Medical
benefit.

39. (1) An Insured Person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit.

(2) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the Insured Person or treatment as in-patient in a hospital or other institution.

(3) The qualification of an Insured Person and (where such medical benefit is extended to his family) his family, to claim medical benefit and the conditions subject to which such benefit may be given, the scale and period thereof shall be such as may be prescribed by the Central Government:

Provided that a person in respect of whom contribution ceases to be payable under this Chapter may be allowed medical benefit for such period and of such nature as may be provided by the regulations:

Provided further that an Insured Person who has attained the age of superannuation, a person who retires under a Voluntary Retirement Scheme or takes premature retirement, and his spouse shall be eligible to receive medical benefits subject to payment of contribution and such other conditions as may be specified in the regulations:

Provided also that an Insured Person who ceases to be in insurable employment on account of permanent disablement caused due to employment injury shall continue to receive medical benefits, subject to payment of contribution and other conditions as may be prescribed by the Central Government:

Provided also that the conditions for grant of medical benefits to the Insured Person during employment injury shall be as specified in the regulations.

(4) (a) The Corporation may establish medical education institutions, including colleges, dental colleges, nursing colleges and the training institutes for its officers and staff with a view to improve the quality of their services.

(b) The medical education institutions referred to in clause (a) shall require its students to furnish a bond for serving the Corporation for such time and in such manner, as may be specified in the regulations.

(5) The medical education institutions and training institutes referred to in sub-section (4) may be run by the Corporation itself or on the request of the Corporation, by the Central Government, any State Government, Public Sector Undertaking of the Central Government or the State Government or any other body notified by the Central Government.

Explanation.—For the purposes of this sub-section, the expression "other body" means any such organisation of persons which the Central Government considers capable to run colleges and training institutions referred to in sub-section (4).

(6) The Corporation may, in order to take preventive and curative measures for welfare of the Insured Persons, carry out such occupational and epidemiological surveys and studies for assessment of health and working conditions of Insured Persons in such manner as may be specified in the regulations.

40. (1) The State Government shall provide for Insured Persons and (where such benefit is extended to their families) their families in the State, reasonable medical, surgical and obstetric treatment:

Provision of medical treatment by State Government or by Corporation.

Provided that the State Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.

(2) Where the incidence of sickness benefit payment to Insured Persons in any State is found to exceed the all-India average, the amount of such excess shall be shared between the Corporation and the State Government in such proportion as may be fixed by agreement between them:

Provided that the Corporation may in any case waive the recovery of the whole or any part of the share which is to be borne by the State Government.

(3) The Corporation may enter into an agreement with a State Government in regard to the nature and scale of the medical treatment that should be provided to Insured Persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, medicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to Insured Persons between the Corporation and the State Government.

(4) In default of agreement between the Corporation and any State Government as aforesaid, the nature and extent of the medical treatment to be provided by the State Government and the proportion in which the cost thereof and of the excess in the incidence of sickness benefit shall be shared between the Corporation and that Government, shall be determined by an arbitrator who shall be appointed by the Central Government in consultation with the State Government.

(5) The State Government may, in addition to the Corporation under this Code, with the previous approval of the Central Government, establish such organisation (by whatever

name called) to provide for certain benefits to employees in case of sickness, maternity and employment injury:

Provided that any reference to the State Government in this Code relating to this Chapter shall also include reference to the organisation as and when such organisation is established by the State Government.

(6) The organisation referred to in sub-section (5) shall have such structure, discharge functions, exercise powers and undertake such activities as may be prescribed by the Central Government.

(7) The Corporation may establish and maintain in a State such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of Insured Persons and (where such medical benefit is extended to their families), their families.

(8) The Corporation may enter into agreement with any local authority, private body or individual in regard to the provision of medical treatment and attendance for Insured Persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.

(9) The Corporation may also enter into agreement with any local authority, local body or private body for commissioning and running Employees' State Insurance hospitals through third party participation for providing medical treatment and attendance to Insured Persons and (where such medical benefit has been extended to their families), to their families.

(10) Notwithstanding anything contained in any other provision of this Chapter, the Corporation may, in consultation with the State Government, undertake the responsibility for providing medical benefit to Insured Persons and (where such medical benefit is extended to their families), to the families of such Insured Persons in the State subject to the condition that the State Government shall share the cost of such medical benefit in such proportion as may be agreed upon between the State Government and the Corporation.

(11) In the event of the Corporation exercising its power under sub-section (10), the provisions relating to medical benefit under this Chapter shall apply, so far as may be, as if a reference therein to the State Government were a reference to the Corporation.

(12) Notwithstanding anything contained in this Code, in respect of establishments located in the States where medical benefit is provided by the Corporation, the Central Government shall be the appropriate Government.

General provisions as to benefits.

41. (1) Save as may be provided in the regulations, no person shall be entitled to commute for a lump sum any disablement benefit admissible under this Chapter.

(2) Save as may be provided in the regulations, no person shall be entitled to sickness benefit or disablement benefit for temporary disablement on any day on which he works or remains on leave or on a holiday in respect of which he receives wages or on any day on which he remains on strike.

(3) A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement) —

(a) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Chapter, and shall carry out the instructions given by the medical officer or medical attendant in-charge thereof;

(b) shall not while under treatment do anything which might retard or prejudice his chances of recovery;

(c) shall not leave the area in which medical treatment provided by this Chapter is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations; and

(d) shall allow himself to be examined by any duly appointed medical officer or other person authorised by the Corporation in this behalf.

(4) An Insured Person shall not be entitled to receive for the same period—

(a) both sickness benefit and maternity benefit; or

(b) both sickness benefit and disablement benefit for temporary disablement;
or

(c) both maternity benefit and disablement benefit for temporary disablement.

(5) Where a person is entitled to more than one of the benefits mentioned in sub-section (4), he shall be entitled to choose which benefit he shall receive.

(6) If a person dies during any period for which he is entitled to a cash benefit under this Chapter, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.

(7) (a) Any person eligible for availing dependant or disablement benefit under this Chapter shall not be entitled to claim Employees' Compensation from his employer under Chapter VII.

(b) Any women employee eligible for availing maternity benefit under this Chapter shall not be entitled to claim maternity benefit from her employer under Chapter VI.

(8) Where any person has received any benefit or payment under this Chapter when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of death, his legal representative shall be liable to repay the same from the assets of the deceased devolved on him.

(9) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.

(10) The amount recoverable under this section may be recovered in the manner specified under sections 129 to 132.

42. (1) If any employer, —

(a) fails or neglects to insure under section 28, an employee at the time of his appointment or within such extended period as may be prescribed by the Central Government, as a result of which the employee becomes disentitled to any benefit under this Chapter; or

(b) insures under section 28, an employee on or after the date of accident which resulted in personal injury to such employee which has the effect of making such employee disentitled to receive any dependant benefit or disablement benefit from the Corporation; or

(c) fails or neglects to pay any contribution which under this Chapter he is liable to pay in respect of any employee and by reason thereof such employee becomes disentitled to any benefit or becomes entitled to a benefit on a lower scale,

then, the Corporation may, on being satisfied in the manner prescribed by the Central Government that the benefit is payable to the employee, pay to the employee benefit at such rate to which he is entitled or would have been entitled if the failure or neglect would not have occurred, and the Corporation shall be entitled to recover from the employer, subject to the employer being given an opportunity of being heard, the capitalised value of the benefit paid to the employee, to be calculated in such manner as may be prescribed by the Central Government:

Corporation's rights when an employer fails to register, etc.

Provided that the capitalised value to be calculated may be adjusted for the payment of any contribution and interest or damages that the employer is liable to pay for delay in the payment of or non-payment of such contribution.

(2) The amount recoverable under this section may be recovered as if it were an arrear of land revenue or recovered in the manner specified under sections 129 to 132.

Liability of owner or occupier of factories, etc., for excessive sickness benefit.

43. (1) Where the Corporation considers that the incidence of sickness among Insured Persons is excessive by reason of—

(a) insanitary working conditions in a factory or other establishment or the neglect of the owner or occupier of the factory or other establishment to observe any health regulations enjoined on him by or under any enactment for the time being in force, or

(b) insanitary conditions of any tenements or lodgings occupied by Insured Persons and such insanitary conditions are attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactments for the time being in force,

then, the Corporation may send to the owner or occupier of the factory or other establishment or to the owner of the tenements or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure incurred by the Corporation as sickness benefit; and if the claim is not settled by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the appropriate Government.

(2) If the appropriate Government is of the opinion that a *prima facie* case for inquiry is made out, it may appoint a competent person or persons to hold an inquiry into the matter referred under sub-section (1).

(3) If upon inquiry under sub-section (2), it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the Insured Persons is due to the default or neglect of the owner or occupier of the factory or other establishment or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine, the amount of the extra expenditure incurred as sickness benefit as well as the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.

(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a Civil Court.

(5) For the purposes of this section, "owner" of tenements or lodgings shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.

Scheme for other beneficiaries.

44. Notwithstanding anything contained in this Chapter, the Central Government may, by notification, frame, amend, vary or rescind scheme for other beneficiaries and the members of their families for providing medical facility in any hospital established by the Corporation in any area which is underutilised on payment of user charges, and prescribe the terms and conditions subject to which the scheme may be operated.

Explanation.— For the purposes of this section,—

(a) "other beneficiaries" means persons other than employees insured under section 28;

(b) "underutilised hospital" means any hospital not fully utilised by the employees insured under section 28; and

(c) "user charges" means the amount which is to be charged from other beneficiaries for medical facilities as may be specified in the regulations after prior approval of the Central Government.

45. (1) Notwithstanding anything contained in this Chapter, the Central Government may, by notification, frame scheme for unorganised workers, gig workers and platform workers and the members of their families for providing benefits admissible under this Chapter by the Corporation.

Schemes for unorganised workers, gig workers and platform workers.

(2) The contribution, user charges, scale of benefits, qualifying and eligibility conditions and other terms and conditions subject to which the scheme may be operated shall be such as may be specified in the scheme.

46. The appropriate Government may, after consultation with the Corporation, by notification and subject to such conditions as may be specified in the notification, exempt any factory or other establishment belonging to the Government or any local authority, from the operation of this Chapter if the employees in any such factory or other establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Chapter.

Exemption of factories or other establishments belonging to Government or any local authority.

47. Notwithstanding anything contained in any other law for the time being in force, any amount due under this Chapter shall be the charge on the assets of the establishment to which it relates and shall be paid in priority in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016.

Contributions, etc., due to Corporation to have priority over other debts.

31 of 2016.

48. (1) The State Government shall, by notification, constitute an Employees' Insurance Court for such local area as may be specified in the notification.

Constitution of Employees' Insurance Court.

(2) The Employees' Insurance Court shall consist of such number of Judges as the State Government may think fit.

(3) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a Judge of the Employees' Insurance Court.

(4) The State Government may appoint the same Court for two or more local areas or two or more Employees' Insurance Courts for the same local area.

(5) Where more than one Employees' Insurance Court has been appointed for the same local area, the State Government may by general or special order regulate the distribution of business between them.

49. (1) If any question or dispute or claim arises as to—

Matters to be decided by Employees' Insurance Court.

(a) whether any person is an employee within the meaning of this Code relating to this Chapter or whether he is liable to pay the employee's contribution; or

(b) the rate of wages or average daily wages of an employee for the purposes of this Chapter; or

(c) the rate of contribution payable by an employer in respect of any employee under this Chapter; or

(d) the person who is or was the employer in respect of any employee for the purposes of this Chapter; or

(e) the right of any person to any benefit under this Chapter and as to the amount and duration thereof; or

(f) any direction issued by the Corporation on a review of any payment of dependants' benefit under this Chapter; or

(g) any other matter which is in dispute between an employer and the Corporation relating to this Chapter, or between an employer and a Contractor relating to this Chapter or between a person and the Corporation relating to this Chapter or between an employee and an employer or Contractor relating to this Chapter, in respect of any contribution or benefit or other dues payable or recoverable under this Code relating to this Chapter; or

(h) claim for the recovery of contributions from the employer under this Code relating to this Chapter; or

(i) claim under sub-section (8) of section 41 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; or

(j) claim against an employer under section 42; or

(k) order of the appellate authority under section 126 in respect of Chapter IV; or

(l) claim by an employer to recover contributions from any contractor under this Code relating to this Chapter; or

(m) any other claim for the recovery of any benefit admissible under this Chapter, such matter shall be decided by the Employers' Insurance Court.

(2) No matter which is in dispute between an employer and the Corporation in respect of any contribution or any other dues under this Chapter shall be raised by the employer in the Employees' Insurance Court unless he has deposited with that Court fifty per cent. of the amount due from him as claimed by the Corporation:

Provided that the Employees' Insurance Court may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this sub-section.

(3) No Civil Court shall have jurisdiction to decide or deal with any question or dispute as specified in sub-section (1) or to adjudicate on any liability which by or under this Code relating to this Chapter is to be decided by a medical board, or by a medical appeal tribunal or by the Employees' Insurance Court.

Powers of
Employees'
Insurance
Court.

50. (1) The Employees' Insurance Court shall have all the powers of a Civil Court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence and such court shall be deemed to be a Civil Court within the meaning of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

2 of 1974.

(2) The Employees' Insurance Court shall follow such procedure as may be prescribed by the State Government.

(3) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the State Government, be in the discretion of that court.

(4) An order of the Employees' Insurance Court shall be enforceable by it as if it were a decree passed in a suit by a Civil Court.

Proceedings of
Employees'
Insurance
Courts.

51. (1) The manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof shall be such as may be prescribed by the appropriate Government:

Provided that the limitation for initiating the proceedings by the aggrieved person in the Employees' Insurance Court shall be three years from the date on which the cause of action arises:

Provided further that the "arising of cause of action" in respect of a claim by the Insured Person or dependants; by the Corporation for recovering contribution (including interests and damages) from the employer; and the claim by the employer for recovering contributions from a Contractor and the time within which such claims, recovery or contribution, from employer by the Corporation and recovery of contribution by the employer from the Contractor, shall be as specified in the regulations.

(2) Any application, appearance or act required to be made or done by any person to, or before, an Employees' Insurance Court (other than appearance of a person required for the purpose of his examination as a witness) may be made or done by a legal practitioner or by an officer of a registered trade union authorised in writing by such person or with the permission of that Court, by any other person so authorised.

(3) An Employees' Insurance Court may submit any question of law for the decision of the High Court and if it does so shall decide the question pending before it in accordance with such decision.

52. (1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.

Appeal to
High Court.

(2) An appeal shall lie to the High Court from an order of an Employees' Insurance Court, if it involves a substantial question of law.

(3) The appeal shall be filed under this section within a period of sixty days from the date of the order made by the Employees' Insurance Court.

36 of 1963.

(4) The provisions of sections 5 and 12 of the Limitation Act, 1963 shall apply to appeals under this section.

(5) Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court, shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.

CHAPTER V

GRATUITY

53. (1) Gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years,—

Payment of
gratuity.

(a) on his superannuation; or

(b) on his retirement or resignation; or

(c) on his death or disablement due to accident or disease; or

(d) on termination of his contract period under fixed term employment; or

(e) on happening of any such event as may be notified by the Central Government:

Provided that in case of working journalist as defined in clause (f) of section 2 of the Working Journalists and Other Newspaper Employees (Condition of Service) and Miscellaneous Provisions Act, 1955, the expression "five years" occurring in this sub-section shall be deemed to be three years:

45 of 1955.

Provided further that the completion of continuous service of five years shall not be necessary where the termination of the employment of any employee is due to death or disablement or expiration of fixed term employment or happening of any such event as may be notified by the Central Government:

Provided also that in the case of death of the employee, gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs, and where any such nominees or heirs is a minor, the share of such minor, shall be deposited with the competent authority as may be notified by the appropriate Government who shall invest the same for the benefit of such minor in such bank or other financial institution, as may be prescribed by the appropriate Government, until such minor attains majority.

(2) For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to an employee at the rate of fifteen days' wages or such number of days as may be notified by the Central Government, based on the rate of wages last drawn by the employee concerned:

Provided that in the case of a piece-rated employee, daily wages shall be computed on the average of the total wages received by him for a period of three months immediately preceding the termination of his employment, and, for this purpose, the wages paid for any overtime work shall not be taken into account:

Provided further that in the case of an employee who is employed in a seasonal establishment and who is not so employed throughout the year, the employer shall pay the gratuity at the rate of seven days' wages for each season:

Provided also that in the case of an employee employed on fixed term employment or a deceased employee, the employer shall pay gratuity on *pro rata* basis.

(3) The amount of gratuity payable to an employee shall not exceed such amount as may be notified by the Central Government.

(4) For the purpose of computing the gratuity payable to an employee who is employed, after his disablement, on reduced wages, his wages for the period preceding his disablement shall be taken to be the wages received by him during that period, and his wages for the period subsequent to his disablement shall be taken to be the wages as so reduced.

(5) Nothing in this section shall affect the right of an employee to receive better terms of gratuity under any award or agreement or contract with the employer.

(6) Notwithstanding anything contained in sub-section (1),—

(a) the gratuity of an employee, whose services have been terminated for any act, wilful omission or negligence causing any damage or loss to, or destruction of, property belonging to the employer, shall be forfeited to the extent of the damage or loss so caused;

(b) the gratuity payable to an employee may be wholly or partially forfeited—

(i) if the services of such employee have been terminated for his riotous or disorderly conduct or any other act of violence on his part, or

(ii) if the services of such employee have been terminated for any act which constitutes an offence involving moral turpitude, provided such offence is committed by him in the course of his employment.

Explanation 1.— For the purposes of this Chapter, employee does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity.

Explanation 2.— For the purposes of this section, disablement means such disablement as incapacitates an employee for the work which he was capable of performing before the accident or disease, resulting in such disablement.

Explanation 3.— For the purposes of this section, it is clarified that in the case of a monthly rated employee, the fifteen days' wages shall be calculated by dividing the monthly rate of wages last drawn by him by twenty-six and multiplying the quotient by fifteen.

Continuous
service.

54. For the purposes of this Chapter,—

(A) an employee shall be said to be in continuous service for a period if he has, for that period, been in uninterrupted service, including service which may be interrupted on account of sickness, accident, leave, absence from duty without leave (not being absence in respect of which an order treating the absence as break in service has been passed in accordance with the standing orders, rules or regulations governing the employees of the establishment), lay-off, strike or a lock-out or cessation of work not due to any fault of the employee, whether such uninterrupted or interrupted service was rendered before or after the commencement of this Code;

(B) where an employee (not being an employee employed in a seasonal establishment) is not in continuous service within the meaning of clause (A), for any period of one year or six months, he shall be deemed to be in continuous service under the employer—

(a) for the said period of one year, if the employee during the period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days, in the case of any employee employed below the ground in a mine or in an establishment which works for less than six days in a week; and

(ii) two hundred and forty days, in any other case;

(b) for the said period of six months, if the employee during the period of six calendar months preceding the date with reference to which the calculation is to be made, has actually worked under the employer for not less than—

(i) ninety-five days, in the case of an employee employed below the ground in a mine or in an establishment which works for less than six days in a week; and

(ii) one hundred and twenty days, in any other case.

Explanation.— For the purposes of this clause, the number of days on which an employee has actually worked under an employer shall include the days on which—

(i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946, or under the Industrial Disputes Act, 1947, or under any other law applicable to the establishment;

20 of 1946.
14 of 1947.

(ii) he has been on leave with full wages, earned in the previous year;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twenty-six weeks;

(C) where an employee, employed in a seasonal establishment, is not in continuous service within the meaning of clause (A), for any period of one year or six months, he shall be deemed to be in continuous service under the employer for such period if he has actually worked for not less than seventy-five per cent. of the number of days on which the establishment was in operation during such period.

55. (1) Each employee, who has completed one year of service, shall make, a nomination within such time, in such form and in such manner, as may be prescribed by the appropriate Government.

Nomination.

(2) An employee may, in his nomination, distribute the amount of gratuity payable to him under this Chapter amongst more than one nominee.

(3) If an employee has a family at the time of making a nomination, the nomination shall be made in favour of one or more members of his family, and any nomination made by such employee in favour of a person who is not a member of his family shall be void.

(4) If at the time of making a nomination the employee has no family, the nomination may be made in favour of any person or persons but if the employee subsequently acquires

a family, such nomination shall forthwith become invalid and the employee shall make, within such time as may be prescribed by the appropriate Government, a fresh nomination in favour of one or more members of his family.

(5) A nomination may, subject to the provisions of sub-sections (3) and (4), be modified by an employee at any time, after giving to his employer a written intimation in such form and in such manner as may be prescribed by the appropriate Government, of his intention to do so.

(6) If a nominee predeceases the employee, the interest of the nominee shall revert to the employee who shall make a fresh nomination, in the form prescribed by the appropriate Government, in respect of such interest.

(7) Every nomination, fresh nomination or alteration of nomination, as the case may be, shall be sent by the employee to his employer, who shall keep the same in his safe custody.

Determination
of amount of
gratuity.

56. (1) A person who is eligible for payment of gratuity under this Chapter or any person authorised, in writing, to act on his behalf shall send a written application to the employer, within such time and in such form, as may be prescribed by the appropriate Government, for payment of such gratuity.

(2) As soon as gratuity becomes payable, the employer shall, whether an application referred to in sub-section (1) has been made or not, determine the amount of gratuity and give notice in writing to the person to whom the gratuity is payable and also to the competent authority specifying the amount of gratuity so determined.

(3) The employer shall arrange to pay the amount of gratuity within thirty days from the date it becomes payable to the person to whom the gratuity is payable.

(4) If the amount of gratuity payable under sub-section (3) is not paid by the employer within the period specified in sub-section (3), the employer shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at such rate, not exceeding the rate notified by the Central Government from time to time for repayment of long term deposits:

Provided that no such interest shall be payable if the delay in the payment is due to the fault of the employee and the employer has obtained permission in writing from the competent authority for the delayed payment on this ground.

(5) (a) If there is any dispute as to the amount of gratuity payable to an employee under this Chapter or as to the admissibility of any claim of, or in relation to, an employee for payment of gratuity, or as to the person entitled to receive the gratuity, the employer shall deposit with the competent authority such amount as he admits to be payable by him as gratuity.

(b) Where there is a dispute with regard to any matter or matters specified in clause (a), the employer or employee or any other person raising the dispute may make an application to the competent authority in the form prescribed by the appropriate Government for deciding the dispute.

(c) The competent authority shall, after due inquiry and after giving the parties to the dispute a reasonable opportunity of being heard, determine the matter or matters in dispute and if, as a result of such inquiry any amount is found to be payable to the employee, the competent authority shall direct the employer to pay such amount or, as the case may be, such amount as reduced by the amount already deposited by the employer.

(d) The competent authority shall pay the amount deposited, including the excess amount, if any, deposited by the employer, to the person entitled thereto.

(e) As soon as may be after a deposit is made under clause (a), the competent authority shall pay the amount of the deposit—

(i) to the applicant where he is the employee; or

(ii) where the applicant is not the employee, to the nominee or, as the case may be, the guardian of such nominee or heir of the employee if the competent authority is satisfied that there is no dispute as to the right of the applicant to receive the amount of gratuity.

5 of 1908.

(6) For the purpose of conducting an inquiry under sub-section (5), the competent authority shall have the same powers as are vested in a court, while trying a suit, under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(a) enforcing the attendance of any person or examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses.

45 of 1860.

(7) Any inquiry under this section shall be a judicial proceeding within the meaning of section 193, section 228 and for the purpose of section 196 of the Indian Penal Code.

(8) Any person aggrieved by an order under sub-section (5) may, within sixty days from the date of the receipt of the order, prefer an appeal to the appropriate Government or such other authority as may be specified by the appropriate Government in this behalf:

Provided that the appropriate Government or the appellate authority, as the case may be, may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days:

Provided further that no appeal by an employer shall be admitted unless at the time of preferring the appeal, the appellant either produces a certificate of the competent authority to the effect that the appellant has deposited with him an amount equal to the amount of gratuity required to be deposited under sub-section (5), or deposits with the appellate authority such amount.

(9) The appropriate Government or the appellate authority, as the case may be, may, after giving the parties to the appeal a reasonable opportunity of being heard, confirm, modify, or reverse the decision of the competent authority.

41 of 1999.

57. (1) With effect from such date as may be notified by the appropriate Government in this behalf, every employer, other than an employer or an establishment belonging to, or under the control of, the Central Government or a State Government, shall, subject to the provisions of sub-section (2), obtain an insurance in the manner prescribed by the Central Government, for his liability for payment towards the gratuity under this Chapter, from any insurance company regulated by the Authority as defined under clause (b) of sub-section (1) of section 2 of the Insurance Regulatory and Development Authority Act, 1999:

Compulsory insurance.

Provided that different dates may be appointed for different establishments or class of establishments or for different areas.

(2) The appropriate Government may, subject to such conditions as may be prescribed by the Central Government, exempt any employer who had already established an approved gratuity fund in respect of his employees and who desires to continue such arrangement, and every employer employing five hundred or more persons who establishes an approved gratuity fund in the manner prescribed by the Central Government from the provisions of sub-section (1).

(3) For the purposes of effectively implementing the provisions of this section, every employer shall within such time as may be prescribed by the Central Government get his establishment registered with the competent authority in the manner prescribed by the appropriate Government and no employer shall be registered under the provisions of this

section unless he has taken an insurance referred to in sub-section (1) or has established an approved gratuity fund referred to in sub-section (2).

(4) The appropriate Government may provide for the composition of the Board of Trustees of the approved gratuity fund and for the recovery by the competent authority of the amount of the gratuity payable to an employee from the insurer with whom an insurance has been taken under sub-section (1), or as the case may be, the Board of Trustees of the approved gratuity fund, in such manner as may be prescribed.

(5) Where an employer fails to make any payment by way of premium in respect of the insurance referred to in sub-section (1) or by way of contribution to an approved gratuity fund referred to in sub-section (2), he shall be liable to pay the amount of gratuity due under this Chapter (including interest, if any, for delayed payments) forthwith to the competent authority.

Explanation.— In this section, "approved gratuity fund" shall have the same meaning as assigned to it in sub-section (5) of section 2 of the Income-tax Act, 1961.

43 of 1961.

Competent authority.

58. (1) The appropriate Government may, by notification, appoint any officer of that Government having such qualifications and experience as may be prescribed by that Government to be a competent authority for implementation of any provision of this Chapter for such area as may be specified in the notification.

(2) Where more than one competent authority has been appointed for any area, the appropriate Government may, by general or special order, regulate the distribution of business among them.

(3) Any competent authority may, for the purpose of deciding any matter referred to him for decision under this Chapter, choose one or more persons possessing special knowledge of any matter relevant to the matter under reference to assist him in holding the inquiry relating thereto.

CHAPTER VI

MATERNITY BENEFIT

Employment of, or work by, women prohibited during certain period.

59. (1) No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery, miscarriage or medical termination of pregnancy.

(2) No woman shall work in any establishment during the six weeks immediately following the day of her delivery, miscarriage or medical termination of pregnancy.

(3) Without prejudice to the provisions of section 62, no pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do, during the period specified in sub-section (4), any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus or is likely to cause her miscarriage or otherwise to adversely affect her health.

(4) The period referred to in sub-section (3) shall be—

(a) the period of one month immediately preceding the period of six weeks, before the date of her expected delivery;

(b) any period during the said period of six weeks for which the pregnant woman does not avail of leave of absence under section 62.

Explanation.— For the purposes of this section, the expression "any work of arduous nature" shall mean any work which involve or require strenuous effort or is difficult and tiring in nature.

60. (1) Subject to the other provisions of this Code, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, and any period immediately following that day.

Right to payment of maternity benefit.

Explanation.—For the purposes of this sub-section, "the average daily wage" means the average of the woman's wages payable to her for the days on which she has worked during the period of three calendar months immediately preceding the date from which she absents herself on account of maternity, subject to the minimum rate of wage fixed or revised under the Code on Wages, 2019.

29 of 2019.

(2) No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than eighty days in the twelve months immediately preceding the date of her expected delivery.

Explanation.— For the purposes of calculating the period under this sub-section, the days on which a woman has actually worked in the establishment, the days for which she has been laid off or was on holidays declared under any law for the time being in force to be holidays with wages, during the period of twelve months immediately preceding the expected date of her delivery shall be taken into account.

(3) The maximum period for which any woman shall be entitled to maternity benefit shall be twenty-six weeks of which not more than eight weeks shall precede the expected date of her delivery:

Provided that the maximum period entitled to maternity benefit by a woman having two or more surviving children shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery:

Provided further that where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death:

Provided also that where a woman, having been delivered of a child, dies during her delivery or during the period immediately following the date of her delivery for which she is entitled for the maternity benefit, leaving behind in either case the child, the employer shall be liable for the maternity benefit for that entire period but if the child also dies during the said period, then, for the days up to and including the date of the death of the child.

Explanation.— For the purposes of this sub-section, "child" includes a stillborn child.

(4) A woman who legally adopts a child below the age of three months or a commissioning mother shall be entitled to maternity benefit for a period of twelve weeks from the date the child is handed over to the adopting mother or the commissioning mother, as the case may be.

(5) In case the work assigned to a woman is of such nature that she may work from home, the employer may allow her to do so after availing of the maternity benefit for such period and on such conditions as the employer and the woman may mutually agree.

61. Every woman entitled to the payment of maternity benefit under this Chapter, shall, notwithstanding the application of Chapter IV to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under section 32.

Continuance of payment of maternity benefit in certain cases.

62. (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Chapter may give notice in writing in such form as may be prescribed by the Central Government, to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Chapter may be paid to her

Notice of claim for maternity benefit and payment thereof.

or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.

(2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than eight weeks from the date of her expected delivery.

(3) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after her delivery.

(4) On receipt of the notice, the employer shall permit such woman to absent herself from the establishment during the period for which she receives the maternity benefit.

(5) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of such proof as may be prescribed by the Central Government that the woman is pregnant, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed by the Central Government that the woman has been delivered of a child.

(6) The failure to give notice under this section shall not disentitle a woman to maternity benefit or any other amount under this Chapter if she is otherwise entitled to such benefit or amount and in any such case an Inspector-cum-Facilitator may either of his own motion or on an application made to him by the woman, order the payment of such benefit or amount within such period as may be specified in the order.

Payment of maternity benefit in case of death of a woman.

63. If a woman entitled to maternity benefit or any other amount under this Chapter, dies before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of section 60, the employer shall pay such benefit or amount to the person nominated by the woman in the notice given under section 62 and in case there is no such nominee, to her legal representative.

Payment of medical bonus.

64. Every woman entitled to maternity benefit under this Chapter shall also be entitled to receive from her employer a medical bonus of three thousand five hundred rupees or such amount as may be notified by the Central Government, if no pre-natal confinement and post-natal care is provided for by the employer free of charge.

Leave for miscarriage, etc.

65. (1) In case of miscarriage, or medical termination of pregnancy, a woman shall, on production of such proof as may be prescribed by the Central Government, be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage or, as the case may be, her medical termination of pregnancy.

(2) In case of tubectomy operation, a woman shall, on production of such proof as may be prescribed by the Central Government, be entitled to leave with wages at the rate of maternity benefit for a period of two weeks immediately following the day of her tubectomy operation.

(3) A woman suffering from illness arising out of pregnancy, delivery, premature birth of child, miscarriage or medical termination of pregnancy shall, on production of such proof as may be prescribed by the Central Government, be entitled, in addition to the period of absence allowed to her under section 62, or, as the case may be, under sub-section (1), to leave with wages at the rate of maternity benefit for a maximum period of one month.

Nursing breaks.

66. Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work two breaks of such duration as may be prescribed by the Central Government, for nursing the child until the child attains the age of fifteen months.

Creche facility.

67. (1) Every establishment to which this Chapter applies, in which fifty employees or such number of employees as may be prescribed by the Central Government, are employed

shall have the facility of crèche within such distance as may be prescribed by the Central Government, either separately or along with common facilities:

Provided that the employer shall allow four visits a day to the crèche by the woman, which shall also include the intervals of rest allowed to her:

Provided further that an establishment may avail common crèche facility of the Central Government, State Government, municipality or private entity or provided by non-Governmental organisation or by any other organisation or group of establishments who may pool their resources for setting up of common crèche in the manner as they may agree for such purpose.

(2) Every establishment to which this Chapter applies shall intimate in writing and electronically to every woman at the time of her initial appointment in such establishment regarding every benefit available under this Chapter.

68. (1) When a woman absents herself from work in accordance with the provisions of this Chapter, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service:

Dismissal for absence during pregnancy.

Provided that the discharge or dismissal of a woman at any time during her pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus under this Chapter, shall not have the effect of depriving her of the maternity benefit or medical bonus:

Provided further that where the dismissal is for any gross misconduct as may be prescribed by the Central Government, the employer may, by order in writing, communicated to the woman, deprive her of the maternity benefit or medical bonus, or both.

(2) Any woman deprived of maternity benefit or medical bonus, or both, or discharged or dismissed under sub-section (1), may, within sixty days from the date on which order of such deprivation or discharge or dismissal is communicated to her, appeal to the competent authority, and the decision of that authority on such appeal, whether the woman should or should not be deprived of maternity benefit or medical bonus or both, or discharged or dismissed, shall be final.

69. No deduction from the normal and usual daily wages of a woman entitled to maternity benefit under the provisions of this Chapter shall be made by reason only of—

No deduction of wages in certain cases.

(a) the nature of work assigned to her by virtue of the provisions contained in section 59; or

(b) breaks for nursing the child allowed to her under the provisions of section 66.

70. A woman who works for remuneration during the period she has been permitted by an employer to absent herself for availing the maternity benefits provided under this Chapter shall not be entitled to receive maternity benefit for such period.

Forfeiture of maternity benefit.

71. An abstract of the provisions of this Chapter and the rules relating thereto in the language or languages of the locality shall be exhibited in a conspicuous place by the employer in every part of the establishment in which women are employed.

Duties of employer.

72. (1) Any woman claiming that,—

(a) maternity benefit or any other amount to which she is entitled under this Chapter and any person claiming that payment due under this Chapter has been improperly withheld;

Power of Inspector-cum-Facilitator to direct payments to be made.

(b) her employer has discharged or dismissed her during or on account of her absence from work in accordance with the provisions of this Chapter,

may make a complaint to the Inspector-cum-Facilitator.

(2) The Inspector-cum-Facilitator may, on receipt of a complaint referred to in sub-section (1), make an inquiry or cause an inquiry to be made and if satisfied that—

(a) payment has been wrongfully withheld, may direct the payment to be made in accordance with his order in writing;

(b) she has been discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Chapter,

may pass such orders as he deems just and proper according to the circumstances of the case.

(3) Any person aggrieved by the order of the Inspector-cum-Facilitator under sub-section (2) may, within thirty days from the date on which such order is communicated to such person, appeal to the authority prescribed by the appropriate Government.

(4) The decision of the authority referred to in sub-section (3), where an appeal has been preferred to it under that sub-section or of the Inspector-cum-Facilitator where no such appeal has been preferred, shall be final.

CHAPTER VII

EMPLOYEE'S COMPENSATION

Reports of fatal accidents and serious bodily injuries.

73. (1) Where, by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, of any accident occurring in his premises which results in death or serious bodily injury, the person required to give the notice shall, within seven days of the death or serious bodily injury, send a report to the competent authority giving the circumstances attending the death or serious bodily injury:

Provided that where the State Government has so specified, the person required to give the notice may instead of sending such report to the competent authority send it to the authority to whom he is required to give the notice.

Explanation.— For the purposes of this sub-section, "serious bodily injury" means an injury which involves, or in all probability will involve the permanent loss of the use of, or permanent injury to, any limb, or the permanent loss of or injury to the sight or hearing, or the fracture of any limb, or the enforced absence of the injured person from work for a period exceeding twenty days.

(2) The State Government may, by notification, extend the provisions of sub-section (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the competent authority.

(3) Nothing in this section shall apply to establishments to which Chapter IV, relating to Employees' State Insurance Corporation, applies.

Employer's liability for compensation.

74. (1) If personal injury is caused to an employee by accident or an occupational disease listed in the Third Schedule arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter:

Provided that the employer shall not be so liable—

(a) in respect of such injury which does not result in the total or partial disablement of the employee for a period exceeding three days; and

(b) in respect of such injury, not resulting in death or permanent total disablement caused by an accident which is directly attributable to—

(i) the employee having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the employee to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of employees, or

(iii) the wilful removal or disregard by the employee of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of employee.

(2) An accident or an occupational disease referred to in sub-section (1) shall be deemed to arise out of and in the course of an employee's employment notwithstanding that he is at the time of the accident or at the time of contracting the occupational disease, referred to in that sub-section, acting in contravention of the provisions of any law applicable to him, or of any orders given by or on behalf of his employer or that he is acting without instructions from his employer, if—

(a) such accident or contracting of such occupational disease would have been deemed so to have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be; and

(b) the act is done for the purpose of, and in connection with, the employer's trade or business.

(3) If an employee employed in any employment specified in the Second Schedule contracts any disease specified in the Third Schedule, being an occupational disease peculiar to that employment whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months, then, such disease shall be deemed to be an injury by accident within the meaning of this section and unless the contrary is proved, the accident shall be deemed to have arisen out of and in the course of the employment.

(4) An accident occurring to an employee while commuting from his residence to the place of employment for duty or from the place of employment to his residence after performing duty, shall be deemed to have arisen out of and in the course of employment if nexus between the circumstances, time and place in which the accident occurred and his employment is established.

(5) The Central Government or the State Government, after giving, by notification, not less than three months' notice of its intention so to do, may, by a like notification, modify or add any description of employment to the employments specified in the Second Schedule, and occupational diseases specified in the Third Schedule and shall specify in the case of employments so modified or added, the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and thereupon the provisions of sub-section (2) shall apply, in the case of a notification by the Central Government, within the territories to which this Code extends or, in case of a notification by the State Government, within that State as if such diseases had been declared by this Code to be occupational diseases peculiar to those employments.

(6) Save as provided by sub-sections (2), (3) and (4), no compensation shall be payable to an employee in respect of any accident or disease unless the accident or disease is directly attributable to a specific injury by accident or disease arising out of and in the course of his employment.

(7) Nothing herein contained shall be deemed to confer any right to compensation on an employee in respect of any accident or disease if he has instituted in a civil court a suit for damages in respect of the accident or disease against the employer or any other person; and no suit for damages shall be maintainable by an employee in any Court of law in respect of such accident or disease—

(a) if he has instituted a claim to compensation in respect of the accident or disease before a competent authority; or

(b) if an agreement has been made between the employee and his employer providing for the payment of compensation in respect of the accident or disease in accordance with the provisions of this Chapter.

Compensation in case of death of or injury in plantation.

75. If death or injury is caused to any worker or a member of his family as a result of the collapse of a house provided by the employer in a plantation, and the collapse is not solely and directly attributable to a fault on the part of any occupant of the house or to a natural calamity, the employer shall be liable to pay compensation under section 76 and the Sixth Schedule, so far as may be applicable.

Explanation.— For the purposes of this section, the expression "worker" means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical, and includes a person employed on contract for more than sixty days in a year, but does not include—

(i) a medical officer employed in the plantation;

(ii) any person employed in the plantation (including any member of the medical staff) whose monthly wages exceed the amount as determined by the appropriate Government, by notification, from time to time;

(iii) any person employed in the plantation primarily in a managerial or administrative capacity, notwithstanding that his monthly wages do not exceed the amount as determined by the appropriate Government, by notification, from time to time;

(iv) any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals.

Amount of compensation.

76. (1) Subject to the provisions of this Chapter, the amount of compensation shall be,—

(a) where death results from the injury, an amount equal to fifty per cent. of the monthly wages of the deceased employee multiplied by the relevant factor or an amount as may be notified by the Central Government from time to time, whichever is more;

(b) where permanent total disablement results from the injury, an amount equal to sixty per cent. of the monthly wages of the injured employee multiplied by the relevant factor or an amount as may be notified by the Central Government from time to time, whichever is more:

Provided that the Central Government may, by notification, from time to time, enhance the amount of compensation specified in clauses (a) and (b).

Explanation.— For the purposes of clauses (a) and (b), "relevant factor", in relation to an employee means the factor specified in column (3) of the Sixth Schedule relating to factors against the corresponding entry in column (2) thereof, specifying the number of years which are the same as the completed years of the age of the employee on his last birthday immediately preceding the date on which the compensation fell due;

(c) where permanent partial disablement results from the injury,—

(i) in the case of an injury specified in Part II of the Fourth Schedule, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury; and

(ii) in the case of an injury not specified in the Fourth Schedule, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity (as assessed by the medical practitioner) permanently caused by the injury.

Explanation 1.— For the purposes of this clause, where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.

Explanation 2.— In assessing the loss of earning capacity under sub-clause (ii), the medical practitioner shall have due regard to the percentage of loss of earning capacity in relation to different injuries specified in the Fourth Schedule;

(d) where temporary disablement, whether total or partial, results from the injury, a half-monthly payment of the sum equivalent to twenty-five per cent. of monthly wages of the employee, to be paid in accordance with the provisions of sub-section (4).

(2) Notwithstanding anything contained in sub-section (1), while fixing the amount of compensation payable to an employee in respect of an accident which occurred outside India, the competent authority shall take into account the amount of compensation, if any, awarded to such employee in accordance with the law of the country in which the accident occurred and shall reduce the amount fixed by him by the amount of compensation awarded to the employee in accordance with the law of that country.

(3) The Central Government may, by notification, specify for the purposes of sub-section (1), such monthly wages in relation to an employee as it may consider necessary.

(4) The half-monthly payment referred to in clause (d) of sub-section (1) shall be payable on the sixteenth day—

(i) from the date of disablement where such disablement lasts for a period of twenty-eight days or more; or

(ii) after the expiry of a waiting period of three days from the date of disablement, where such disablement lasts for a period of less than twenty-eight days; and thereafter half-monthly during the disablement or during a period of five years, whichever is shorter:

Provided that—

(a) there shall be deducted from any lump sum or half-monthly payments to which the employee is entitled, the amount of any payment or allowance which the employee has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be, and such payment or allowance which the employee has received from the employer towards his medical treatment shall not be deemed to be a payment or allowance received by him by way of compensation;

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the employee before the accident exceeds half the amount of such wages which he is earning after the accident.

(5) The employee shall be reimbursed, the actual medical expenditure incurred by him for treatment of injuries caused during the course of employment, by his employer.

(6) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

(7) If the injury of the employee results in his death, the employer shall, in addition to the compensation under sub-section (1), deposit with the competent authority a sum of not less than fifteen thousand rupees or such amount as may be prescribed by the State Government, for payment of the same to the eldest surviving dependant of the employee towards the expenditure of the funeral of such employee or where the employee did not have a dependant or was not living with his dependant at the time of his death, to the person who actually incurred such expenditure:

Provided that the Central Government may, by notification from time to time, enhance the amount specified in this sub-section.

Compensation to be paid when due and damages for default.

77. (1) Compensation under section 76 shall be paid as soon as it falls due.

(2) In cases where the employer does not accept the liability for compensation to the extent claimed, he shall be bound to make provisional payment based on the extent of liability which he accepts, and, such payment shall be deposited with the competent authority or made to the employee, as the case may be, without prejudice to the right of the employee to make any further claim.

(3) Where any employer is in default in paying the compensation due under this Chapter within one month from the date it fell due, the competent authority shall,—

(a) direct that the employer shall, in addition to the amount of the arrears, pay interest at such rate as may be prescribed by the Central Government, on the amount due; and

(b) if in his opinion, there is no justification for the delay, direct that the employer shall, in addition to the amount of the arrears and interest thereon, pay a further sum not exceeding fifty per cent. of such amount of arrears by way of damages:

Provided that an order for the payment of damages shall not be passed under clause (b) without giving a reasonable opportunity to the employer to show cause as to why it should not be passed.

(4) The interest and the damages payable under sub-section (3) shall be paid to the employee or his dependant, as the case may be.

Method of calculating monthly wages for purposes of compensation.

78. For the purposes of this Chapter, the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated as follows, namely:—

(a) where the employee has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the employee shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period;

(b) where the whole of the continuous period of service immediately preceding the accident during which the employee was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the employee shall be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by an employee employed on the same work by the same employer, or, if there was no employee so employed, by an employee employed on similar work in the same locality;

(c) in other cases including cases in which it is not possible for want of necessary information to calculate the monthly wages under clause (b), the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

Explanation.—For the purposes of this section, "a period of service" shall be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

79. (1) Any half-monthly payment payable under this Chapter, either under an agreement between the parties or under the order of a competent authority, may be reviewed by the competent authority, on the application either of the employer or of the employee accompanied by the certificate of a medical practitioner that there has been a change in the condition of the employee or, subject to such conditions as may be prescribed by the State Government, on application made without such certificate. Review.

(2) Any half-monthly payment may, on review under this section, subject to the provisions of this Chapter, be continued, increased, decreased or ended, or if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the employee is entitled less any amount which he has already received by way of half-monthly payments.

80. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the competent authority be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the competent authority, as the case may be. Commutation of half-monthly payments.

81. (1) No payment of compensation in respect of an employee whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the competent authority, and no such payment made directly by an employer shall be deemed to be a payment of compensation: Distribution of compensation.

Provided that, in the case of a deceased employee, an employer may make to any dependant, advances on account of compensation of an amount equal to three months' wages of such employee and so much of such amount as does not exceed the compensation payable to that dependant shall be deducted by the competent authority from such compensation and repaid to the employer.

(2) Any other sum amounting to not less than five thousand rupees which is payable as compensation may be deposited with the competent authority on behalf of the person entitled thereto.

(3) The receipt of the competent authority shall be a sufficient discharge in respect of any compensation deposited with him.

(4) (a) On the deposit of any money under sub-section (1) as compensation in respect of a deceased employee, the competent authority shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of the compensation.

(b) If the competent authority is satisfied after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid.

(c) The competent authority shall, on an application by the employer, furnish a statement showing in detail all disbursements made.

(5) The compensation deposited in respect of a deceased employee shall, subject to any deduction made under sub-section (1), be apportioned by order by the competent authority among the dependants of the deceased employee or any of them in such proportion as the competent authority thinks fit, or may, in the discretion of the competent authority, be allotted to any one dependant:

Provided that the competent authority shall not make any order under this sub-section without hearing the dependants and shall record reasons in the order for the apportionment of such compensation among dependants or any of them, as the case may be.

(6) Where any compensation deposited with the competent authority is payable to any person, other than a woman or a person under legal disability, the competent authority may pay the compensation to the person entitled thereto.

(7) Where any lump sum deposited with the competent authority is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the competent authority may direct; and where a half-monthly payment is payable to any person under a legal disability, the competent authority may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependant of the employee or to any other person, whom the competent authority thinks fit to provide for the welfare of the employee.

(8) Where, on application made to him in this behalf or otherwise, the competent authority is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the competent authority as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the competent authority may make such orders for the variation of the former order as he thinks just in the circumstances of the case:

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause as to why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(9) Where the competent authority varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner as specified in sub-section (10).

(10) The competent authority may recover as an arrear of land revenue any amount referred to in sub-section (9), and for such purpose the competent authority shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890. 1 of 1890.

Notice and claim.

82. (1) No claim for compensation shall be entertained by a competent authority unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within two years of the occurrence of the accident or, in case of death, within two years from the date of death:

Provided that where the accident is the contracting of a disease in respect of which the provisions of sub-section (3) of section 74 are applicable, the accident shall be deemed to have occurred on the first of the days during which the employee was continuously absent from work in consequence of the disablement caused by the disease:

Provided further that in case of partial disablement due to the contracting of any such disease and which does not force the employee to absent himself from work, the period of two years shall be counted from the day the employee gives notice of the disablement to his employer:

Provided also that if an employee who, having been employed in an employment for a continuous period specified under sub-section (3) of section 74 in respect of that employment, ceases to be so employed and develops symptoms of an occupational disease

peculiar to that employment within two years of the cessation of employment, the accident shall be deemed to have occurred on the day on which the symptoms were first detected.

(2) The want of or any defect or irregularity, in a notice given under sub-section (1), shall not be a bar to the entertainment of a claim—

(a) if the claim is preferred in respect of the death of an employee resulting from an accident which occurred on the premises of the employer, or at any place where the employee at the time of the accident was working under the control of the employer or of any person employed by him, and the employee died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) if the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured employee was employed had knowledge of the accident from any other source at or about the time when it occurred:

Provided that the competent authority may entertain and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been preferred in due time as provided under sub-section (1), if he is satisfied that the failure so to give the notice or prefer the claim, as the case may be, was due to sufficient cause.

(3) Every such notice shall give the name and address of the person injured and shall state the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers, or upon any person responsible to the employer for the management of any branch of the trade or business in which the injured employee was employed.

(4) The appropriate Government may require that any class of employers as may be prescribed by that Government shall maintain, at their premises at which employees are employed, a notice-book, in such form as may be prescribed by that Government, which shall be readily accessible at all reasonable times to any injured employee employed on the premises and to any person acting *bona fide* on his behalf.

(5) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or where possible, electronically or, where a notice-book is maintained, by entry in the notice-book.

83. (1) The provisions of this section shall, subject to the modifications specified in this section, apply in case of employees who are—

(a) masters of ships or seamen; or

(b) captain and other members of crew of aircraft;

(c) persons recruited by companies registered in India and working as such abroad;

(d) persons sent for work abroad along with motor vehicles registered under the Motor Vehicles Act, 1988 as drivers, helpers, mechanics, cleaners or other employees.

59 of 1988.

(2) The notice of the accident and the claim for compensation by a person injured may be served on the following persons, as if they were the employer—

(a) in case of accident where the person injured is a seamen, but not the master of the ship, on the master of the ship;

(b) in case of accident where the person injured is a member of crew of an aircraft, but not the captain of the aircraft, on the captain of the aircraft;

Special provisions relating to accidents occurring outside Indian territory.

(c) in case of persons recruited by companies registered in India and working as such abroad, on the local agent of the company;

(d) in case of persons sent for work abroad along with motor vehicles as drivers, helpers, mechanics, cleaners or other employees, on the local agent of the owner of the motor vehicle, in the country of the accident:

Provided that where the accident happened and the disablement commenced on board, the ship or aircraft, as the case may be, then, it shall not be necessary for any seaman or members of the crew of aircraft to give any notice of the accident.

(3) The claim of compensation shall be made—

(a) in the case of the death of an employee referred to in sub-section (1), one year after the news of the death has been received by the claimant;

(b) in the case where the ship or the aircraft as the case may be, has been or is deemed to have been lost with all hands, eighteen months of the date on which the ship or the aircraft was, or is deemed to have been, so lost:

Provided that the competent authority may entertain any claim to compensation in any case notwithstanding that the claim has not been preferred in due time as provided in this sub-section, if he is satisfied that the failure so to prefer the claim was due to sufficient cause.

(4) Where an injured employee referred to in sub-section (1) is discharged or left behind in any part of India or in any foreign country, then, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the Central Government or any State Government shall, in any proceedings for enforcing the claim, be admissible in evidence—

(a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made;

(b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness; and

(c) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused,

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

(5) No half-monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law for the time being in force relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman.

(6) Failure to give a notice or make a claim or commence proceedings within the time required by this section shall not be a bar to the maintenance of proceedings under this Chapter in respect of any personal injury, if such proceedings under this Chapter are commenced within one month from the date on which the certificate of the State to that effect Government was furnished to the person commencing the proceedings.

Medical
examination.

84. (1) Where an employee has given notice of an accident, he, shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a medical practitioner, submit himself for such examination, and any employee who is in receipt of a half-monthly payment

under this Chapter shall, if so required, submit himself for such examination from time to time:

Provided that an employee shall not be required to submit himself for examination by a medical practitioner at more than such frequent interval as may be prescribed by the State Government.

(2) If an employee, on being required to do so by the employer under sub-section (1) or by the competent authority at any time, refuses to submit himself for examination by a medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If an employee, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntarily leaves the vicinity of the place in which he was employed without having been so examined, his right to compensation shall be suspended until he returns and offers himself for such examination:

Provided that where such employee proves before the medical practitioner that he could not so submit himself for medical examination due to the circumstances beyond his control and he was also handicapped to communicate such information in writing, the medical practitioner may after recording such reasons in writing, condone the delay and his right to compensation shall be revived as if no such suspension was made.

(4) Where an employee, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the competent authority may, if he thinks fit, direct the payment of compensation to the dependants of the deceased employee.

(5) Where under sub-section (2) or sub-section (3), a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred to in clause (ii) of sub-section (4) of section 76, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured employee has refused to be attended by a medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is proved that the employee has not thereafter been regularly attended by a medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the employee had been regularly attended by a medical practitioner, whose instructions he had followed, and compensation, if any, shall be payable accordingly.

85. (1) Where any employer in the course of or for the purposes of his trade or business contracts with a contractor for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the employer, the employer shall be liable to pay to any employee employed in the execution of the work any compensation, which he would have been liable to pay if that employee had been immediately employed by him; and that the amount of compensation shall be calculated with reference to the wages of the employee under the employer by whom he is immediately employed.

Contracting.

(2) Where the employer is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor, or any other person from whom the employee could have recovered the compensation and where a contractor who is himself an employer is liable to pay compensation or to indemnify an employer under this section, he shall be entitled to be indemnified by any person standing to him in relation of a contractor from

whom the employee could have recovered the compensation, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the competent authority.

(3) Nothing in this section shall be construed as preventing an employee from recovering compensation referred to in sub-section (2) from the contractor instead of the employer.

(4) The provisions of this section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the employer has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.

Remedies of employer against stranger.

86. Where an employee has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 85 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Insolvency of employer.

87. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Chapter to any employee, then, in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the employee, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the employee than they would have been under the employer.

(2) If the liability of the insurers to the employee is less than the liability of the employer to the employee, the burden of proof shall lie on the employee for the balance in the insolvency proceedings or liquidation.

(3) Where in any case such as is referred to in sub-section (1), the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premium), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the employee:

Provided that the provisions of this sub-section shall not apply in any case in which the employee fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under the Insolvency and Bankruptcy Code, 2016 or under the provisions of the Companies Act, 2013 are in the distribution of the assets of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation, the liability accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and the provisions of that Code and Act shall have effect accordingly.

31 of 2016.
18 of 2013.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if applications were made for that purpose under section 80, and a certificate of the competent authority as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) The provisions of this section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.

88. (1) Where a competent authority receives information from any source that an employee has died as a result of an accident arising out of and in the course of his employment, he may send by registered post or where possible, electronically a notice to the employee's employer requiring him to submit, within thirty days of the service of the notice, a statement, in such form as may be prescribed by the State Government, giving the circumstances attending the death of the employee, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death and a copy of such notice shall also be sent by the competent authority in the same manner to the dependants of such employee ascertained by the competent authority.

Power to require from employers statements regarding fatal accidents.

(2) If the employer is of the opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of the opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the competent authority, after such inquiry as he may think fit, may inform any of the dependants of the deceased employee, that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

(5) Where in the opinion of the competent authority, a dependant of the deceased employee is not in a position to engage an advocate to file a claim for compensation, the competent authority may provide an advocate to such dependant, from the panel of advocates maintained by the State Government.

89. (1) Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable to a woman, or a person under a legal disability, a memorandum thereof shall be sent by the employer to the competent authority, who shall, on being satisfied as to its genuineness, record the memorandum in a register, electronically or otherwise, in such manner as may be prescribed by the appropriate Government:

Registration of agreements.

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the competent authority of notice to the parties concerned;

(b) the competent authority may at any time rectify the register;

(c) where it appears to the competent authority that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable, to a woman or a person under a legal disability ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, the competent authority may refuse to record the memorandum of the agreement and may make such order including an order as to any sum already paid under the agreement, as the competent authority thinks just in the circumstances.

(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Code notwithstanding anything contained in the Indian Contract Act, 1872, or in any other law for the time being in force.

9 of 1872.

(3) Where a memorandum of any agreement, the registration of which is required under this section, is not sent to the competent authority as required by this section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Chapter, and notwithstanding anything contained in the proviso to sub-section (1) of section 76, shall not, unless the competent authority otherwise directs, be entitled to deduct more than half of any amount paid to the employee by way of compensation whether under the agreement or otherwise.

Reference to
competent
authority.

90. (1) If any question arises in any proceedings under this Chapter as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not an employee) or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by a competent authority.

(2) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Chapter required to be settled, decided or dealt with by a competent authority or to enforce any liability incurred under this Chapter.

Appointment
of competent
authority.

91. (1) The State Government may, by notification, appoint any person who is or has been a member of a State Judicial Service for a period of not less than five years or is or has been for not less than five years an advocate or is or has been a Gazetted Officer for not less than five years having educational qualifications and experience in personnel management, human resource development, industrial relations and legal affairs or such other experience and qualifications as may be prescribed by the appropriate Government to be a competent authority for the purposes of this Chapter and for such area as may be specified in the notification.

(2) Where more than one competent authority has been appointed for any area, the State Government may, by general or special order, regulate the distribution of business amongst them.

(3) Any competent authority may, for the purpose of deciding any matter referred to him for decision under this Chapter, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

Venue of
proceedings
and transfer.

92. (1) Where any matter under this Chapter is to be done by or before a competent authority, the same shall, subject to the provisions of this Chapter and in the manner prescribed in this behalf by the State Government, be done by or before the competent authority for the area in which—

(a) the accident took place which resulted in the injury; or

(b) the employee or in case of his death, the dependant claiming the compensation ordinarily resides; or

(c) the employer has his registered office:

Provided that no matter shall be processed before or by a competent authority, other than the competent authority having jurisdiction over the area in which the accident took place, without his giving notice electronically or otherwise in the manner prescribed by the Central Government to the competent authority having jurisdiction over the area and the State Government concerned:

Provided further that, where the employee, being the master of a ship or a seaman or the captain or a member of the crew of an aircraft or an employee in a motor vehicle or a company, meets with the accident outside India, any such matter may be done by or before

a competent authority for the area in which the owner or agent of the ship, aircraft or motor vehicle resides or carries on business or the registered office of the company is situate, as the case may be.

(2) If a competent authority, other than the competent authority with whom any money has been deposited under section 81, proceeds with a matter under this Chapter, the former may for the proper disposal of the matter call for transfer of any records or moneys remaining with the latter and on receipt of such a request, he shall comply with the same.

(3) If a competent authority is satisfied that any matter arising out of any proceedings pending before him can be more conveniently dealt with by any other competent authority, whether in the same State or not, he may, subject to rules made under this Code relating to this Chapter, order such matter to be transferred to such other competent authority either for report or for disposal, and, if he does so, shall forthwith transmit to such other competent authority all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the manner as may be prescribed by the Central Government any money remaining in his hands or invested by him for the benefit of any party to the proceedings:

Provided that the competent authority shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a lump sum without giving such party an opportunity of being heard.

(4) The competent authority to whom any matter is so transferred shall, subject to rules made under this Code relating to this Chapter, inquire therein to and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(5) On receipt of a report from a competent authority to whom any matter has been transferred for report under sub-section (3), the competent authority by whom it was referred shall decide the matter referred to in conformity with such report.

(6) The State Government may transfer any matter from any competent authority appointed by it to any other competent authority appointed by it.

93. (1) Where an accident occurs in respect of which liability to pay compensation under this Chapter arises, a claim for such compensation may, subject to the provisions of this Chapter, be made before the competent authority.

Form of application.

(2) Subject to the provisions of sub-section (1), no application for the settlement of any matter by competent authority, other than an application by a dependant or joint application by dependants for compensation, shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

(3) An application to a competent authority for claim under sub-section (1) or settlement under sub-section (2) may be made electronically or otherwise in such form and in such manner accompanied by such fee, if any, as may be prescribed by the Central Government.

(4) The time-limit for the disposal of applications under this section and the costs incidental to the proceedings under this section to be imposed by the competent authority shall be such as may be prescribed by the State Government.

94. (1) Where any sum has been deposited by an employer as compensation payable in respect of an employee whose injury has resulted in death, and in the opinion of the competent authority such sum is insufficient, the competent authority may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

Power of competent authority to require further deposit in cases of fatal accident.

(2) If the employer fails to show cause to the satisfaction of the competent authority, the competent authority may make an award determining the total amount payable, and requiring the employer to deposit the deficiency.

Powers and procedure of competent authority.

95. The competent authority shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath (which such competent authority is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, and the competent authority shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXVI of the Code of Criminal Procedure, 1973. 5 of 1908. 2 of 1974.

Appearance of parties.

96. Any appearance, application or act required to be made or done by any person before or to a competent authority (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company or a registered Trade Union or by an Inspector-cum-Facilitator appointed under sub-section (1) of section 122 or by any other officer specified by the State Government in this behalf, authorised in writing by such person, or, with the permission of the competent authority, by any other person so authorised.

Method of recording evidence.

97. The competent authority shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be authenticated under the hand of the competent authority or in the manner as may be prescribed by the State Government and shall form part of the record:

Provided that, if the competent authority is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record:

Provided further that the evidence of any medical witness shall be taken down as nearly as may be word for word.

Power to submit cases.

98. A competent authority may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

Appeal against order of competent authority.

99. (1) An appeal shall lie to the High Court from the following orders of a competent authority under this Chapter, namely:—

(a) an order awarding as compensation a lump sum whether by way of redemption of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum;

(b) an order awarding interest or damages under section 77;

(c) an order refusing to allow redemption of a half-monthly payment;

(d) an order providing for the distribution of compensation among the dependants of a deceased employee, or disallowing any claim of a person alleging himself to be such dependant;

(e) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 85; or

(f) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions:

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal, and in the case of an order other than an order referred to in clause (c), unless the amount in dispute in the appeal is not less than ten thousand rupees or such higher amount as the Central Government may, by notification, specify:

Provided further that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the competent authority, or in which the order of the competent authority gives effect to an agreement arrived at by the parties:

Provided also that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the competent authority to the effect that the appellant has deposited with him the amount payable under the order appealed against.

(2) The period of limitation for an appeal under this section shall be sixty days from the date of passing of the order.

36 of 1963.

(3) The provisions of section 5 of the Limitation Act, 1963, shall be applicable to appeal under this section.

CHAPTER VIII

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

100. (1) There shall be levied and collected a cess for the purposes of social security and welfare of building workers at such rate not exceeding two per cent. but not less than one per cent. of the cost of construction incurred by an employer, as the Central Government may, by notification, from time to time, specify. Levy and collection of cess.

Explanation.—For the purposes of this sub-section, the cost of construction shall not include,—

(a) the cost of land; and

(b) any compensation paid or payable to an employee or his kin under Chapter VII.

(2) The cess levied under sub-section (1) shall be collected from every employer undertaking building or other construction work in such manner and at such time, including deduction at source in relation to a building or other construction work of a Government or of a public sector undertaking or advance collection through a local authority where an approval of such building or other construction work by such local authority or such other authority notified by the State Government is required, as may be prescribed by the Central Government.

(3) The proceeds of the cess collected under sub-section (2) shall be deposited by the local authority or such other authority notified by the State Government to the Building Workers' Welfare Board in such manner as may be prescribed by the Central Government.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), the cess leviable under this Chapter including payment of such cess in advance may, subject to final assessment to be made, be collected at a uniform rate or rates as may be prescribed by the Central Government on the basis of the quantum of the building or other construction work involved.

101. If any employer fails to pay any amount of cess payable under section 100 within such time as may be prescribed by the appropriate Government, such employer shall be liable to pay interest at such rate as may be prescribed by the Central Government, on the amount of cess, to be paid, for the period from the date on which such payment is due till such amount is actually paid. Interest payable on delay in payment of cess.

102. Notwithstanding anything contained in this Chapter, the appropriate Government may, by notification, exempt any employer or class of employers in a State from the payment of cess payable under this Chapter where such cess is already levied and payable under any corresponding law in force in that State. Power to exempt from cess.

Self-assessment of cess.

103. (1) The employer shall, within sixty days or such period as may be notified by the Central Government of the completion of his each building and other construction work, pay such cess (adjusting the advance cess already paid under section 100) payable under this Chapter on the basis of his self-assessment on the cost of construction worked out on the basis of the documents and in the manner prescribed by the Central Government and after such payment of cess, he shall file a return under clause (d) of section 123.

(2) If the officer or the authority to whom or to which the return has been filed under sub-section (1) finds any discrepancy in the payment under the self-assessment and the payment required under the return referred to in that sub-section, then, he or it shall, after making or causing to be made such inquiry as he or it thinks fit and after such inquiry make the appropriate assessment order.

(3) An order of assessment made under sub-section (2) shall specify the date within which the cess shall be paid by the employer, if any.

Penalty for non-payment of cess within the specified time.

104. If any amount of cess payable by any employer under section 103 is not paid within the date specified in the order of assessment made under sub-section (2) of that section, it shall be deemed to be in arrears and the authority prescribed by the Central Government in this behalf may, after making such inquiry as it deems fit, impose on such employer a penalty not exceeding the amount of cess:

Provided that, before imposing any such penalty, such employer shall be given a reasonable opportunity of being heard and if after such hearing the said authority is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.

Appeal to appellate authority.

105. (1) Any employer aggrieved by an order of assessment made under section 103 or by an order imposing penalty made under section 104 may, within such time as may be prescribed by the Central Government, appeal to such appellate authority in such form and in such manner as may be prescribed by the Central Government.

(2) Every appeal preferred under sub-section (1) shall be accompanied by such fees as may be prescribed by the appropriate Government.

(3) After the receipt of any appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.

(4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.

Registration of building workers as beneficiaries.

106. Every building worker who has completed eighteen years of age, but has not completed sixty years of age, and who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months shall be registered by the officer authorised by the Building Workers' Welfare Board as a beneficiary under this Chapter in such manner as may be prescribed by the Central Government.

Cessation as a beneficiary.

107. (1) A building worker who has been registered as a beneficiary under section 106 shall cease to be as such when he attains the age of sixty years or when he is not engaged in building or other construction work for not less than ninety days in a year:

Provided that in computing the period of ninety days under this sub-section, there shall be excluded any period of absence from the building or other construction work due to any personal injury caused to the building worker by accident arising out of and in the course of his employment.

(2) Notwithstanding anything contained in sub-section (1), if a person had been a beneficiary for at least three years continuously immediately before attaining the age of sixty years, then, he shall be eligible to get such benefits as may be prescribed by the Central Government.

Explanation.—For computing the period of three years under this sub-section as a beneficiary registered with a Building Workers' Welfare Board, there shall be added any period for which a person had been a beneficiary registered with any other such Board immediately before his registration with the Building Workers' Welfare Board.

108. (1) There shall be constituted by a Building Workers' Welfare Board a fund to be called the Building and Other Construction Workers' Welfare Fund and there shall be credited thereto—

Building and Other Construction Workers' Welfare Fund and its application.

(a) the amount of any cess levied under sub-section (1) of section 100;

(b) any grants and loans made to the Building Workers' Welfare Board by the Central Government; and

(c) all sums received by the Building Workers' Welfare Board from such other sources as may be decided by the Central Government.

(2) The Building and Other Construction Workers' Welfare Fund shall be applied for meeting—

(a) expenses of the Building Workers' Welfare Board in the discharge of its functions under sub-section (6) of section 7;

(b) salaries, allowances and other remuneration of the members, officers and other employees of the Building Workers' Welfare Board; and

(c) expenses on objects and for purposes authorised by this Code.

(3) No Building Workers' Welfare Board shall, in any financial year, incur expenses towards salaries, allowances and other remuneration to its members, officers and other employees and for meeting the other administrative expenses exceeding five per cent. of its total expenses during that financial year.

CHAPTER IX

SOCIAL SECURITY FOR UNORGANISED WORKERS, GIG WORKERS AND PLATFORM WORKERS

109. (1) The Central Government shall frame and notify, from time to time, suitable welfare schemes for unorganised workers on matters relating to—

Framing of schemes for unorganised workers.

(i) life and disability cover;

(ii) health and maternity benefits;

(iii) old age protection;

(iv) education; and

(v) any other benefit as may be determined by the Central Government.

(2) The State Government shall frame and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to—

(i) provident fund;

(ii) employment injury benefit;

(iii) housing;

(iv) educational schemes for children;

(v) skill upgradation of workers;

(vi) funeral assistance; and

(vii) old age homes.

(3) Any scheme notified by the Central Government under sub-section (1), may be—

(i) wholly funded by the Central Government; or

(ii) partly funded by the Central Government and partly funded by the State Government; or

(iii) partly funded by the Central Government, partly funded by the State Government and partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be specified in the scheme by the Central Government; or

(iv) funded from any source including corporate social responsibility fund within the meaning of the Companies Act, 2013 or any other such source as may be specified in the scheme. 18 of 2013.

(4) Every scheme notified by the Central Government under sub-section (1) shall provide for such matters that are necessary for the efficient implementation of the scheme including the matters relating to all or any of the following, namely:—

(i) scope of the scheme;

(ii) authority to implement the scheme;

(iii) beneficiaries of the scheme;

(iv) resources of the scheme;

(v) agency or agencies that will implement the scheme;

(vi) redressal of grievances; and

(vii) any other relevant matter,

and a special purpose vehicle may also be constituted by the Central Government for the purpose of implementation of any such scheme.

Funding of
State
Government
schemes.

110. (1) Any scheme notified by the State Government under sub-section (2) of section 109 may be—

(a) wholly funded by the State Government; or

(b) partly funded by the State Government, partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be specified in the scheme by the State Government; or

(c) funded from any source including corporate social responsibility fund referred to in clause (iv) of sub-section (3) of section 109 or any other such source as may be specified in the scheme.

(2) The State Government may seek financial assistance from the Central Government for the schemes framed by it.

(3) The Central Government may provide such financial assistance to the State Governments for the purpose of schemes for such period and on such terms and conditions as it may deem fit.

Record
keeping.

111. The Government formulating and notifying the scheme under this Chapter shall provide therein the form and manner of keeping the records electronically or otherwise relating to the scheme and the authority by whom such records shall be maintained:

Provided that such records shall, as far as may be possible, bear continuous number for the purpose of proper management of the scheme and for avoiding any duplication and overlapping in records.

112. The appropriate Government may set up a toll free call centre or helpline or such facilitation centres as may be considered necessary from time to time to perform any or more of the following functions, namely:—

(a) to disseminate information on available social security schemes for the unorganised workers, gig workers and platform workers;

(b) to facilitate filing, processing and forwarding of application forms for registration of unorganised workers, gig workers and platform workers;

(c) to assist unorganised workers, gig workers and platform workers to obtain registration; and

(d) to facilitate the enrolment of the registered unorganised workers, gig workers and platform workers in the social security schemes.

Helpline, facilitation centre, etc., for unorganised workers, gig workers and platform workers.

113. (1) Every unorganised worker, gig worker or platform worker shall be required to be registered for the purposes of this Chapter, subject to the fulfilment of the following conditions, namely:—

(a) he has completed sixteen years of age or such age as may be prescribed by the Central Government;

(b) he has submitted a self-declaration electronically or otherwise in such form and in such manner containing such information as may be prescribed by the Central Government.

(2) Every eligible unorganised worker, gig worker or platform worker referred to in sub-section (1) shall make an application for registration in such form along with such documents including Aadhaar number as may be prescribed by the Central Government and such worker shall be assigned a distinguishable number to his application:

Provided that the system of electronic registration maintained by the appropriate Government shall also provide for self registration by any such worker in such manner as may be prescribed by the Central Government.

(3) A registered unorganised worker, gig worker or platform worker shall be eligible to avail the benefit of the concerned scheme framed under this Chapter.

(4) The Central Government, or as the case may be, the State Government shall make such contribution in a scheme as may be specified therein.

Explanation.—For the purposes of this section, the term "Aadhaar" shall have the same meaning as is assigned to it in section 142.

114. (1) The Central Government may frame and notify, from time to time, suitable social security schemes for gig workers and platform workers on matters relating to—

(a) life and disability cover;

(b) accident insurance;

(c) health and maternity benefits;

(d) old age protection;

(e) crèche; and

(f) any other benefit as may be determined by the Central Government.

(2) Every scheme framed and notified under sub-section (1) may provide for—

(a) the manner of administration of the scheme;

(b) the agency or agencies for implementing the scheme;

(c) the role of aggregators in the scheme;

Registration of unorganised workers, gig workers and platform workers.

Schemes for gig workers and platform workers.

(d) the sources of funding of the scheme; and

(e) any other matter as the Central Government may consider necessary for the efficient administration of the scheme.

(3) Any scheme notified by the Central Government under sub-section (1), may be—

(a) wholly funded by the Central Government; or

(b) partly funded by the Central Government and partly funded by the State Government; or

(c) wholly funded by the contributions of the aggregators; or

(d) partly funded by the Central Government, partly funded by the State Government and partly funded through contributions collected from the beneficiaries of the scheme or the aggregators, as may be specified in the scheme framed by the Central Government; or

(e) funded from corporate social responsibility fund within the meaning of Companies Act, 2013; or

18 of 2013.

(f) any other source.

(4) The contribution to be paid by the aggregators for the funding referred to in clause (ii) of sub-section (1) of section 141, shall be at such rate not exceeding two per cent., but not less than one per cent., as may be notified by the Central Government, of the annual turnover of every such aggregator who falls within a category of aggregators, as are specified in the Seventh Schedule:

Provided that the contribution by an aggregator shall not exceed five per cent. of the amount paid or payable by an aggregator to gig workers and platform workers.

Explanation.—For the purposes of this sub-section, the annual turnover of an aggregator shall not include any tax, levy and cess paid or payable to the Central Government.

(5) The date of commencement of contribution from aggregator under this section shall be notified by the Central Government.

(6) The National Social Security Board constituted under sub-section (1) of section 6 shall be the Board for the purposes of the welfare of gig workers and platform workers under the provisions of this Code:

Provided that while such Board serves the purposes of welfare of, or matters relating to, gig workers and platform workers, the following members shall constitute the Board instead of the members specified in clauses (c) and (d) of sub-section (2) of section 6, namely:—

(a) five representatives of the aggregators as the Central Government may nominate;

(b) five representatives of the gig workers and platform workers as the Central Government may nominate;

(c) Director General of the Corporation;

(d) Central Provident Fund Commissioner of the Central Board;

(e) such expert members as the Central Government may consider appropriate;

(f) five representatives of the State Governments by such rotation as the Central Government may consider appropriate;

(g) Joint Secretary to the Government of India in the Ministry of Labour and Employment, who shall be the Member Secretary to the Board.

(7) (i) The Central Government may provide that—

- (a) the authority to collect and to expend the proceeds of contribution collected;
- (b) the rate of interest to be paid by an aggregator in case of delayed payment, less payment or non-payment of contribution;
- (c) self-assessment of contribution by aggregators;
- (d) conditions for cessation of a gig worker or a platform worker; and
- (e) any other matter relating to smooth functioning of the social security scheme notified under this section,

shall be such as may be prescribed by that Government.

(ii) The Central Government may by notification, exempt such aggregator or class of aggregators from paying of contribution under sub-section (4), subject to such conditions as may be specified in the notification.

Explanation.—For the purposes of this section, an aggregator having more than one business shall be treated as a separate business entity or aggregator.

CHAPTER X

FINANCE AND ACCOUNTS

115. Each of the Social Security Organisations shall maintain proper accounts of its income and expenditure in such form and in such manner as the appropriate Government may, after consultation with the Comptroller and Auditor-General of India, specify. Accounts.

116. (1) The accounts of each of the Social Security Organisations shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the respective Social Security Organisation to the Comptroller and Auditor-General of India. Audit.

(2) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of a Social Security Organisation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and to inspect any of the offices of the Social Security Organisation.

(3) The accounts of a Social Security Organisation as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Social Security Organisation which shall along with its comments on the audit report of the Comptroller and Auditor-General of India forward the same to the appropriate Government.

117. (1) Each of the Social Security Organisations shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the appropriate Government before such date as may be fixed by it in that behalf. Budget estimates.

(2) The budget shall contain provisions adequate in the opinion of the appropriate Government for the discharge of the liabilities incurred by the Social Security Organisation and for the maintenance of a working balance.

118. (1) Each of the Social Security Organisations shall submit to the appropriate Government an annual report of its work and activities and the budget finally adopted by the Social Security Organisation. Annual report.

(2) The appropriate Government shall cause a copy of the annual report, budget and the audited accounts together with the report of the Comptroller and Auditor-General of

India and the comments of the respective Social Security Organisation thereon to be laid before each House of Parliament or the State legislature, as the case may be.

Valuation of assets and liabilities.

119. Each of the fund maintained by a Social Security Organisation or by an establishment under this Code shall have a valuation of its assets and liabilities made by a valuer or actuary, as the case may be, appointed, with the prior approval of the appropriate Government, by such Social Security Organisation or the establishment, as the case may be, in the following manner, namely:—

(a) in case of Central Board, annually;

(b) in case of Corporation, once in every three years;

(c) in case of any other Social Security Organisation or establishment, as specified by the appropriate Government, by order:

Provided that the appropriate Government, if it considers necessary, may direct such valuation to be made at such intervals other than provided in this section.

Holding of property, etc., by Social Security Organisation.

120. (1) A Social Security Organisation (except Corporation) may, subject to such conditions as may be prescribed by the appropriate Government, acquire and hold property, both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for such purposes and for the purposes for which the said Social Security Organisation is established.

(2) Subject to such conditions as may be prescribed by the appropriate Government, a Social Security Organisation may, from time to time invest any moneys vested in it, which are not immediately required for expenses properly defrayable and may, subject to as aforesaid, from time to time re-invest or realise such investments:

Provided that in case of Provident Fund, Pension Fund or Insurance Fund, such investment, re-investment or realisation shall be specified in the Provident Fund Scheme or Pension Scheme or Insurance Scheme, as the case may be.

(3) Each of the Social Security Organisations (except Corporation) may, with the previous sanction of the appropriate Government and on such terms as may be prescribed by such Government, raise loans and take measures for discharging such loans.

(4) Each of the Social Security Organisations (except Corporation) may, with the previous sanction of the appropriate Government and on such terms as may be prescribed by such Government, constitute for the benefit of its officers and staff or any class of them, such provident or other benefit funds as it may think fit:

Provided that in case of officers and staff of the Central Board, such terms shall be specified in the Provident Fund Scheme.

Writing off of losses.

121. Subject to the conditions as may be prescribed by the appropriate Government, where any of the Social Security Organisations is of the opinion that the amount of contribution, cess, interest and damages due to it, under this Code, is irrecoverable, the concerned Social Security Organisation may sanction the writing off of the said amount in such manner as may be prescribed by the appropriate Government:

Provided that in the case of Provident Fund, Pension Fund or Insurance Fund, such writing off shall be specified in the Provident Fund Scheme or Pension Scheme or Insurance Scheme, as the case may be.

CHAPTER XI

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

Appointment of Inspector-cum-Facilitators and their powers.

122. (1) The Central Government for the purposes of Chapter III and Chapter IV and for the provisions in this Code relating to those Chapters, and the appropriate Government for the purposes of other provisions of this Code, may, by notification, appoint Inspector-cum-Facilitators who shall discharge his duties under this Code and exercise the powers

conferred on them under sub-section (6) in accordance with the inspection scheme referred to in sub-section (2).

(2) The Central Government for the purposes of Chapter III and Chapter IV and for the provisions in this Code relating to those Chapters and the appropriate Government in respect of other provisions of this Code, may, by notification, lay down an inspection scheme which may provide for generation of a web-based inspection and calling of information relating to the inspection under this Code electronically and such scheme shall, *inter alia*, have provisions to cater to special circumstances for assigning inspections and calling for information from the establishment or any other person.

(3) Without prejudice to the provisions of sub-section (2), the Central Government for the purposes of Chapter III and Chapter IV and the other provisions in this Code relating to those Chapters and the appropriate Government in relation to other provisions of this Code, may, by notification, confer such jurisdiction of randomised selection of inspection for the purposes of this Code, to the Inspector-cum-Facilitators as may be specified in such notification.

(4) Without prejudice to the powers of the Central Government or the appropriate Government, as the case may be, under this section, the inspection scheme may be designed taking into account, *inter alia*, the following factors, namely:—

(a) assignment of unique number to each establishment (which will be same as the registration number allotted to that establishment), each Inspector-cum-Facilitator and each inspection in such manner as may be notified for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code, by the appropriate Government;

(b) timely uploading of inspection reports in such manner and subject to such conditions as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code, by the appropriate Government;

(c) provisions for special inspections based on such parameters as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code, by the appropriate Government; and

(d) the characteristics of employment relationships, the nature of work and characteristics of the workplaces based on such parameters as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code, by the appropriate Government.

(5) The Inspector-cum-Facilitator may—

(a) advise the employers and employees relating to compliance with the provisions of this Code; and

(b) inspect the establishments as assigned to him under the provisions of this Code,

subject to the instructions or guidelines issued by the appropriate Government from time to time.

(6) Subject to the provisions of sub-section (4), the Inspector-cum-Facilitator may,—

(a) examine any person who is found in any premises of the establishment, whom the Inspector-cum-Facilitator has reasonable cause to believe, is an employee of the establishment;

(b) require any person whom the Inspector-cum-Facilitator has reasonable cause to believe, is an employer of the establishment, to produce any document or to give any information, which is in his power with respect to any of the purposes for which the inspection is made;

(c) search, seize or take copies of such register, record of wages or notices or portions thereof as the Inspector-cum-Facilitator may consider relevant in respect of an offence under this Code and which the Inspector-cum-Facilitator has reason to believe has been committed by the employer;

(d) bring to the notice of the appropriate Government defects or abuses not covered by any law for the time being in force; and

(e) exercise such other powers as may be prescribed by the appropriate Government.

(7) Any person required to produce any document or to give any information required by an Inspector-cum-Facilitator for the purposes of sub-section (6) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code. 45 of 1860.

(8) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure for the purposes of sub-section (6), as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code. 2 of 1974.

Maintenance
of records,
registers,
returns, etc.

123. An employer of an establishment shall—

(a) maintain records and registers in the form prescribed by the appropriate Government, electronically or otherwise, containing such particulars and details with regard to persons employed, muster roll, wages and such other particulars and details, in such manner, as may be prescribed by the appropriate Government including—

(i) number of days for which work performed by employees;

(ii) number of hours of work performed by the employees;

(iii) wage paid;

(iv) leave, leave wages, wages for overtime work and attendance;

(v) employees identification number, by whatever nomenclature it may be called;

(vi) number of dangerous occurrences, accidents, injuries in respect of which compensation has been paid by the employer and the amount of such compensation relating to Chapter IV and Chapter VII, respectively;

(vii) statutory deductions made by employer from the wages of an employee in respect of Chapter III and Chapter IV;

(viii) details as to cess paid in respect of building and other construction work;

(ix) total number of employees (regular, contractual or fixed term employment) on the day specified;

(x) persons recruited during a particular period;

(xi) occupational details of the employees; and

(xii) vacancies for which suitable candidates were not available during the specified period.

(b) display notices at the workplaces of the employees in such manner and form as may be prescribed by the appropriate Government;

(c) issue wage slips to the employees, in electronic forms or otherwise; and

(d) file such return electronically or otherwise to such officer or authority in such manner and during such periods as may be prescribed by the appropriate Government:

Provided that matters to be provided under the rules required to be made under this section relating to Chapter III shall, instead of providing them in rules to be made by the Central Government, be provided in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be:

Provided further that the forms of records and registers and that of the returns to be filed under Chapter IV shall be specified in the regulations instead of providing them in the rules.

124. No employer in relation to an establishment to which this Code or any scheme framed thereunder applies shall, by reason only of his liability for the payment of any contribution under this Code, or any charges thereunder reduce whether directly or indirectly, the wages of any employee to whom the provisions of this Code or any scheme framed thereunder applies or the total quantum of benefits to which such employee is entitled under the terms of his employment, express or implied.

Employer not to reduce wages, etc.

125. (1) The Central Government may, by notification, authorise, such officers of the Central Board or the Corporation, as the case may be, not below the rank of Group 'A' officer of that Government, to function as the Authorised Officers for the purposes of Chapter III or Chapter IV, as the case may be, who may, by order—

Assessment and determination of dues from employer.

(a) in a case where a dispute arises regarding the applicability of Chapter III or Chapter IV, as the case may be, to an establishment, decide such dispute; and

(b) determine the amount due from any employer under any provision of Chapter III or Chapter IV, as the case may be, or the schemes, or rules, regulations made under such Chapter; and

(c) for any of the purposes relating to clause (a) and clause (b), conduct such inquiry, as he may deem necessary for such purposes:

Provided that no proceeding under this sub-section shall be initiated after the expiry of the period of five years from the date on which the dispute referred to in clause (a) is alleged to have been arisen or, as the case may be, the amount referred to in clause (b) is alleged to have been due from an employer.

5 of 1908.

(2) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the inquiry under sub-section (1), as far as practicable, shall be held on day-to-day basis and endeavour shall be made to ensure that the inquiry is concluded within a period of two years:

Provided that where the inquiry is not concluded within the said period of two years, the Authorised Officer conducting such inquiry shall record the circumstances and reasons for not having concluded so and submit the circumstances and reasons so recorded to the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or such other officer authorised by him in this behalf:

Provided further that the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, after considering the circumstances and the reasons which have been submitted by the Authorised Officer may grant an extension for a period up to one year to conclude the said inquiry:

Provided also that the inquiries which are pending immediately before the date of commencement of this Code shall be concluded by the Authorised Officer within a period not exceeding two years from the date of such commencement.

(3) The Authorised Officer conducting the inquiry under sub-section (1) shall, for the purposes of such inquiry have the same powers as are vested in a court under the Code of Civil Procedure, 1908, for trying a suit in respect of the following matters, namely:—

5 of 1908.

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavit; and
- (d) issuing commissions for the examination of witnesses,

and any such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196 of the Indian Penal Code.

45 of 1860.

(4) No order shall be made under sub-section (1), unless the employer concerned is given a reasonable opportunity of representing his case.

(5) Where the employer, employee or any other person required to attend the inquiry under sub-section (1) fails to attend such inquiry without assigning any valid reason or fails to produce any document or to file any report or return when called upon to do so by the Authorised Officer conducting the inquiry, such inquiry officer may decide the applicability of the relevant provisions of this Code or determine the amount due from any employer, as the case may be, on the basis of the evidence adduced during such inquiry and other documents available on record.

(6) Where an order under sub-section (1) is passed against an employer *ex parte*, he may, within three months from the date of communication of such order, apply to the Authorised Officer for setting aside such order and if the Authorised Officer is satisfied that the show cause notice was not duly served or that such employer was prevented by any sufficient cause from appearing when the inquiry was held, the Authorised Officer shall make an order setting aside his earlier order and shall appoint a date for proceeding with the inquiry:

Provided that no such order shall be set aside merely on the ground that there has been an irregularity in the service of the show cause notice if the Authorised Officer is satisfied that the employer had notice of the date of hearing and had sufficient time to appear before the Authorised Officer.

Explanation.—Where an appeal has been preferred under this Code against an order passed *ex parte* and such appeal has been disposed of otherwise than on the ground that the appellant has withdrawn the appeal, no application shall lie under this sub-section for setting aside the *ex parte* order.

(7) No order passed under this section shall be set aside on any application under sub-section (6) unless notice thereof has been served on the opposite party.

126. If an employer is not satisfied with the order referred to in section 125 and relates to Chapter IV, he may prefer an appeal to the appellate authority not below the rank of the Joint Director of the Corporation as may be provided by regulations, within sixty days from the date of such order after depositing twenty-five per cent. of the contribution so ordered or the contribution as per his own calculation, whichever is higher, with the Corporation:

Provided that the appellate authority shall decide the appeal within a period of six months from the date of preferring the appeal:

Provided further that if the employer finally succeeds in the appeal, the Corporation shall refund such deposit to the employer together with such interest as may be specified in the regulations.

Appeal
against order
of Authorised
Officer
relating to
Chapter IV.

127. Except where expressly provided otherwise in this Code, the employer shall be liable to pay simple interest at such rate as may be notified from time to time by the Central Government, from the date on which any amount has become due under this Code till the date of its actual payment.

Interest on amount due.

128. Where an employer makes default in the payment of any contribution which he is liable to pay in accordance with the provisions of Chapter III or Chapter IV, as the case may be, or any scheme framed thereunder or in the transfer of accumulations under Chapter III, or in the payment of any charges payable under any other provision of this Code, the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or such other officer as may be authorised, by notification, by the appropriate Government, may levy on, and recover from, the employer by way of damages, an amount not exceeding the amount of arrears, in such manner as may be specified in the regulations for the purposes of Chapter IV and in respect of Provident Fund Scheme, Pension Scheme and Insurance Scheme, such levy and recovery shall be in the manner as may be specified in the respective schemes framed by the Central Government:

Power to recover damages.

Provided that before levying and recovering such damages, the employer shall be given an opportunity of being heard:

Provided further that the Central Board or the Corporation, as the case may be, may reduce or waive the damages levied under this section in relation to an establishment for which a resolution plan or repayment plan recommending such waiver has been approved by the adjudicating authority established under the Insolvency and Bankruptcy Code, 2016 subject to the terms and conditions as may be specified by notification, by the Central Government.

31 of 2016.

129. (1) Any amount due from an employer or any other person in relation to an establishment including any contribution or cess payable, charges, interest, damages, or benefit or any other amount may, if the amount is in arrear, be recovered in the manner specified in this section and sections 130 to 132.

Recovery of amount due.

(2) Where any amount is in arrear under this Code, the Authorised Officer, or the competent authority, as the case may be, shall issue to the Recovery Officer referred to in sub-section (4), a certificate electronically or otherwise, specifying the amount of arrears and the Recovery Officer, on receipt of such certificate, shall proceed to recover the amount specified therein from the establishment or, as the case may be, the employer by one or more of the modes mentioned below, namely:—

(a) attachment and sale of the movable or immovable property of the establishment or, as the case may be, of the employer;

(b) arrest of the employer and his detention in prison;

(c) appointing a receiver for the management of the movable or immovable properties of the defaulter:

Provided that the attachment and sale of any property under this section shall first be effected against the properties of the establishment and where such attachment and sale is insufficient for recovering the whole of the amount or arrears specified in the certificate, the Recovery Officer may move such proceeding against the property of the employer for recovery of the whole or any part of such arrears.

(3) The Authorised Officer or the competent authority, as the case may be, may issue a certificate under sub-section (2), notwithstanding that proceeding for recovery of the arrears by any other mode has been taken.

(4) The Authorised Officer or the competent authority, as the case may be, may forward the certificate issued under this section, to the Recovery Officer within whose jurisdiction the employer—

(a) carries on his business or profession or within whose jurisdiction the principal place of his establishment is situate; or

(b) resides or any movable or immovable property of, the establishment or, the employer is situated.

(5) Where an establishment or the employer has property within the jurisdiction of more than one Recovery Officer and the Recovery Officer to whom a certificate is sent by the Authorised Officer or the competent authority, as the case may be—

(a) is not able to recover the entire amount by the sale of the property, movable or immovable, within his jurisdiction, or

(b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do,

he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified by him, specifying the amount to be recovered, to the Recovery Officer within whose jurisdiction the establishment or the employer has property or the employer resides, and thereupon that Recovery Officer shall proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the Authorised Officer or the competent authority, as the case may be.

Validity of
certificate and
amendment
thereof.

130. (1) When the Authorised Officer or the competent authority, as the case may be, issues a certificate to a Recovery Officer under section 129, it shall not be open to the employer to dispute before the Recovery Officer the correctness of the amount, and no objection to the certificate on any other ground shall be entertained by the Recovery Officer.

(2) Notwithstanding the issue of a certificate to a Recovery Officer, the Authorised Officer or the competent authority, as the case may be, shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by sending intimation to the Recovery Officer.

(3) The Authorised Officer or the competent authority, as the case may be, shall intimate to the Recovery Officer any orders of withdrawing or cancelling a certificate or any correction made by him in respect of the said certificate under sub-section (2).

(4) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the Authorised Officer or the competent authority, as the case may be, may grant time to the employer for payment of the amount recoverable under the certificate and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.

(5) Where a certificate for the recovery of amount has been issued, the Authorised Officer or the competent authority, as the case may be, shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.

(6) Where the order giving rise to a demand of amount for which a certificate for recovery has been issued under section 129 has been modified in appeal or other proceeding under this Code, resulting in reduction of the demand but the order is the subject matter of further proceeding under this Code, the Authorised Officer or the competent authority, as the case may be, shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.

(7) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceeding under this Code, the Authorised Officer or the competent authority, as the case may be, shall, when the order being the subject matter of such appeal or other proceeding becomes final and conclusive, amend the certificate or withdraw it, as the case may be in consonance with such finality or conclusion.

131. (1) Notwithstanding the issue of a certificate to the Recovery Officer under section 129, the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation so authorised by it in this behalf, may, recover the amount by any one or more of the modes provided in this section.

Other modes
of recovery.

(2) If any amount is due from any person to any employer who is in arrears, the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf, may, require such person to deduct from the said amount the arrears so due, and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation so authorised by it in this behalf:

Provided that nothing in this sub-section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908.

5 of 1908.

(3) (a) The Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf may, at any time or from time to time, by notice in writing, require any person from whom money is due or may become due to the employer or, as the case may be, the establishment or any person who holds or may subsequently hold money for or on account of the employer or, as the case may be, the establishment, to pay to the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer authorised by it in this behalf either forthwith upon the money becoming due or being held at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the employer in respect of arrears or the whole of the money when it is equal to or less than that amount.

(b) A notice under this sub-section may be issued to any person who holds or may subsequently hold any money for or on account of the employer jointly with any other person and for the purposes of this sub-section, the shares of the joint holders in such account shall be presumed, until the contrary is proved, to be equal.

(c) A copy of the notice shall be forwarded to the employer at his last address known to the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf and in the case of a joint account to all the joint holders at their last addresses so known.

(d) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice, and, in particular, where any such notice is issued to a post office, bank or an insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made notwithstanding any rule, practice or requirement to the contrary.

(e) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of the notice shall be void as against any demand contained in the notice.

(f) Where a person to whom a notice under this sub-section is sent objects to it by statement on oath that the sum demanded or any part thereof is not due to the employer or that he does not hold any money for or on account of the employer, then, nothing contained in this sub-section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, but if it is discovered that such statement was false in any material particular, such person shall be personally liable to the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf, to the extent of his own liability to the employer on the date of the notice, or to the extent of the employer's liability for any sum due under this Code, whichever is less.

(g) The Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf, may, at any time or from time to time, amend or revoke any notice issued under this sub-section or extend the time for making any payment in pursuance of such notice.

(h) The Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf, shall grant a receipt for any amount paid in compliance with a notice issued under this sub-section, and the person so paying shall be fully discharged from his liability to the employer to the extent of the amount so paid.

(i) Any person discharging any liability to the employer after the receipt of a notice under this sub-section shall be personally liable to the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf, to the extent of his own liability to the employer so discharged or to the extent of the employer's liability for any sum due under this Code, whichever is less.

(j) If the person to whom a notice under this sub-section is sent fails to make payment in pursuance thereof to the Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf, he shall be deemed to be an employer in default in respect of the amount specified in the notice and further proceeding may be moved against him for the realisation of the amount as if it were an arrear due from him, in the manner provided in sections 129 to 132 and the notice shall have the same effect as an attachment of amount in arrears by the Recovery Officer in exercise of his powers under section 129.

(4) The Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf may apply to the court in whose custody there is money belonging to the employer for payment to him of the entire amount of such money, or if it is more than the amount due, an amount sufficient to discharge the amount due.

(5) The Central Provident Fund Commissioner or the Director General of the Corporation, as the case may be, or any other officer of such Social Security Organisation authorised by it in this behalf, if so authorised by the Central Government by general or special order, recover any arrears of amount due from an employer or, as the case may be, from the establishment by distraint and sale of his or its movable property in the manner laid down in the Third Schedule to the Income-tax Act, 1961.

43 of 1961.

Application of certain provisions of Income-tax Act.

132. The provisions of the Second Schedule and the Third Schedule to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to the amount in arrears of the amount mentioned in section 129 of this Code instead of to the income-tax:

Provided that any reference in the said provisions and the rules to the "assessee"

shall be construed as a reference to an employer or establishment, as the case may be.

CHAPTER XII

OFFENCES AND PENALTIES

133. If any person,—

(a) being an employer, fails to pay any contribution which he is liable to pay under this Code or rules, regulations or schemes made thereunder; or

(b) deducts or attempts to deduct from the wages of an employee, the whole or any part of employer's contribution; or

(c) in contravention of the provisions of this Code, reduces the wages or any privilege or benefits admissible to an employee; or

(d) in contravention of the provisions of Chapter IV or Chapter VI or rules, regulations or schemes made or framed under this Code respectively, relating to such Chapters, dismisses, discharges, reduces in rank or otherwise penalises a woman employee; or

(e) fails or refuses to submit any return, report, statement or any other information required under this Code or any rules, regulations or schemes made or framed thereunder; or

(f) obstructs any Inspector-cum-Facilitator or other officer or staff of the Central Board or the Corporation or other Social Security Organisation or a competent authority in the discharge of his duties; or

(g) fails to pay any amount of gratuity to which an employee is entitled under this Code; or

(h) fails to pay any amount of compensation to which an employee is entitled under this Code; or

(i) fails to provide any maternity benefit to which a woman is entitled under this Code; or

(j) fails to send to a competent authority a statement which he is required to send under Chapter VII; or

(k) fails to produce on demand by the Inspector-cum-Facilitator any register or document in his custody kept in pursuance of this Code or the rules, regulations or schemes made or framed thereunder; or

(l) fails to pay the cess for building workers which he is liable to pay under this Code; or

(m) is guilty of any contravention of or non-compliance with any of the requirements of this Code or the rules or the regulations or schemes made or framed thereunder in respect of which no special penalty is provided in this Chapter; or

(n) obstructs executive officer in exercising his functions under Chapter XIII; or

(o) dishonestly makes a false return, report, statement or information to be submitted thereunder; or

(p) fails or makes default in complying with any condition subject to which exemption under section 143 was granted; or

(q) fails to pay any administrative or inspection charges payable under any of the schemes framed under Chapter III,

he shall be punishable,—

Penalty for failure to pay contributions, etc.

(i) where he commits an offence under clause (a), with imprisonment for a term which may extend to three years, but—

(a) which shall not be less than one year, in case of failure to pay the employee's contribution which has been deducted by him from the employee's wages and shall also be liable to fine of one lakh rupees;

(b) which shall not be less than two months but may be extended to six months, in any other case and shall also be liable to fine of fifty thousand rupees:

Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term;

(ii) where he commits an offence under clause (g), with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees, or with both;

(iii) where he commits an offence under any of the clauses (d), (f), (i), (k), (l) or (o), with imprisonment for a term which may extend to six months or with a fine which may extend to fifty thousand rupees, or with both;

(iv) where he commits an offence under any of the clauses (b), (c), (e), (h), (j), (m), (n), (p) or (q), with fine which may extend to fifty thousand rupees.

Enhanced punishment in certain cases after previous conviction.

134. Whoever, having been convicted by a court of an offence punishable under this Code, commits the same offence shall, for second, or every subsequent such offence, be punishable with imprisonment for a term which may extend to two years and with fine of two lakh rupees:

Provided that where such second or subsequent offence is for failure by the employer to pay any contribution, charges, cess, maternity benefit, gratuity or compensation which under this Code he is liable to pay, he shall, for such second or subsequent offence, be punishable with imprisonment for a term which may extend to three years but which shall not be less than two years and shall also be liable to fine of three lakh rupees.

Offences by companies.

135. (1) Where an offence under this Chapter has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, secretary or other officer of the company, such director, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "Director", in relation to a firm, means a partner in the firm.

Cognizance of offences.

136. (1) No court shall take cognizance of an offence punishable under this Code, except on a complaint made by an aggrieved person or such officer as may be notified by the Central Government for the purposes of offences relating to Chapter III and Chapter IV

and the rules, regulations or schemes made or framed under this Code relating to those Chapters, and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed thereunder, by the officer notified by the appropriate Government.

(2) Notwithstanding anything contained in sub-section (1), no prosecution under this Code shall be instituted, except by or with the previous sanction of the authority notified by the Central Government for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed thereunder, the authority notified by the appropriate Government.

(3) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Chapter.

(4) Notwithstanding anything contained in sub-section (1), a single complaint may be filed under that sub-section by more than one aggrieved persons if they are aggrieved by the same or similar offence committed at a place or different places within the jurisdiction of the court.

137. Notwithstanding anything contained in this Chapter, the Inspector-cum-Facilitator or any other officer notified for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters, by the Central Government; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto, by the appropriate Government, shall, before initiation of prosecution proceeding against an employer for any offence under this Chapter, give an opportunity to the employer to comply with the aforesaid relevant provisions by way of a written direction, which shall lay down a time period for such compliance, and, if the employer complies with the direction within such period, then, no such proceeding shall be initiated against the employer; but no such opportunity shall be accorded to an employer, if the violation of the same nature of such provisions is repeated within a period of three years from the date on which such first violation was committed and in such case the prosecution shall be initiated in accordance with the provisions of this Chapter.

Prior opportunity before prosecution.

2 of 1974.

138. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed for the first time, punishable under this Chapter, being an offence—

Compounding of offences.

(i) punishable with fine only; or

(ii) punishable with imprisonment for a term which is not more than one year and also with fine,

may, on an application made, either before or after the institution of any prosecution, be compounded by an officer authorised by the Central Government for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters, by the Central Government; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto, by the appropriate Government, in such manner as may be prescribed by the Central Government on payment by the offender to the appropriate Government the amount—

(i) in the case of an offence punishable with fine only, the half of the maximum fine provided for that offence; and

(ii) in the case of an offence punishable with imprisonment for a term which is not more than one year and also with fine, the three-fourth of the maximum fine provided for that offence.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of three years from the date—

(i) of commission of a similar offence which was earlier compounded; or

(ii) of commission of similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Central Government for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto, by the appropriate Government.

(4) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed by the appropriate Government.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Where the compounding of any offence is made after the institution of any prosecution, such compounding shall be brought to the notice of the court in which the prosecution is pending in writing by the officer referred to in sub-section (1), and on such notice of the compounding of the offence being given to the court, the person against whom the offence is so compounded shall be discharged.

(7) Any person who fails to comply with the order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty per cent. of the maximum fine provided for the offence, in addition to such fine.

CHAPTER XIII

EMPLOYMENT INFORMATION AND MONITORING

Reporting of vacancies to career centres.

139. (1) The appropriate Government may, by notification, require that from such date as may be specified in the notification, the employer in every establishment or any class or category of establishments, before filling up any vacancy in any employment in that establishment or such class or category of establishments, as the case may be, shall report or cause to be reported, that vacancy to such career centre as may be specified in the notification, and the employer shall thereupon comply with such requisition.

(2) For the purposes of sub-section (1), the appropriate Government may prescribe the following, namely:—

(i) the manner in which the vacancies, referred to in sub-section (1), shall be reported to the career centres electronically or otherwise;

(ii) the form in which such vacancies shall be reported to the career centres; and

(iii) the manner and form of filing the return by the employer, to the concerned career centre.

(3) Nothing in sub-sections (1) and (2) shall be deemed to impose any obligation upon any employer to recruit any person through the career centre to fill any vacancy merely because such vacancy has been reported.

(4) The executive officer shall have access to any record or document in the possession of any employer required to furnish any information or returns for the purposes of this Chapter and may enter, at any reasonable time, any premises where he believes such record or document to be and inspect or take copies of such records or documents or ask any question necessary for obtaining any information required.

- 140.** (1) The provisions of section 139 shall not apply in relation to vacancies,—
- (a) in any employment in agriculture (including horticulture) in any establishment in private sector other than employment in plantation; or
 - (b) in any employment in domestic service; or
 - (c) in any employment connected with the staff of Parliament or any State Legislature; or
 - (d) in any employment the total duration of which is less than ninety days; or
 - (e) in any class or category of establishments as may be notified by the Central Government; or
 - (f) in any establishment (other than Government establishment) with less than twenty or such number of employees as may be notified by the Central Government; and
 - (g) in any other employment as may be notified by the Central Government.

Exclusions from application of this Chapter.

(2) Unless the Central Government, by notification direct, the provisions of this Chapter shall not apply in relation to—

- (a) vacancies which are proposed to be filled through promotion or by absorption of surplus staff of any branch or department of the same establishment or through independent recruitment agencies such as Union Public Service Commission, Staff Selection Commission or a State Public Service Commission or any other agencies as may be notified by the Central Government; or
- (b) vacancies in an employment which carries a monthly remuneration of less than an amount notified by the appropriate Government.

CHAPTER XIV

MISCELLANEOUS

141. (1) There shall be established by the Central Government a Social Security Fund for social security and welfare of the unorganised workers, gig workers and platform workers and the sources of the fund shall comprise of funding received—

Social Security Fund.

- (i) under sub-section (3) of section 109;
- (ii) under sub-section (3) of section 114;

(iii) from the composition of the offences under this Code relating to Central Government and from any other Social Security Fund established under any other central labour law.

(2) A separate account shall be established and maintained for the funding mentioned under each of the clauses (i), (ii) and (iii).

(3) Social Security Fund referred to in sub-section (1) shall be expended for the purposes for which each separate account has been established and maintained under sub-section (2).

(4) The Social Security Fund shall be established and administered in the manner prescribed by the Central Government.

(5) There shall be established by the State Government a Social Security Fund for the welfare of the unorganised workers in which there shall be credited the amount received from—

- (i) the composition of offences under this Code relating to the State Government; and

(ii) such other sources as may be prescribed by the State Government, and the fund shall be administered and expended for the welfare of the unorganised workers in such manner as may be prescribed by the State Government.

Application of
Aadhaar.

142. (1) An employee or unorganised worker or any other person, as the case may be, for—

(a) registration as member or beneficiary; or

(b) seeking benefit whether in kind, cash or medical sickness benefit or pension, gratuity or maternity benefit or any other benefit or for withdrawal of fund; or

(c) availing services of career centre; or

(d) receiving any payment or medical attendance as Insured Person himself or for his dependants,

under this Code or rules, regulations or schemes made or framed thereunder, shall establish his identity or, as the case may be, the identity of his family members or dependants through Aadhaar number and for such purpose the expression "Aadhaar" shall have the meaning as defined in clause (a) of section 2 of the Aadhaar (The Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016:

18 of 2016.

Provided that any foreigner employee shall obtain and submit Aadhaar number for establishing his identity, as soon as possible, on becoming resident within the meaning of clause (v) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

18 of 2016.

(2) For the purposes of sub-section (1), the Aadhaar number issued to an individual shall be in accordance with the provisions of section 3 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.

18 of 2016.

Power to
exempt
establishment.

143. (1) Notwithstanding anything contained in this Code, the appropriate Government may, by notification, and subject to the conditions which may include the eligibility conditions to be fulfilled prior to grant of exemption and the conditions to be complied with after exemption, as may be prescribed by the Central Government in this behalf, grant exemption to an establishment or class of establishments (including factory or other establishments under the control of Central Government or State Government or local bodies) or employees or class of employees, from any or all of the provisions of this Code or the scheme framed thereunder as may be specified in the notification and may renew for further period such exemption by like notification:

Provided that no such exemption,—

(i) in respect of Provident Fund Scheme, Pension Scheme and Insurance Scheme, without prior consultation with the Central Board; and

(ii) in respect of Chapter IV, without prior consultation with the Corporation,

shall be granted or renewed and the Central Board or the Corporation, as the case may be, shall on such consultation forward its view to the appropriate Government within such time as may be prescribed by that Government.

(2) The appropriate Government may, in the notification referred to in sub-section (1), specify therein conditions as may be prescribed by that Government, which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption:

Provided that for the purpose of grant of exemption in respect of Provident Fund Scheme, Pension Scheme and Insurance Scheme, the terms and conditions of exemption shall be specified in such respective schemes.

(3) The exemption granted under sub-section (1) to an establishment or class of establishments or an employee or class of employees, as the case may be, shall be initially for a period of three years from the date of publication of such notification and may be extended by the appropriate Government to the extent of such period as may be prescribed by the Central Government:

Provided that for the purpose of grant of exemption in respect of Provident Fund Scheme, Pension Scheme and Insurance Scheme, exemption may be extended for such period as may be specified in such respective schemes.

(4) The exemption granted under sub-section (1) shall only be granted if the employees in the establishment or class of establishments or an employee or the class of employees so exempted are otherwise in receipt of benefits substantially similar or superior to the benefits provided in the provisions of the Code or the scheme framed thereunder.

(5) For the purposes of administering the fund, managing the investments, maintaining accounts of the contributions, withdrawals, credit of interest in respect of each employee of the fund created, and any other matter specified in the scheme for any exempted establishment or class of establishments, or employees or class of employees, a board of trustees shall be constituted by the employer which will be a legal entity which can sue and can be sued and the conditions for management of the trust shall be prescribed by the appropriate Government as part of the conditions for exemption:

Provided that conditions for administering the fund, managing the investments, maintaining accounts of the contributions, withdrawals, credit of interest in respect of each employee of the fund created, in respect of exemption from Provident Fund Scheme, Pension Scheme and Insurance Scheme shall be specified in such respective schemes.

(6) Where an exemption is granted under this section from operation of any or all the provisions of the Code or any of the scheme under Chapter III, to any establishment, class of establishments, employee or class of employees, the employer in relation to such establishment shall furnish such returns electronically in respect of persons employed, accounts maintained in respect of employees, investments made from the fund, provide facilities for inspection and pay such inspection charges as the Central Government may direct.

(7) If employer in relation to any establishment or class of establishments or employee or class of employees in respect of whom the exemption has been granted under sub-section (1), fails to comply with any of the conditions specified under this section, then, the appropriate Government may on such failure, cancel the exemption so granted.

(8) Where any exemption granted under sub-section (1) is cancelled, the entire amount of surplus and reserves, if any, and accumulations to the credit of every employee, to whom such exemption applied, in the exempted fund of the establishment in which he is employed, shall be transferred to the respective statutory fund created under this Code within such time and manner as specified in the conditions for grant of exemption:

Provided that in respect of any cancellation of exemption from the Provident Fund Scheme, Pension Scheme and Insurance Scheme, the time limit, form and manner of transfer of accumulations of exempted employees from the exempted funds to such respective funds shall be specified in such respective schemes.

(9) Notwithstanding anything contained in this section, the employer of an establishment exempted under sub-section (1), after the resolution of the board of trustees of the establishment to that effect may make an application to the appropriate Government for surrender of the exemption granted under that sub-section from the date specified in the application and the appropriate Government may on receipt of that application, allow the employer to remit the contribution in the statutory funds under this Code from the date specified in the application and process the application for cancellation of exemption and on such cancellation, the employer and the board of trustees shall transfer accumulation of

each employee and surplus and reserves from the fund referred to in sub-section (5), to the concerned statutory funds under this Code within such time and in such manner as may be notified by the appropriate Government:

Provided that in respect of any surrender of exemption from the Provident Fund Scheme, the Pension Scheme and the Insurance Scheme, the time limit, form and manner of transfer of accumulation of exempted employees and surplus and reserves from the fund referred to in sub-section (5), to the concerned statutory funds under this Code shall be such as may be specified in the concerned schemes framed under Chapter III.

Power to defer or reduce.

144. Notwithstanding anything contained in Chapter III or Chapter IV, the Central Government may by order, defer or reduce employer's contribution, or employee's contribution, or both, payable under Chapter III or Chapter IV, as the case may be, for a period up to three months at a time, in respect of establishment to which Chapter III or Chapter IV, as the case may be, applies, for whole of India or part thereof in the event of pandemic, endemic or national disaster.

Liability in case of transfer of establishment.

145. Where an employer transfers his establishment in whole or in part, by sale, gift, lease or licence or in any other manner whatsoever, the employer and the person to whom the establishment is so transferred shall jointly and severally be liable to pay the amount due in respect of any liabilities, cess or any other amount payable under this Code in respect of the periods up to the date of such transfer:

Provided that the liability of the transferee shall be limited to the value of the assets obtained by him by such transfer.

Members, officers and staff to be public servants.

146. Every member of a Social Security Organisation and the officers and staff thereof, any Inspector-cum-Facilitator, competent authority, Authorised Officer, Recovery Officer and any other person discharging any function under this Code, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection of action taken in good faith.

147. No suit, prosecution or other legal proceeding shall lie against—

- (i) the Central Government;
- (ii) a State Government;
- (iii) a Social Security Organisation;
- (iv) a competent authority;
- (v) any officer or staff of a Social Security Organisation; or
- (vi) any other person or authority,

discharging the functions or exercising the powers under this Code, for anything which is in good faith done or intended to be done in pursuance of this Code or of any rules, regulations or schemes made or framed thereunder.

Misuse of benefits.

148. If the appropriate Government is satisfied in the manner prescribed by it that any establishment or any other person has misused any benefit provided to him under this Code or rules, regulations or schemes made or framed thereunder, then, such Government may, by notification, deprive such establishment or other person, as the case may be, from such benefit for such time as may be specified in the notification:

Provided that no such order shall be passed unless an opportunity of being heard is given to such establishment or other person, as the case may be:

Provided further that the manner to ascertain misuse of any benefit under this section relating to Chapter III, shall be specified in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be.

149. The Central Government may give directions to—

(i) any State Government or a State Board constituted under section 12 to execute in that State, of any of the provisions of this Code; or

(ii) any of the Social Security Organisations in respect of the matters relating to the implementation of the provisions of this Code.

Power of Central Government to give directions to State Government and Social Security Organisations.

150. The appropriate Government may, subject to the condition of previous publication, frame schemes not inconsistent with this Code, for the purposes of giving effect to the provisions thereof.

Power to frame schemes.

151. (1) Notwithstanding anything contained in any other law for the time being in force, the amount standing to be credited in favour of the employee under Chapters III, IV, V, VI or VII of any member of any fund under this Code, or of any exempted employee in a provident fund maintained by his employer, shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by such employee or member or the exempted employee, as the case may be.

Protection against attachment, etc.

(2) Any amount standing to the credit of a member in the fund or of an exempted employee in a provident fund maintained by his employer at the time of the death of such member or the exempted employee, as the case may be, and payable to his nominee or in case of failure of nomination, to his family under the scheme or the rules of the fund shall, subject to any deduction authorised by the said scheme or rules, as the case may be, vest in the nominee or such family and shall be free from any debt or other liability incurred by the deceased or the nominee before his death and shall also not be liable to attachment under any decree or order of any court.

(3) Notwithstanding anything contained in any other law for the time being in force, any amount due under the Chapters referred to in sub-section (1) shall be the charge on the assets of the establishment to which it relates and shall be paid in priority in accordance with the provisions of the Insolvency and Bankruptcy Code, 2016.

31 of 2016.

152. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification amend the First Schedule, Fourth Schedule, Fifth Schedule, Sixth Schedule and Seventh Schedule by way of addition or deletion therein and upon such addition or deletion, the Schedules shall stand to have been amended accordingly.

Power to amend Schedule.

(2) If the appropriate Government is satisfied that it is necessary or expedient so to do, it may, by notification amend the Second Schedule and Third Schedule by way of addition therein and not otherwise, and upon such addition, the Schedules shall stand to have been amended accordingly.

153. Notwithstanding anything contained in this Code, the following organisations constituted or established under the enactments repealed under section 164, namely:—

Transitional provisions.

(i) the Central Board constituted under section 5A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952;

19 of 1952.

(ii) Executive Committee constituted under section 5AA of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952;

19 of 1952.

(iii) the Corporation established under section 3 of the Employees' State Insurance Act, 1948;

34 of 1948.

(iv) the Medical Benefit Council constituted under section 10 of the Employees' State Insurance Act, 1948;

34 of 1948.

(v) the Standing Committee of the Corporation constituted under section 8 of the Employees' State Insurance Act, 1948; and

34 of 1948.

(vi) the Board constituted under sub-section (1) of section 18 of the Building and Other Construction Workers (Regulation of Employment and Condition of Service) Act, 1996, 27 of 1996.

shall, after the commencement of this Code, continue to exercise the powers and discharge the functions of the corresponding organisations under this Code, respectively, the Central Board of Trustees for Employees Provident Fund constituted under section 4, the Executive Committee constituted under sub-section (3) of section 4, the Employees State Insurance Corporation, constituted under section 5, the Medical Benefit Committee constituted under sub-section (5) of section 5, the Standing Committee constituted under sub-section (3) of section 5, Building Workers' Welfare Board constituted under sub-section (1) of section 7, as if such organisations constituted or, as the case may be, established under such repealed enactments, had been constituted under the respective provisions of this Code, till such corresponding organisations are constituted under this Code or till their respective time period under the repealed enactments expire, whichever is earlier.

Power of appropriate Government to make rules.

154. (1) The appropriate Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with this Code for the purpose of giving effect to the provisions thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the amount in connection with premium for Group Insurance Scheme of the beneficiaries under clause (c), the educational schemes for the benefit of children of the beneficiaries under clause (d) and the medical expenses for treatment of major ailments of a beneficiary or, such dependant under clause (e) of sub-section (6) of section 7;

(b) 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;

(c) the manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof under sub-section (1) of section 51;

(d) 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;

(e) the 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;

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

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

(h) the qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58;

(i) authority to whom an appeal may be preferred under sub-section (3) of section 72;

(j) class of employers and the form of notice-book under sub-section (4) of section 82;

(k) the manner of recording the memorandum in a register by the competent authority under sub-section (1) of section 89;

(l) such other experience and qualifications for appointment as a competent authority under sub-section (1) of section 91;

(m) time limit to pay the amount of cess under section 101;

(n) fees for appeal under sub-section (2) of section 105;

(o) 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;

(p) conditions and manner of writing off irrecoverable dues under section 121;

(q) other powers of Inspector-cum-Facilitator under clause (e) of sub-section (6) of section 122;

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

(s) the form and manner of application for compounding of an offence under sub-section (4) of section 138;

(t) the manner and form for reporting vacancies and form for filing the return by the employer, to the concerned career centre under sub-section (2) of section 139;

(u) the time within which the Central Board or the Corporation, as the case may be, shall forward its view to the appropriate Government under sub-section (1), conditions which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption under sub-section (2) and conditions for management of the trust under sub-section (5) of section 143;

(v) manner of determining the misuse of any benefit by an establishment or by any other person under section 148; and

(w) any other matter which is required to be, or may be, prescribed by the appropriate Government under the provisions of this Code.

155. (1) The Central Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with this Code, for the purpose of giving effect to the provisions thereof.

Power of
Central
Government
to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner, and the conditions subject to which, the provisions of Chapter III shall be made inapplicable to an establishment by the Central Provident Fund Commissioner, under sub-section (5) and the manner, and the conditions subject to which the provisions of that Chapter IV shall be made inapplicable to an establishment by the Director General of the Corporation under sub-section (7) of section 1;

(b) manner of establishment and maintenance of career centre and the career services under clause (9), the income of dependant parents (including father-in-law and mother-in-law of a woman employee), under sub-clause (e) of clause (33) and other authority who shall be deemed to be the occupier under sub-clause (c) and the matters which are directly related to the condition of ship, for which the owner of ship shall be deemed to be the occupier under the proviso to the said sub-clause (c) of clause (52), of section 2;

(c) the time and manner of registration of establishment, the manner of making application for cancellation of the registration, the conditions subject to which the

registration shall be cancelled and the procedure of cancellation and other matters relating thereto in respect of an establishment to which Chapter III or Chapter IV applies, and whose business activities are in the process of closure, under section 3;

(d) the manner of administration of the funds vested in the Central Board under sub-section (1), the manner to assist the Central Board in performance of its functions by Executive Committee under sub-section (3), the terms and conditions, including tenure of office of members of the Central Board and Executive Committee under sub-section (6) and the other functions and the manner of performing such functions under sub-section (7), of section 4;

(e) the manner of administration of the Corporation and the manner of representation of States under clause (d) of sub-section (1), the manner of constitution of Standing Committee under sub-section (3), the manner of administration of the affairs of the Corporation, exercise of powers and performance of functions by the Standing Committee under clause (a) of sub-section (4), the duties and powers of Medical Benefit Committee under clause (b) of sub-section (5) and the terms and conditions, including tenure of office, subject to which a member of the Corporation and Standing Committee shall discharge their respective duties under sub-section (7) of section 5;

(f) the manner of exercising the powers and performance of the functions by the National Social Security Board under sub-section (1), the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies under sub-section (4) and time, place and rules of procedure relating to the transaction of business under sub-section (6) of section 6;

(g) other welfare measures and facilities under clause (j) of sub-section (6) of section 7;

(h) the intervals at which Social Security Organisation or any Committee thereof shall meet and the procedure in regard to the transaction of business at meetings under sub-section (1), and the fee and allowances of members of such Social Security Organisation or Committee under sub-section (4) of section 9;

(i) manner of reconstitution of the Corporation or the Central Board or the National Social Security Board or the State Unorganised Workers' Board or the Building Workers' Welfare Board or any of the Committees under sub-section (1) and the alternate arrangements for the purpose of administration of the relevant provisions of this Code under sub-section (2) of section 11;

(j) the manner of maintenance of a provident fund account in relation to the establishment under sub-section (1) of section 21;

(k) the form, manner, time limits and fees for filing of appeal under sub-section (2) of section 23;

(l) salary and allowances of the Director General or the Financial Commissioner under sub-section (3), their powers and duties under sub-section (4) and maximum monthly salary limit under the proviso to sub-section (7) of section 24;

(m) the manner of investment of Employees' State Insurance Fund or any other money which is held by Corporation under sub-section (4) of section 25;

(n) limits for defraying of expenditure under clause (k) of section 26;

(o) conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys by the Corporation under sub-section (2) and the terms to raise loans and taking measures for discharging such loans under sub-section (3) of section 27;

(p) manner of insurance of employees under sub-section (1) of section 28;

(q) the rate of contributions under sub-section (2) of section 29;

(r) the type of administrative expenses and percentage of income which may be spent on expenses and the limits for such expenses under section 30;

(s) the limit for the amount of payment under the proviso to clause (f) of sub-section (1), and the qualifications to claim benefits, conditions, rate and period thereof under sub-section (3) of section 32;

(t) the limits within which the Corporation may incur expenditure from the Employees' State Insurance Fund under section 33;

(u) the manner and time within which the Insured person or the Corporation may file appeal under clause (a) of sub-section (7) of section 37;

(v) the rates, periods and conditions for payment of dependants' benefit under sub-section (1) and to other dependants under sub-section (2), of section 38;

(w) the qualification of an Insured Person and his family to claim medical benefit and the conditions subject to which such benefit may be given and the scale and period thereof, under sub-section (3) of section 39, and the payment of contribution and other conditions under the third proviso thereof;

(x) the structure, functions, powers and activities of the organisation for providing certain benefits to employees in case of sickness, maternity and employment injury, under sub-section (6) of section 40;

(y) extended period for insurance, the manner of satisfaction and the manner of calculation of capitalised value of benefit payable to the employee under sub-section (1) of section 42;

(z) terms and conditions subject to which the scheme may be operated under section 44;

(za) the manner of obtaining an insurance by every employer, other than an employer or an establishment belonging to, or under the control of, the Central Government or a State Government under sub-section (1) and conditions to exempt and manner of establishing an approved gratuity fund under sub-section (2) and the time limit to get establishment registered by the employer under sub-section (3), of section 57;

(zb) the form of notice under sub-section (1) and the proof of pregnancy and proof of delivery under sub-section (5) of section 62;

(zc) the proof of miscarriage or medical termination of pregnancy under sub-section (1), the proof of tubectomy operation under sub-section (2) and the proof of illness under sub-section (3) of section 65;

(zd) the duration of breaks under section 66;

(ze) the number of employees and distance for crèche facility under sub-section (1) of section 67;

(zf) gross misconduct under the second proviso to sub-section (1) of section 68;

(zg) rate of interest to be paid by the employer under clause (a) of sub-section (3) of section 77;

(zh) the manner of notice under sub-section (1) and the manner of transmitting money under sub-section (3), of section 92;

(zi) the form, manner and fee for application for claim or settlement under sub-section (3) of section 93;

(zj) the manner and time of collection of cess under sub-section (2), manner of deposit of the cess so collected under sub-section (3), and the uniform rate or rates of advance cess under sub-section (4) of section 100;

(zk) the rate of interest in case of delayed payment of cess under section 101;

(zl) the manner of self-assessment of cess under sub-section (1) of section 103;

(zm) the authority to inquire and impose penalty under section 104;

(zn) time limit to prefer appeal, appellate authority, form and manner of appeal under sub-section (1) of section 105;

(zo) manner of registration as beneficiary under section 106;

(zp) benefits of a beneficiary under sub-section (2) of section 107;

(zq) eligible age for registration under clause (a) and form and manner of information under clause (b), of sub-section (1) and the form of application, documents for registration and manner of self registration under sub-section (2), of section 113;

(zr) carrying out the matters specified in clause (i) of sub-section (7) of section 114;

(zs) manner of compounding of offences under sub-section (1) of section 138;

(zt) the manner of establishment and administration of the Social Security Fund under sub-section (4) of section 141;

(zu) eligibility conditions to be fulfilled prior to grant of exemption and the conditions to be complied with after exemption under sub-section (1); and extension period of exemption under sub-section (3) of section 143; and

(zv) any other matter which is required to be, or may be, prescribed by the Central Government under the provisions of this Code.

Power of State Government to make rules.

156. (1) The State Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with this Code, for the purpose of giving effect to the provisions thereof.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the manner of exercising the powers and performance of functions by State Unorganised Workers' Board under sub-section (9), the manner of nomination of members of the Board, their term of office and other conditions of service, the procedure to be followed in the discharge of their functions by, and the manner of filling vacancies among the members of, the Board under sub-section (12), and the time, place and rules of procedure relating to the transaction of business at its meetings under sub-section (14) of section 6;

(b) the terms and conditions of appointment and the salaries and other allowances payable to the chairperson and the other members of the Building Workers' Welfare Board and the manner of filling of casual vacancies of such members, under sub-section (4), the terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the said Board under clause (c) of sub-section (5) of section 7;

(c) procedure to be followed by the Employees' Insurance Court under sub-section (2) and the rules under sub-section (3) of section 50;

(d) the amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer under sub-section (7) of section 76;

(e) conditions when application for review is made without certificate of a medical practitioner under sub-section (1) of section 79;

(f) the frequent interval for medical examination under the proviso to sub-section (1) of section 84;

(g) the form of statement to be submitted by the employer under sub-section (1) of section 88;

(h) the manner in which matters may be dealt with by or before a competent authority under sub-section (1) of section 92;

(i) time-limit for disposal of application and costs incidental to the proceedings under sub-section (4) of section 93;

(j) the manner of authentication of memorandum under section 97;

(k) such other sources of funding and the manner of administering and expending of the fund under sub-section (5) of section 141; and

(l) any other matter which is required to be, or may be, prescribed by the State Government under the provisions of this Code.

157. (1) The Corporation may, by notification, and subject to the condition of previous publication, make regulations, not inconsistent with this Code and the rules and schemes made or framed thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of Chapter IV and the provisions of this Code relating to that Chapter.

Power of Corporation to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the cases and matters to be submitted for the decision of the Corporation under clause (b) of sub-section (4) and the composition of committees under sub-section (6) of section 5;

(b) the areas in respect of which the Corporation may appoint Regional Boards and local committees and the manner in which such Boards and committees shall perform the functions and exercise the powers under sub-section (2) of section 12;

(c) such other functions of the Director General and the Financial Commissioner under sub-section (4), the method of recruitment, salary and allowances, discipline and other conditions of service of the officers and employees under clause (a) of sub-section (8) and minimum qualifying service for promotion to next higher grade under the second proviso to sub-section (9) of section 24;

(d) the unit in respect of which all contribution shall be payable under sub-section (3), and the days on which the contributions shall fall due under sub-section (4) of section 29;

(e) maintenance of register of employees by or through the contractor under sub-section (7), and any matter relating or incidental to the payment and collection of contribution under sub-section (9) of section 31;

(f) qualifications and experience of other person to certify sickness under clause (a), authority to certify eligibility of a woman under clause (b), authority to certify eligibility for payment under clause (c) of sub-section (1), the conditions for extension of medical benefits under sub-section (2) and any matter relating or incidental to the accrual and payment of benefits under sub-section (4) of section 32;

(g) continuous period in which the employee contracts occupational disease under sub-section (1) of section 36;

(h) constitution of medical board under sub-section (1) and constitution of medical appeal tribunal under sub-section (5) of section 37;

(i) the period and the nature of medical benefit which may be allowed to a person under the first proviso, conditions for voluntary retirement scheme under the second proviso, payment of contribution and other conditions for eligibility to receive medical benefits under the second proviso and the conditions for grant of medical benefits to the Insured Person during employment injury under the fourth proviso, to sub-section (3), the time for which students of medical education institutions shall serve the Corporation and the manner in which the bond shall be furnished under clause (b) of sub-section (4) and manner of carrying out occupational and epidemiological surveys and studies for assessment of health and working conditions of Insured Persons under sub-section (6) of section 39;

(j) other authority for providing permission to leave the area in which medical treatment provided under clause (c) of sub-section (3), form of nomination under sub-section (6) and the authority to determine benefits under sub-section (9) of section 41;

(k) user charges to be paid by other beneficiaries for medical facilities under clause (c) of the *Explanation* to section 44;

(l) time within which the claims, recovery or contribution, from employer by the Corporation and recovery of contribution by the employer from the Contractor, shall be made under the second proviso to sub-section (1) of section 51;

(m) the forms of records and registers and of returns to be filed under the second proviso to clause (d) of section 123;

(n) the appellate authority not below the rank of the Joint Director of the Corporation before whom appeal shall be preferred and the interest to be refunded to the employer by the Corporation under section 126;

(o) manner of levy and recovery of damages from the employer who makes default in the payment of any contribution which he is liable to pay under section 128;

(p) the circumstances in which and the condition subject to which any regulation may be relaxed, the extent of such relaxation, and the authority by whom such relaxation may be granted; and

(q) any matter in respect of which regulations are required or permitted to be made by this Code.

Prior
publication of
rules,
regulations,
etc.

158. The power to make rules, regulations and schemes under this Code (except the schemes to be framed under Chapter III), shall be subject to the condition of the previous publication of the same being made, in the following manner, namely:—

(a) the date to be specified after a draft of such rules, regulations and schemes under consideration, shall not be less than forty-five days from the date on which the draft of the proposed rules, regulations and schemes is published for general information in the Official Gazette;

(b) such rules, regulations and schemes shall finally be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Code:

Provided that the Central Government may, in the circumstances of epidemic, pandemic or disaster, dispense with the condition of previous publication under this section.

159. (1) The Central Government may, by notification, make rules for the transfer to any foreign country of money deposited with a competent authority under Chapter VII which has been awarded to or may be due to, any person residing or about to reside in such foreign country and for the receipt, distribution and administration in any State of any money deposited under the law relating to employees' compensation in any foreign country, which has been awarded to, or may be due to any person residing or about to reside in any State:

Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.

Provided that no sum deposited under Chapter VII in respect of fatal accidents shall be so transferred without the consent of the employer concerned after the competent authority receiving the sum has passed orders determining its distribution and apportionment under section 81.

(2) Where money deposited with a competent authority has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Code regarding distribution by the competent authority of compensation deposited with him shall cease to apply in respect of any such money.

160. (1) Every rule, regulation, notification and scheme made or framed by the Central Government or the Corporation, as the case may be, under this Code shall be laid, as soon as may be after it is made or framed, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation, notification or scheme, as the case may be, or both Houses agree that the rule, regulation, notification or scheme, as the case may be, should not be made, such rule, regulation, notification or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation, notification or scheme, as the case may be.

Laying of rules, regulations and schemes, etc.

(2) Every rule and scheme made or framed, and every notification issued by, the State Government under this Code, shall be laid as soon as may be after it is made or framed, before the State Legislatures, where it consists of two Houses, or where such legislature consists of one House, before that House.

161. (1) The provisions of this Code shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Code:

Effect of laws and agreements inconsistent with this Code.

Provided that where under any such award, agreement, contract of service or otherwise, a person is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Code, the person shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he is entitled to receive benefits in respect of other matters under this Code.

(2) Nothing contained in this Code shall be construed to preclude a person from entering into an agreement with his employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Code.

162. The appropriate Government may, by notification, direct that all or any of the powers and functions which may be exercised or performed by that Government may, in relation to such matters and subject to such conditions, if any, as may be specified, be also exercisable by the Central Board, the Corporation, the National Social Security Board, the State Unorganised Workers' Board, Building Workers' Welfare Board or any officer or authority subordinate to the Central Board, the Corporation, the National Social Security Board, the State Unorganised Workers' Board, Building Workers' Welfare Board.

Delegation of powers.

Power to
remove
difficulties.

163. (1) If any difficulty arises in giving effect to the provisions of this Code, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Code, as may be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Code.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Repeal and
savings.

164. (1) The following enactments are hereby repealed, namely:—

- | | |
|---|-------------|
| 1. The Employee's Compensation Act, 1923; | 8 of 1923. |
| 2. The Employees' State Insurance Act, 1948; | 34 of 1948. |
| 3. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952; | 19 of 1952. |
| 4. The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959; | 31 of 1959. |
| 5. The Maternity Benefit Act, 1961; | 53 of 1961. |
| 6. The Payment of Gratuity Act, 1972; | 39 of 1972. |
| 7. The Cine-Workers Welfare Fund Act, 1981; | 33 of 1981. |
| 8. The Building and Other Construction Workers' Welfare Cess Act, 1996; | 28 of 1996. |
| 9. The Unorganised Workers' Social Security Act, 2008. | 33 of 2008. |

(2) Notwithstanding such repeal,—

(a) anything done or any action taken under the enactments so repealed including any rule, regulation, notification (including the notifications issued by the States), scheme, appointment, order or direction made thereunder or any benefit provided or given under any provision of such enactments, rules, regulations, notifications or schemes made thereunder for any purpose shall be deemed to have been done or taken or provided for such purpose under the corresponding provisions of this Code including any rule, regulation, notification, scheme, appointment, order or direction made thereunder and shall be in force to the extent they are not contrary to the provisions of this Code including any rule, regulation, notification, scheme, appointment, order or direction made thereunder till they are repealed under the corresponding provisions of this Code including any rule, regulation, notification, scheme, appointment, order or direction made thereunder by the appropriate Government;

(b) the Employees' Provident Funds Scheme, 1952, the Employees' Deposit Linked Insurance Scheme, 1976, the Employees' Pension Scheme, 1995 and the Tribunal (Procedure) Rules, 1997 framed or made under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and the rules, regulations and schemes made or framed under the Employees' State Insurance Act, 1948, shall remain in force, to the extent they are not inconsistent with the provisions of this Code for a period of one year from the date of commencement of this Code;

(c) any exemption given under any enactments so repealed shall continue to be in force till its validity expires or it ceases to be in operation under the provisions of this Code or till any direction is made thereunder for such purpose.

(3) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply to the repeal of such enactments. 10 of 1897.

THE FIRST SCHEDULE

[See sections 1(4), (8) and 152 (1)]

APPLICABILITY

Chapter No.	Chapter Heading	Applicability
(1)	(2)	(3)
III	Employees' Provident Fund	Every establishment in which twenty or more employees are employed.
IV	Employees' State Insurance Corporation	<p>Every establishment in which ten or more persons are employed other than a seasonal factory:</p> <p>Provided that Chapter IV shall also be applicable to an establishment, which carries on such hazardous or life threatening occupation as notified by the Central Government, in which even a single employee is employed:</p> <p>Provided further that an employer of a plantation, may opt the application of Chapter IV in respect of the plantation by giving willingness to the corporation, where the benefits available to the employees under that Chapter are better than what the employer is providing to them:</p> <p>Provided also that the contribution from the employers and employees of an establishment shall be payable under section 29 on and from the date on which any benefits under Chapter IV relating to the Employees State Insurance Corporation are provided by the Corporation to the employees of the establishment and such date shall be notified by the Central Government.</p>
V	Gratuity	<p>(a) every factory, mine, oilfield, plantation, port and railway company; and</p> <p>(b) every shop or establishment in which ten or more employees are employed, or were employed, on any day of the preceding twelve months; and such shops or establishments as may be notified by the appropriate Government from time to time.</p>
VI	Maternity Benefit	<p>(a) to every establishment being a factory, mine or plantation including any such establishment belonging to Government; and</p> <p>(b) to every shop or establishment in which ten or more employees are employed, or were employed, on any day of the preceding twelve months; and such other shops or establishments notified by the appropriate Government.</p>
VII	Employee's Compensation	Subject to the provisions of the Second Schedule, it applies to the employers and employees to whom Chapter IV does not apply.

(1)	(2)	(3)
VIII	Social Security and Cess in respect of Building and Other Construction Workers	Every establishment which falls under the building and other construction work.
IX	Social Security for Unorganised Workers'	Unorganised sector, unorganised workers', gig worker, platform worker.
XIII	Employment Information and Monitoring	Career centres, vacancies, persons seeking services of career centres and employers.

THE SECOND SCHEDULE

[See sections 2(26), 74(3), (5), 132 and 152(2)]

LIST OF PERSONS WHO ARE EMPLOYEES WITHIN THE MEANING OF
THE THIRD PROVISO TO CLAUSE (26) OF SECTION 2

The following persons are employees within the meaning of third proviso to clause (26) of section 2 and subject to the said proviso, any person who is—

(i) employed in railways, in connection with the operation, repair or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity or in connection with the loading or unloading of any such vehicle; or

(ii) employed, in any premises wherein or within the precincts whereof a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948 (63 of 1948), is being carried on, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made whether or not employment in any such work is within such premises or precincts, and steam, water or other mechanical power or electrical power is used; or

(iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises; or

Explanation.—For the purposes of this clause, persons employed outside such premises or precincts but in any work incidental to, or connected with, the work relating to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale of any article or part of an article shall be deemed to be employed within such premises or precincts; or

(iv) employed in the manufacture or handling of explosives in connection with the employer's trade or business; or

(v) employed, in any mine as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952), in any mining operation or in any kind of work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground; or

(vi) employed as the master or as a seaman of—

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled; or

(b) any sea going ship not included in sub-clause (a) provided with sufficient area for navigation under sails alone; or

(vii) employed for the purpose of—

(a) loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or handling or transport within the limits of any port subject to the Ports Act, 1908 (15 of 1908), or the Major Port Trusts Act, 1963 (38 of 1963), of goods which have been discharged from or are to be loaded into any vessel; or

(b) warping a ship through the lock; or

(c) mooring and unmooring ships at harbour wall berths or in pier; or

(d) removing or replacing dry dock caissons when vessels are entering or leaving dry docks; or

(e) the docking or undocking of any vessel during an emergency; or

(f) preparing splicing coir springs and check wires, painting depth marks on lock-sides, removing or replacing fenders whenever necessary, landing of gangways, maintaining life-buoys up to standard or any other maintenance work of a like nature; or

(g) any work on jolly-boats for bringing a ship's line to the wharf; or

(viii) employed in the construction, maintenance, repair or demolition of—

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twelve feet or more from the ground level to the apex of the roof; or

(b) any dam or embankment which is twelve feet or more in height from its lowest to its highest point; or

(c) any road, bridge, tunnel or canal; or

(d) any wharf, quay, sea-wall or other marine work including any moorings of ships; or

(ix) employed in setting up, maintaining, repairing or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard or fittings and fixtures for the same; or

(x) employed, in the construction, working, repair or demolition of any aerial ropeway, canal, pipeline or sewer; or

(xi) employed in the service of any fire brigade; or

(xii) employed upon a railway as defined in clause (31) of section 2 and sub-section (1) of section 197 of the Railways Act, 1989 (24 of 1989), either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or

(xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service or as a telegraphist or as a postal or railway signaller, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or

(xiv) employed, in connection with operation for winning natural petroleum or natural gas; or

(xv) employed in any occupation involving blasting operations; or

(xvi) employed in the making of any excavation for which explosives have been used, or whose depth from its highest to its lowest point exceeds twelve feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(xviii) employed on any estate which is maintained for the purpose of growing cardamom, cinchona, coffee, rubber or tea; or

(xix) employed in the generating, transforming, transmitting or distribution of electrical energy or in generation or supply of gas; or

(xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse Act, 1927 (17 of 1927); or

(xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(xxii) employed in the training, keeping or working of elephants or wild animals; or

(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forests fires; or

(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or

(xxv) employed as a diver; or

(xxvi) employed in the handling or transport of goods in, or within the precincts of,—

(a) any warehouse or other place in which goods are stored; or

(b) any market; or

(xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radioactive substances; or

(xxviii) employed in or in connection with the construction, erection, dismantling, operation or maintenance of an aircraft as defined in section 2 of the Indian Aircraft Act, 1934 (22 of 1934); or

(xxix) employed in horticultural operations, forestry, bee-keeping or farming by tractors or other contrivances driven by steam or other mechanical power or by electricity; or

(xxx) employed in the construction, working, repair or maintenance of a tube-well; or

(xxxi) employed in the maintenance, repair or renewal of electric fittings in a building; or

(xxxii) employed in a circus; or

(xxxiii) employed as watchman in any factory or establishment; or

(xxxiv) employed in any operation in the sea for catching fish; or

(xxxv) employed in any employment which requires handling of snakes for the purpose of extraction of venom or for the purpose of looking after snakes or handling any other poisonous animal or insect; or

(xxxvi) employed in handling animals like horses, mules and bulls; or

(xxxvii) employed for the purpose of loading or unloading any mechanically propelled vehicle or in the handling or transport of goods which have been loaded in such vehicles; or

(xxxviii) employed in cleaning of sewer lines or septic tanks within the limits of a local authority; or

(xxxix) employed on surveys and investigation, exploration or gauge or discharge observation of rivers including drilling operations, hydrological observations and flood forecasting activities, ground water surveys and exploration; or

(xl) employed in cleaning of jungles or reclaiming land or ponds; or

(xli) employed in cultivation of land or rearing and maintenance of live-stock or forest operations or fishing; or

(xlii) employed in installation, maintenance or repair of pumping equipment used for lifting of water from wells, tube-wells, ponds, lakes, streams and the like; or

(xliii) employed in the construction, boring or deepening of an open well or dug well, bore well, bore-cum-dug well, filter point and the like; or

(*xliv*) employed in spraying and dusting of insecticides or pesticides in agricultural operations or plantations; or

(*xlv*) employed in mechanised harvesting and threshing operations; or

(*xlvi*) employed in working or repair or maintenance of bulldozers, tractors, power tillers and the like; or

(*xlvii*) employed as artist for drawing pictures on advertisement boards at a height of 3.66 metres or more from the ground level; or

(*xlviii*) employed in any newspaper establishment as defined in the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) and engaged in outdoor work; or

(*xl ix*) employed as sales promotion employee; or

(*l*) any other employee or class of employee employed in an establishment or class of establishments to which the Employees' Compensation Act, 1923 (8 of 1923) was applicable in any State immediately before the commencement of this Code.

THE THIRD SCHEDULE

[See sections 2 (51), 36(1), 74 (1), (3), (5), 131(5), 132 and 152(2)]

LIST OF OCCUPATIONAL DISEASES

Serial No.	Occupational disease	Employment
(1)	(2)	(3)
PART A		
1.	Infectious and parasitic diseases contracted in an occupation where there is a particular risk of contamination.	(a) all work involving exposure to health or laboratory work; (b) all work involving exposure to veterinary work; (c) work relating to handling animals, animal carcasses, part of such carcasses, or merchandise which may have been contaminated by animals or animal carcasses; (d) other work carrying a particular risk of contamination.
2.	Diseases caused by work in compressed air	All work involving exposure to the risk concerned.
3.	Diseases caused by lead or its toxic compounds	All work involving exposure to the risk concerned.
4.	Poisoning by nitrous fumes	All work involving exposure to the risk concerned.
5.	Poisoning by organo phosphorus compounds	All work involving exposure to the risk concerned.
PART B		
1.	Diseases caused by phosphorus or its toxic compounds	All work involving exposure to the risk concerned.
2.	Diseases caused by mercury or its toxic compounds	All work involving exposure to the risk concerned.
3.	Diseases caused by benzene or its toxic homologues	All work involving exposure to the risk concerned.
4.	Diseases caused by nitro and amido toxic derivatives of benzene or its homologues	All work involving exposure to the risk concerned.
5.	Diseases caused by chromium or its toxic compounds	All work involving exposure to the risk concerned.
6.	Diseases caused by arsenic or its toxic compounds	All work involving exposure to the risk concerned.
7.	Diseases caused by radioactive substances and ionising radiations	All work involving exposure to the action of radioactive substances or ionising radiations
8.	Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances	All work involving exposure to the risk concerned.

(1)	(2)	(3)
9.	Diseases caused by the toxic halogen derivatives of hydrocarbons (of the aliphatic and aromatic series).	All work involving exposure to the risk concerned.
10.	Diseases caused by carbon disulphide	All work involving exposure to the risk concerned.
11.	Occupational cataract due to infra-red radiations	All work involving exposure to the risk concerned.
12.	Diseases caused by manganese or its toxic compounds	All work involving exposure to the risk concerned.
13.	Skin diseases caused by physical, chemical or biological agents not included in other items	All work involving exposure to the risk concerned.
14.	Hearing impairment caused by noise	All work involving exposure to the risk concerned.
15.	Poisoning by dinitrophenol or a homologue or by substituted dinitro-phenol or by the salts of such substances	All work involving exposure to the risk concerned.
16.	Diseases caused by beryllium or its toxic compounds	All work involving exposure to the risk concerned.
17.	Diseases caused by cadmium or its toxic compounds	All work involving exposure to the risk concerned.
18.	Occupational asthma caused by recognised sensitising agents inherent to the work process	All work involving exposure to the risk concerned.
19.	Diseases caused by fluorine or its toxic compounds	All work involving exposure to the risk concerned.
20.	Diseases caused by nitroglycerin or other nitroacid esters	All work involving exposure to the risk concerned.
21.	Diseases caused by alcohols and ketones	All work involving exposure to the risk concerned.
22.	Diseases caused by asphyxiants, carbon monoxide and its toxic derivatives, hydrogen sulphide	All work involving exposure to the risk concerned.
23.	Lung cancer and mesotheliomas caused by asbestos	All work involving exposure to the risk concerned.
24.	Primary neoplasm of the epithelial lining of the urinary bladder or the kidney or the ureter	All work involving exposure to the risk concerned.
25.	Snow blindness in snow bound areas	All work involving exposure to the risk concerned.
26.	Diseases due to effect of heat in extreme hot climate	All work involving exposure to the risk concerned.
27.	Diseases due to effect of cold in extreme cold climate	All work involving exposure to the risk concerned.

(1)	(2)	(3)
PART C		
1.	Pneumoconioses caused by sclerogenic mineral dust (silicoses, anthraosilicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death	All work involving exposure to the risk concerned.
2.	Bagassosis	All work involving exposure to the risk concerned.
3.	Bronchopulmonary diseases caused by cotton, flax hemp and sisal dust (Byssionsis).	All work involving exposure to the risk concerned.
4.	Extrinsic allergic alveelitis caused by the inhalation of organic dusts	All work involving exposure to the risk concerned.
5.	Bronchopulmonary diseases caused by hard metals	All work involving exposure to the risk concerned.
6.	Acute Pulmonary oedema of high altitude.	All work involving exposure to the risk concerned.

THE FOURTH SCHEDULE

[See sections 2(55), (56), 76(1) and 152(1)]

PART ILIST OF INJURIES DEEMED TO RESULT IN PERMANENT
TOTAL DISABLEMENT

Serial No.	Description of Injury	Percentage of loss of earning capacity
(1)	(2)	(3)
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100

PART IILIST OF INJURIES DEEMED TO RESULT IN PERMANENT
PARTIAL DISABLEMENT

Serial No.	Description of Injury	Percentage of loss of earning capacity
(1)	(2)	(3)
1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump less than [20.32 Cms.] from tip of acromion	80
3.	Amputation from [20.32 Cms.] from tip of acromion to less than [11.43 Cms.] below tip of olecranon	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from [11.43 Cms.] below tip of olecranon	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanx of thumb	20
11.	Guillotine amputation of tip of thumb without loss of bone	10

(1)	(2)	(3)
Amputation cases-lower limbs		
12.	Amputation of both feet resulting in end bearing stumps	90
13.	Amputation through both feet proximal to the metatarso-phalangeal joint	80
14.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
15.	Loss of all toes of both feet proximal to the proximal inter-phalangeal joint	30
16.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
17.	Amputation at hip	90
18.	Amputation below hip with stump not exceeding [12.70 Cms.] in length measured from tip of great trochanter	80
19.	Amputation below hip with stump exceeding [12.70 Cms.] in length measured from tip of great trochanter but not beyond middle thigh	70
20.	Amputation below middle thigh to [8.89 Cms.] below knee	60
21.	Amputation below knee with stump exceeding [8.89 Cms.] but not exceeding [12.70 Cms.]	50
22.	Amputation below knee with stump exceeding [12.70 Cms.]	50
23.	Amputation of one foot resulting in end bearing	50
24.	Amputation through one foot proximal to the metatarso-phalangeal joint	50
25.	Loss of all toes of one foot through the metatarso-phalangeal joint	20
Other injuries		
26.	Loss of one eye, without complications, the other being normal	40
27.	Loss of vision of one eye, without complications or disfigurement of eye-ball, the other being normal	30
28.	Loss of partial vision of one eye	10
	Loss of—	
A-Fingers of right or left hand		
Index finger		
29.	Whole	14
30.	Two phalanges	11
31.	One phalanx	9
32.	Guillotine amputation of tip without loss of bone	5
Middle finger		
33.	Whole	12
34.	Two phalanges	9
35.	One phalanx	7
36.	Guillotine amputation of tip without loss of bone	4

(1)	(2)	(3)
	Ring or little finger	
37.	Whole	7
38.	Two phalanges	6
39.	One phalanx	5
40.	Guillotine amputation of tip without loss of bone	2
	B-Toes of right or left foot	
	Great toe	
41.	Through metatarso-phalangeal joint	14
42.	Part, with some loss of bone	3
	Any other toe	
43.	Through metatarso-phalangeal joint	3
44.	Part, with some loss of bone	1
	Two toes of one foot, excluding great toe	
45.	Through metatarso-phalangeal joint	5
46.	Part, with some loss of bone	2
	Three toes of one foot, excluding great toe	
47.	Through metatarso-phalangeal joint	6
48.	Part, with some loss of bone	3
	Four toes of one foot, excluding great toe	
49.	Through metatarso-phalangeal joint	9
50.	Part, with some loss of bone	3

THE FIFTH SCHEDULE
[See sections 15(2) and 152(1)]

MATTERS THAT MAY BE PROVIDED FOR IN THE SCHEMES

Any scheme framed under section 15 may provide for any or all of the matters as specified below, namely:—

PART A

Serial No.	Matters on which the Provident Fund Scheme may make provisions
(1)	(2)
1.	The employees or class of employees who shall join the Fund, and the conditions under which employees may be exempted from joining the Fund or from making any contribution.
2.	The time and manner in which contributions shall be made to the Fund by employers and by, or on behalf of, employees, (whether employed by him directly or by or through a contractor), the contributions which an employee may, if he so desires, make under section 16, and the manner in which such contributions may be recovered.
3.	The manner in which employees' contributions may be recovered by contractors from employees employed by or through such contractors.
4.	The payment by the employer of such sums of money as may be necessary to meet the cost of administering the Fund and the rate at which and the manner in which the payment shall be made.
5.	The constitution of any committee for assisting any board of trustees.
6.	The opening of regional and other offices of any board of trustees.
7.	The manner in which accounts shall be kept, the investment of moneys belonging to the Fund in accordance with any directions issued or conditions specified by the Central Government, the preparation of the budget, the audit of accounts and the submission of reports to the Central Government, or to any specified State Government.
8.	The conditions under which withdrawals from the Fund may be permitted and any deduction or forfeiture may be made and the maximum amount of such deduction or forfeiture.
9.	The fixation by the Central Government in consultation with the boards of trustees concerned of the rate of interest payable to members.
10.	The form in which an employee shall furnish particulars about himself and his family whenever required.
11.	The nomination of a person to receive the amount standing to the credit of a member after his death and the cancellation or variation of such nomination.
12.	The registers and records to be maintained with respect to employees and the returns to be furnished by employers or contractors.
13.	The form or design of any identity card, token or disc for the purpose of identifying any employee, and for the issue, custody and replacement thereof.
14.	The fees to be levied for any of the purposes specified in this Schedule.

- | (1) | (2) |
|-----|---|
| 15. | The contraventions or defaults which shall be punishable under section 135. |
| 16. | The further powers, if any, which may be exercised by Inspector-cum-Facilitators. |
| 17. | The manner in which accumulations in any existing provident fund shall be transferred to the Fund and the mode of valuation of any assets which may be transferred by the employers in this behalf. |
| 18. | The conditions under which a member may be permitted to pay premia on life insurance, from the Fund. |
| 19. | Any other matter which is to be provided for in the Scheme or which may be necessary or proper for the purpose of implementing the Scheme. |

PART B

MATTERS THAT MAY BE PROVIDED FOR IN THE PENSION SCHEME

1. The employees or class of employees to whom the Pension Scheme shall apply.
2. The portion of employers' contribution to the Provident Fund which shall be credited to the Pension Fund and the manner in which it is credited.
3. The regulation of the manner in which and the period of service for which, no contribution is received.
4. The manner in which employees' interest will be protected against default in payment of contribution by the employer.
5. The manner in which the accounts of the Pension Fund shall be kept and investment of moneys belonging to Pension Fund to be made subject to such pattern of investment as may be determined by the Central Government.
6. The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
7. The forms, registers and records to be maintained in respect of employees, required for the administration of the Pension Scheme.
8. The scale of pension and pensionary benefits and the conditions relating to grant of such benefits to the employees.
9. The manner in which the exempted establishments have to pay contribution towards the Pension Scheme and the submission of returns relating thereto.
10. The mode of disbursement of pension and arrangements to be entered into with such disbursing agencies as may be specified for the purpose.
11. The manner in which the expenses for administering the Pension Scheme will be met from the income of the Pension Fund.
12. Any other matter which is to be provided for in the Pension Scheme or which may be necessary or proper for the purpose of implementation of the Pension Scheme.

PART C

MATTERS THAT MAY BE PROVIDED FOR IN THE EMPLOYEES' DEPOSIT-LINKED INSURANCE SCHEME

1. The employees or class of employees who shall be covered by the Insurance Scheme.
2. The manner in which the accounts of the Insurance Fund shall be kept and the investment of moneys belonging to the Insurance Fund subject to such pattern of investment as may be determined, by order, by the Central Government.

(1)	(2)
3.	The form in which an employee shall furnish particulars about himself and the members of his family whenever required.
4.	The nomination of a person to receive the insurance amount due to the employee after his death and the cancellation or variation of such nomination.
5.	The registers and records to be maintained in respect of employees; the form or design of any identity card, token or disc for the purpose of identifying any employee or his nominee or member of his family entitled to receive the insurance amount.
6.	The scales of insurance benefits and conditions relating to the grant of such benefits to the employees.
7.	The manner in which the amount due to the nominee or the member of the family of the employee under the scheme is to be paid including a provision that the amount shall not be paid otherwise than in the form of a deposit in a savings bank account, in the name of such nominee or member of family, in any corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970).
8.	Any other matter which is to be provided for in the Employees' Deposit-linked Insurance Scheme or which may be necessary or proper for the purpose of implementing that Scheme.

THE SIXTH SCHEDULE
[See sections 75, 76(1) and 152(1)]
FACTORS FOR WORKING OUT LUMP SUM EQUIVALENT OF COMPENSATION
AMOUNT IN CASE OF PERMANENT DISABLEMENT AND DEATH

(1)	(2)	(3)
Not more than	Completed years of age on the last birthday of the employee immediately preceding the date on which the compensation fell due	Factors
	16	228.54
	17	227.49
	18	226.38
	19	225.22
	20	224.00
	21	222.71
	22	221.37
	23	219.95
	24	218.47
	25	216.91
	26	215.28
	27	213.57
	28	211.79
	29	209.92
	30	207.98
	31	205.95
	32	203.85
	33	201.66
	34	199.40
	35	197.06
	36	194.64
	37	192.14
	38	189.56
	39	186.90
	40	184.17
	41	181.37
	42	178.49

(1)	(2)	(3)
	43	175.54
	44	172.52
	45	169.44
	46	166.29
	47	163.07
	48	159.80
	49	156.47
	50	153.09
	51	149.67
	52	146.20
	53	142.68
	54	139.13
	55	135.56
	56	131.95
	57	128.33
	58	124.70
	59	121.05
	60	117.41
	61	113.77
	62	110.14
	63	106.52
	64	102.93
	65 or more	99.37

THE SEVENTH SCHEDULE

[See section 114(4)]

CLASSIFICATION OF AGGREGATORS

Sl.No.	Classification of Aggregator
1.	Ride sharing services
2.	Food and grocery delivery services
3.	Logistic services
4.	e-Market place (both market place and inventory model) for wholesale/ retail sale of goods and/or services (B2B/B2C)
5.	Professional services provider
6.	Healthcare
7.	Travel and hospitality
8.	Content and media services
9.	Any other goods and services provider platform

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 13th November, 2020

G.S.R. 713 (E).— The following draft rules, which the Central Government proposes to make in exercise of the powers conferred by sections 154, 155 and 158 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 the –

- (i) Employees' State Insurance (Central) Rules, 1950;
- (ii) Tribunal (Procedure) Rules, 1997;
- (iii) Employees' Provident Funds Appellate Tribunal(Conditions of Service) Rules, 1997;
- (iv) Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960;
- (v) Maternity Benefit (Mines and Circus) Rules, 1963;
- (vi) Payment of Gratuity (Central) Rules, 1972;
- (vii) Cine-Workers Welfare Fund Rules, 1984;
- (viii) Building and Other Constructions Workers' Welfare Cess Rules, 1998; and
- (ix) Unorganised Workers' Social Security Rules, 2009;

made by the Central Government in exercise of the powers conferred by the Employees' State Insurance Act, 1948 (34 of 1948), the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959(31 of 1959), the Maternity Benefit Act, 1961 (53 of 1961), the Payment of Gratuity Act, 1972 (39 of 1972), the Cine-Workers Welfare Fund Act, 1981 (33 of 1981), the Building and Other Construction Workers' Welfare Cess Act, 1996(28 of 1996) and the Unorganised Workers' Social Security Act, 2008(33 of 2008), as the case may be, which are repealed by section 164 of the said Code on Social Security, except as respects things done or omitted to be done before such supersession, are hereby notified, as required by section 158, for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Shri Rahul Bhagat, Director, Ministry of Labuor and Employment, Room No.302, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 or by e-mail – rahul.bhagat@ips.gov.in. The objections and suggestions should be sent in a proforma containing column (1) specifying the name and address of the person/organization and column (2) specifying the chapter and rule or sub-rule which is proposed to be modified and column (3) specifying the revised rule or sub-rule proposed to be substituted and column (4) reasons therefor;

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the Central Government.

Draft Rules

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called the Code on Social Security (Central) Rules, 2020.

(2)They extend to the whole of India.

(3) They shall come into force after the date of their final publication in the Official Gazette, on the date of the commencement of the Code on Social Security, 2020 (36 of 2020).

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

- (a) “agency” means any corporation, body or institution, established under an Act of Parliament or Central Public Sector Undertaking or Special Purpose Vehicle as notified by the Central Government.
- (b) “appeal” means an appeal preferred under sub-section (1) of section 23;

- (c) "Appellate authority" means the Central Government or the authority specified by the Central Government under sub-section (8) of section 56 or an officer, senior in rank to the Assessing Officer for the purposes of section 105 of the Code, appointed by the State Government, as the case may be;
- (d) "Assessing Officer" means a gazetted officer of a State Government or an officer of a local authority holding an equivalent post to a gazetted officer of the State Government appointed by such State Government for assessment of Cess under the Code;
- (e) "authority" means the Central Government or the authority specified by the Central Government under sub-section (3) of section 72;
- (f) "average daily wages during a contribution period" under chapter IV of the Code in respect of an employee, means the aggregate amount of wages payable to him during that period divided by the number of days for which such wages were payable;
- (g) "Average daily wages during a wage period" under chapter IV of the Code means —
- (i) in respect of an employee who is employed on time-rate basis, the amount of wage which would have been payable to him for the complete wage period had he worked on all the working days in that wage period, divided by 26 if he is monthly rated, 13 if he is fortnightly rated, 6 if he is weekly rated and 1 if he is daily rated;
- (ii) in respect of an employee employed on any other basis, the amount of wages earned during the complete wage period in the Contribution period divided by the number of days in full or part for which he has worked for wages in that wage period :

Provided that where an employee receives wages without working on any day during such wage period, he shall be deemed to have worked for 26, 13, 6 or 1 days or day if the wage period be a month, a fortnight, a week or a day respectively.

Explanation. — Where any night shift continues beyond midnight, the period of the night shift after midnight shall be counted for reckoning the day worked as part of the day preceding;

- (h) "benefit period" means the period not exceeding six consecutive months corresponding to the contribution period, as may be specified in the Regulations;
- (i) "career centre (Central)" means that career centre as notified by the Central Government;
- (j) "career centre (Regional)", throughout India except the Union Territory of Chandigarh, means that Career Centre { other than the Career Centre (Central) } as notified by the respective State Government or the Administration of the Union Territory as having jurisdiction;
- (i) over the area in which the establishments concerned are situated; or
- (ii) over specified classes or categories of establishments concerned or vacancies.
- (k) "career centre (Regional) in the Union Territory of Chandigarh" means that Career Centre established either by the Union Territory Administration of Chandigarh or by the State Government of Punjab or Haryana, as the case may be, notified by respective the State as having jurisdiction over specified classes or categories of establishments or vacancies, provided that the Career Centres established by the State Government of Punjab or Haryana shall not have jurisdiction over—
- (i) The Public Sector offices/establishments other than those belonging to the respective States; and
- (ii) Private Sector establishments.
- (l) "cess collector" means an officer appointed by the State Government for collection of cess under the Code ;
- (m) "chairperson" means the Chairperson of the Corporation, the Central Board, the National Social Security Board, the State Unorganised Workers' Board, the Standing Committee, the Medical Benefit Committee or the Executive Committee, as the case may be;
- (n) "chartered engineer" means a person having an engineering degree and the corporate membership of Institute of Engineers India;
- (o) "Code" means the Code on Social Security, 2020 (36 of 2020);
- (p) "contribution period" means the period not exceeding six consecutive months, as may be specified in the Regulations;
- (q) "electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;

- (r) “excluded vacancies” means those vacancies which have been excluded from the purview of the section 139 as per the provisions of sub-sections (1) and (2) of section 140;
- (s) “form” means a form appended to these rules;
- (t) “fund” means the Employees’ State Insurance Fund, the Employees’ Provident Fund, the Employees’ Pension Fund, the Employees’ Deposit-Linked Insurance Fund or the Social Security Fund, as the case may be;
- (u) “Government Securities” means Government Securities as defined in the Government Securities Act, 2006 (38 of 2016);
- (v) “immovable property” includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;
- (w) “movable property” means property of every description except immovable property;
- (x) “nodal officer” means a person designated by Building and Other Construction Workers’ Welfare Board or the State Government to facilitate the registration, renewal and updation electronically or otherwise or any such other function of Building Workers working in the Private Sector, State Government, Central Government and Public Sector Undertakings of the Central and the State Governments or local authority. The Nodal officer shall also supervise and monitor functions of the Beneficiary Registering Officers designated by Appropriate Government;
- (y) “nomination” means nomination made under section 55 of the code;
- (z) “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;
- (za) “register of women employees” means a register of women employees maintained under rule 55;
- (zb) “schedule” means the schedule of the Code;
- (zc) “section” means a section of the Code;
- (zd) “Shram Suvidha Portal” means portal of Ministry of Labour and Employment.
- (ze) “specified” means specified by an order of the Central Government or any State Government or any officer so authorised by such Government;
- (zf) “standard benefit rate” means average daily wages obtained by dividing the total wages paid during the Contribution period by the number of days for which these wages were paid ;
- (zg) “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.
- (zh) “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.

3. Manner, and the conditions subject to which, the provisions of Chapter III shall be made inapplicable to an establishment by the Central Provident Fund Commissioner, under sub-section (5) and the manner, and the conditions subject to which the provisions of that Chapter IV shall be made inapplicable to an establishment by the Director General of the Corporation under sub-section (7) of section 1.- (1) The employer of an establishment to which the provisions of Chapter III or IV have been applied by notification under sub-section (5) or (7) of section 1 of the Code, may apply electronically on the specified portal to the Central Provident Fund Commissioner or the Director General, as the case may be, for exiting from such applicability provided that the employer and majority of the employees in the establishment agree in writing to such exit.

(2) The Central Provident Fund Commissioner or the Director General, as the case may be, shall decide the application within a period of sixty days from the date of receipt of application:

Provided that if no decision is taken by the Central Provident Fund Commissioner or the Director General, as the case may be, within the specified period of sixty days, the permission under sub-section (5) or (7) of section 1, as the case may be, shall be deemed to have been granted with effect from the date of completion of such sixty days:

Provided further that no such application shall be entertained if the provisions of Chapter III or Chapter IV have become applicable in terms of sub-section (4) of section 1 to the establishment at any time subsequent to the notification under sub-section (5) or (7) of section 1:

Provided also that no such application shall be made by the employer of the establishment before five years of such coverage under provisions of Chapter III or IV:

Provided further that no such application shall be entertained unless the employer has furnished all statutory returns, paid all statutory dues under the Code and submitted a self-certification to that effect along with the application.

4. Income of dependant parents (including father-in-law and mother-in-law of a woman employee), under sub-clause (e) of clause (33) of section 2.- The income of dependant parents for all sources shall not exceed nine thousand rupees in a month.

5. Time and manner of registration of establishment, the manner of making application for cancellation of the registration, the conditions subject to which the registration shall be cancelled and the procedure of cancellation and other matters relating thereto in respect of an establishment to which Chapter III or Chapter IV applies, and whose business activities are in the process of closure, under section 3.- (1) The employer seeking registration for an establishment not already registered shall apply electronically in the Form available on the Shram Suvidha Portal by giving details about the establishment, and uploading documents related to Registration of the establishment, proof of Identity and address of the employer(s) as specified in the Form. The Form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application. The Permanent Account Number (PAN) of the establishment allotted under Income Tax Act, 1961 or any other unique number allotted to the establishment under any other Act for the time being in force or any other particular furnished in the form, may be verified online. The certificate of registration shall be issued electronically immediately if the application is complete in all respect but not later than seven days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:

Provided that in exceptional circumstances the Central Government may, for such period, by notification, dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole of India, and submission of application in the form so provided, may be allowed.

(2) The Authorized officer under the Code may direct the employer who fails to comply with the requirements of sub-rule (1), to do so within the time stated therein and such employer shall, thereupon comply with the instruction issued by the officer in this behalf.

(3) The employer in respect of an establishment already registered under any other central labour law for the time being in force shall, update the registration particulars on the Shram Suvidha Portal, within such period as the Central Government may specify by notification.

(4) Any registration made or deemed to have been made under this rule shall expire, after twenty-four months from the date of registration, in case no compliance on that registration number is made by the employer:

Provided that such expiration of the registration number may be revoked on an application made on the portal.

(5) Any registration obtained by providing wrong information shall be liable to be cancelled provided that the establishment has been given an opportunity to show cause, electronically or otherwise, as to why the certificate of registration should not be cancelled.

(6) The employer shall quote the Registration Number on all documents prepared or completed by him in connection with the Code or the Scheme or the Rules or the Regulations, as the case may be, and in all correspondence with the offices concerned.

(7) Any change in the particulars furnished in Registration Form submitted on the specified portal, shall be updated by the employer within thirty days of such change.

(8) The employer of an establishment to which the provisions of the Code apply and whose business activities are in the process of closure, may apply for cancellation of registration in prescribed form online on the Shram Suvidha Portal after giving complete details and the status of the contribution and other dues payable under the Code.

(9) The application for cancellation of registration shall be allowed after the particulars in the application are verified in the manner as may be specified by the Central Government:

Provided that no such application for cancellation of registration shall be entertained unless the employer has furnished all statutory returns, paid all statutory dues under the Code and submitted a self-certification to that effect along with the application.

(10) A copy of the certificate of registration shall be displayed at the conspicuous places at the premises where the work is being carried out.

CHAPTER II

SOCIAL SECURITY ORGANISATIONS

A. CENTRAL BOARD, EMPLOYEES' PROVIDENT FUND

6. Manner of administration of the funds vested in the Central Board under sub-section (1) of section 4.- (1) The Central Board shall administer the Funds vested in it within the ambit of the guidelines issued by the Central Government.

(2) The Central Board for the efficient administration of the Schemes may open as many accounts as it may consider necessary or as specified in the Schemes.

(3) All moneys belonging to the Funds shall be deposited in the Reserve Bank or the State Bank of India or in such other Scheduled Banks as may be approved by the Central Government from time to time or shall be invested as the Central Government may specify by notification in the Official Gazette.

(4) All expenses incurred in respect of, and loss, if any, arising from any investment shall be charged to the Funds.

(5) The Funds, not including therein the Administration Account, shall not be expended for any purpose other than the payment of the sums standing to the credit of individual members of the Funds or to their nominees or heirs or legal representatives in accordance with the provisions of that Scheme.

(6) The Funds shall be operated upon by such officers as may be authorized in this behalf by the Central Board.

7. Manner to assist the Central Board in performance of its functions by Executive Committee under sub-section (3), the terms and conditions, including tenure of office of members of the Central Board and Executive Committee under sub-section (6) and the other functions and the manner of performing such functions under sub-section (7), of section 4.- (1) **Constitution of Executive Committee.** – (1) (a) The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, an Executive Committee to assist the Central Board in the performance of its functions.

(b) The Executive Committee shall consist of the following persons as members, namely:

- (i) a Chairperson appointed by the Central Government from amongst the members of the Central Board;
- (ii) two persons appointed by the Central Government from amongst the persons referred to in clause (b) of sub-section (1) of section 4 of the Code;
- (iii) three persons appointed by the Central Government from amongst the persons referred to in clause (c) of sub-section (1) of section 4 of the Code;
- (iv) three persons representing the employers elected by the Central Board from amongst the persons referred to in clause (d) of sub-section (1) of section 4 of the Code;
- (v) three persons representing the employees elected by the Central Board from amongst the persons referred to in clause (e) of sub-section (1) of section 4 of the Code; and
- (vi) the Central Provident Fund Commissioner, *ex-officio*.

(2) Election of certain members of the Executive Committee. –

- (a) The Chairperson of the Central Board shall call a meeting of the Board for the purpose of election to the Executive Committee of the members representing the employer or, as the case may be, the employees referred to in sub-clauses (iv) and (v) of clause (b) of sub-rule (1).
- (b) In the meeting referred to in clause (a) of sub-rule (2), the Chairperson of the Central Board may invite the members to propose the names of those members who represent the employers or, as the case may be, the employees and every such proposal shall be duly seconded by another member of the Board.
- (c) If the number of persons proposed and seconded for election under clause (a) of sub-rule (2) does not exceed the number of vacancies to be filled up from amongst the persons representing the employers or, as the case may be, the employees, the persons whose names have been so proposed and seconded in relation to the category of employers or employees, shall be declared elected to the Executive Committee.
- (d) If the number of persons proposed and seconded for election under clause (a) of sub-rule (2) exceeds the number of vacancies to be filled up from amongst the persons representing the employers or, as the case may be, the employees, each member of the Board present at the meeting, other than the Chairperson, shall be given a ballot paper containing the names of all the candidates so proposed and seconded and he

may record his votes thereon for as many candidates belonging to the categories of employers or employees, as there are vacancies to be filled up in relation to each such category, but not more than one vote shall be given in favour of any one candidate. If any member votes for more candidates than the number of vacancies in relation to the categories of employers or employees or given more than one vote in favour of any one candidate, all his votes shall be deemed to be invalid.

- (e) The persons getting the highest number of votes shall be declared by the Chairperson as duly elected to the Executive Committee at the same meeting or as soon thereafter as possible:

Provided that where there is an equality of votes between candidates, the Chairperson shall exercise a casting vote.

- (f) If any question arises as to the validity of any election, it shall be referred to the Central Government, who shall decide the same.

(3) Other committees of the Central Board. – The Central Board may, by order, constitute one or more committees consisting of as many trustees and officers of Employees' Provident Fund Organisation, as may be specified in the order:

Provided that the Central Board may also include such persons, who in its opinion, have special knowledge of the subject matter relating to the Committee.

(4) Sub-committees of the Executive Committee. – The Executive Committee may, by order, constitute one or more sub-committees consisting of as many members of the Executive Committee and officers of Employees' Provident Fund Organisation, as may be specified in the order:

Provided that the Executive Committee may also include such persons, who in its opinion, have special knowledge of the subject matter relating to the Sub-Committee.

(5) Functions of the Central Board. – The Central Board, apart from administering the Schemes framed under Section 15 of the Code, shall also perform such other functions as may be assigned to it by the Central Government under section 13 of the Code.

(6) Functions of the Executive Committee. – The Executive Committee shall function under the general superintendence of the Central Board to assist the Central Board in performance of its functions and shall perform such functions as may be assigned to it by the Central Board.

(7) Term of office. –

- (a) The term of office of the Chairperson, Vice-Chairperson and every Trustee of the Central Board referred to in clauses (b), (c), (d) and (e) of sub-section (1) of section 4 of the Code shall be four years commencing on and from the date on which their appointment is notified in the Official Gazette.
- (b) The term of office of the Chairperson and every member of the Executive Committee referred to in sub-clauses (ii), (iii), (iv) and (v) of clause (b) of sub-rule (1) shall be two years commencing on and from the date on which their appointment is notified in the Official Gazette.
- (c) Notwithstanding anything contained in clauses (a) and (b) of sub-rule (7), every Trustee or member shall continue to hold office until the appointment of his successor is notified in the Official Gazette:

Provided that a member of the Executive Committee shall cease to hold office when he ceases to be a member of the Central Board.

- (d) A Trustee or a member referred to in clauses (a) and (b) of sub-rule (7) appointed to fill a casual vacancy shall hold office for the remaining period of the term of office of the trustee or member in whose place he is appointed and shall continue to hold office on the expiry of the term of office until the appointment of his successor is notified in the Official Gazette.
- (e) A person shall be eligible for appointment as a Trustee or a member for a maximum of two terms:

Provided that the limitation mentioned above shall not apply to Chairperson, Vice-Chairperson, and a Trustee or Member appointed *ex-officio* and such appointment shall be co-terminus with the tenure of the office of the Trustee or Member, as the case may be:

Provided further that the maximum of two terms shall also include the number of terms for which a person has been appointed as a Trustee of the Central Board under clause (d) or (e) of sub-section (1) of section 5A of the erstwhile Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).

(8) Secretary of the Central Board or the Executive Committee. – (a) The Central Provident Fund Commissioner shall be the Secretary of the Central Board and of the Executive Committee.

(b) The Secretary to the Central Board or the Executive Committee shall, in consultation with the Chairman, convene meetings of the Central Board or the Executive Committee, as the case may be, keep a record of its minutes and shall take the necessary steps for carrying out the decisions of the Central Board or the Executive Committee, as the case may be.

B. EMPLOYEES STATE INSURANCE CORPORATION

8. Manner of administration of the Corporation and the manner of representation of States under clause (d) of sub-section (1), the manner of constitution of Standing Committee under sub-section (3), the manner of administration of the affairs of the Corporation, exercise of powers and performance of functions by the Standing Committee under clause (a) of sub-section (4), the duties and powers of Medical Benefit Committee under clause (b) of sub-section (5) and the terms and conditions, including tenure of office, subject to which a member of the Corporation and Standing Committee shall discharge their respective duties under sub-section (7) of section 5.— (1) **Representation of States in the Corporation:** – One person representing each of the States shall be appointed as a member of the Corporation, on nomination by the State Government concerned.

(2) **Election of members of Parliament to the Corporation.** —The House of the People (Lok Sabha) and the Council of States (Rajya Sabha) shall elect in such manner as the Speaker of the House of the People or as the case may be the Chairman of the Council of States may direct, two members of the House of the People (Lok Sabha) and one member of the Council of States (Rajya Sabha) to be members of the Corporation.

(3) **Seal:**— (a) The common seal of the Corporation shall remain in the custody of the Director General and shall not be affixed to any instrument except in the presence of the Director General or two members of the Standing Committee; the Director General or the said two members shall sign the contract in token of the fact that the same was sealed in his or their presence.

(b) The Corporation shall have for use at each of such other of its offices as it may specify, an official seal which shall be a facsimile of the common seal of the Corporation with the addition of the name of the office where it is to be used.

(c) The official seal shall not be affixed to any instrument except in the presence of such person or persons as the Standing Committee may authorise in this behalf and such person or persons shall sign the instrument in token of the fact that the same was sealed in his or their presence.

(d) An instrument to which an official seal is duly affixed shall bind the Corporation as if it had been sealed with the common seal of the Corporation.

(4) **Constitution of Standing Committee.** — A Standing Committee of the Corporation shall be constituted from among its members, consisting of —

- (a) a Chairperson appointed by the Central Government;
- (b) three members of the Corporation, appointed by the Central Government;
- (c) three members of the Corporation representing such three State Governments thereon as the Central Government may, by notification in the Official Gazette, specify from time to time;
- (d) eight members elected by the Corporation as follows: —
 - (i) three members from among the members of the Corporation representing employers;
 - (ii) three members from among the members of the Corporation representing employees;
 - (iii) one member from among the members of the Corporation representing the medical profession; and
 - (iv) one member from among the members of the Corporation elected by Parliament;
- (e) the Director-General of the Corporation, ex-officio.

(5) **Election of members to the Standing Committee.** —(a) The Chairperson of the Corporation shall, at a meeting of the Corporation at which it is proposed to elect members of the Standing Committee under clause (d) of sub-rule (4), invite members to propose names from among members of the Corporation belonging to the group from which election is to be made. The names proposed shall be duly seconded by another member of the Corporation.

(b) If the number proposed from any group for election does not exceed the number of vacancies to be filled from that group, the persons whose names have been so proposed shall be declared elected to the Standing Committee.

(c) If the number proposed for election from a group exceeds the number of vacancies to be filled therefrom, each member of the Corporation present at the meeting shall be given a secret ballot paper containing the names of all the

candidates proposed and he shall be required to vote thereon for as many candidates from the group as there are vacancies to be filled up. Not more than one vote shall be given in favour of any one candidate. If any member votes for more candidates than there are vacancies in the group or gives more than one vote in favour of any one candidate, all his votes shall be deemed to be invalid.

(d) The persons getting the highest number of votes shall be declared by the Chairperson at the meeting or as soon thereafter as possible as duly elected to the Standing Committee:

Provided that where an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared to be elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Chairperson and in such manner as he may determine.

(e) If any question shall arise as to the validity of any election it shall be referred to the Central Government whose decision in the matter shall be final.

(6) Powers and duties of the Medical Benefit Committee— The powers and duties of the Medical Benefit Committee shall be:-

(a) to advise the Corporation in regard to the constitution, setting up, duties and powers of Local Committees constituted for the purpose of assisting in the administration of medical benefit.

(b) to make recommendations to the Corporation in regard to —

- (i) the scale and nature of medical benefit provided at hospitals, dispensaries, clinics and other institutions and the nature and the extent of the medicines, staff and equipment which shall be maintained at such institutions and the extent to which these fall short of the desired standard;
- (ii) the medical formulary for use in connection with the medical benefit provided under the Code;
- (iii) medical certification, including the procedure and the forms for such certification, statistical returns, registers and other medical records; and
- (iv) measures undertaken for the improvement of the health and welfare of Insured Persons, and the rehabilitation and re-employment of Insured Persons, disabled or injured;

(c) to advise the Corporation on any matter relating to the professional conduct of any medical practitioner employed for the purpose of providing medical benefit under the Code.

(7) Other Committees of Corporation:-The Corporation may by order constitute one or more committees of such composition as may be specified in the Regulation to assist in the discharge of its function:

Provided that the Corporation may also include such persons, who in its opinion have special knowledge of the subject matter relating to the Committee.

(8) Term of the office of Members of the Corporation: -—(a) Save as otherwise expressly provided in the Code, the term of office of members of the Corporation, other than the members referred to in clauses (a), (b), (c), (d) and (e) of sub-section (1) of section 5 of the Code and the *ex-officio* member, shall be for four years commencing from the date respectively on which their appointment or election is notified:

Provided that a member of the Corporation shall notwithstanding the expiry of the said period of four years, continue to hold office until the appointment or election of his successor is notified:

Provided further that the tenure of non-official members of the Corporation shall not be for more than total of two terms.

(b) The member of the Corporation referred to in clauses (a), (b), (c), (d) and (e) of sub-section (1) of section 5 shall hold office during the pleasure of the Central Government.

(9) Term of office of members of Standing Committee. — (a) Save as otherwise expressly provided in the Code, the term of office of a member of the Standing Committee, other than a member referred to in clause (a) or clause (b) or clause (c) of sub-rule(4), shall be two years from the date on which his election is notified:

Provided that a member of the Standing Committee shall, notwithstanding the expiry of the said period of two years, continue to hold office until the election of his successor is notified:

Provided further that a member of the Standing Committee shall cease to hold office when he ceases to be a member of the Corporation.

(b) A member of the Standing Committee referred to in clause (a) or clause (b) or clause (c) of sub-rule (4) shall hold office during the pleasure of the Central Government.

C. NATIONAL SOCIAL SECURITY BOARD

9. Manner of exercising the powers and performance of the functions by the National Social Security Board under sub-section (1), the manner of nomination of members, their term of office and other conditions of service, procedure to be followed in the discharge of their functions and manner of filling vacancies under sub-section (4) and time, place and rules of procedure relating to the transaction of business under sub-section (6) of section 6.- (1) **Constitution of the National Social Security Board for Unorganised Workers.-** (a) The Board constituted under section 6 shall be called as 'National Social Security Board for Unorganised Workers'.

(b) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.

(c) A member shall be eligible for re-nomination:

Provided that a member shall not hold the office for more than total of two terms.

(d) Central Government may seek nomination from amongst the representatives of associations of unorganised sector workers and employers' associations of unorganised sector, in the National Social Security Board for Unorganised Workers, in the category of sub-clauses (i) and (ii) of clause (c) of sub-section (2) of section 6 in such a manner, as decided by the Government.

(e) The Central Government shall nominate seven persons under sub-clause (iii) of clause (c) of sub-section (2) of section 6 from amongst persons of eminence in the field of labour welfare, management, finance, law and administration.

(f) The Central Government shall seek nomination of two Lok Sabha Members from the Speaker of the Lok Sabha (House of the People) and one member from the Chairman of the Rajya Sabha (Council of the States) under sub-clause (iv) of clause (c) of sub-section (2) of section 6, as the case may be.

(g) The Central Government shall nominate ten Members under sub-clause (v) of clause (c) of sub-section (2) of section 6 representing Ministries/ Departments of Central Government, concerned with the matters related to the welfare of the unorganised sector workers.

(h) The Central Government shall nominate five Members representing the State Governments under sub-clause (vi) of clause (c) of sub-section (2) of section 6, and one member representing Union Territories under sub-clause (vii) of clause (c) of sub-section (2) of section 6 on rotation basis in such manner, as may be decided by that Government.

(i) A member nominated under sub-clauses (i), (ii) and (iii) of clause (c) of sub-section (2) of the section 6, shall cease to be a member of the Board if he ceases to represent the category of interest from which he was so nominated:

Provided that out of seven persons nominated under sub-clause(i), one member each from the Scheduled Caste, the Scheduled Tribe, the Minorities and Women shall be represented.

(j) A member nominated under sub-clause (iv) of clause (c) of sub-section (2) of the section 6 shall cease to be a member of the Board if he ceases to be a member of the House of Parliament by which he was so elected.

(k) No person shall be chosen as, or continue to be, a member of the Board, if such person attracts any provision(s) of section 8.

(2) Constitution of the National Social Security Board for Gig Workers and Platform Workers.- (a) The Board constituted under section 6 of the Code read with sub-section (6) of the section 114 of the Code shall be called as 'National Social Security Board for Gig Workers and Platform Workers'.

(b) A member, other than an ex-officio member, shall hold office for a period not exceeding three years from the date of his nomination.

(c) A member shall be eligible for re-nomination:

Provided that a member shall not hold the office for more than total of two terms:

(d) Central Government shall nominate five members under clause (a) of sub-section (6) of section 114, as representative of aggregators on rotation basis from amongst type of the aggregators mentioned in the Seventh Schedule.

(e) Central Government shall nominate five members under clause (b) of sub-section (6) of section 114 from amongst the gig workers and platform workers, on rotation basis, representing the different types of gig workers and platform workers.

(f) Under clause (e) of sub-section (6) of section 114 of the Code, the Central Government may nominate five members as experts from amongst persons of eminence in the field of labour welfare, management, finance, law, administration, e-commerce or information technology.

(g) The rules for the manner and discharge of functions of the National Social Security Board for Unorganised Workers shall also be applicable to the National Social Security Board for Gig Workers and Platform Workers except that the quorum for transaction of business at any meeting of the Board for Gig and Platform Workers shall be six members.

(h) National Social Security Board for Gig Workers and Platform Workers may constitute an expert committee to advise it on matters related to the welfare of gig workers and platform workers, assessment of number of gig workers and platform workers, identifying of new types of aggregators or any other matter related to gig workers and platform workers.

(3) Manner of exercising the powers and performance of the functions of the National Social Security Board.-

(a) The Board, for discharging its functions as assigned to it, under sub-section (7) of section 6, may constitute a committee to deliberate and recommend on the specific issue(s) as may be assigned to such committee.

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

(4) Reconstitution of the Board:- (a) Central Government shall initiate the process for reconstitution of the National Social Security Board, prior to six months of expiry of the term of the Board.

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

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

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

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

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

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

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

(7) Manner of filling vacancies.- When a vacancy occurs or is likely to occur in the membership of the Board, Member Secretary of the Board shall submit a report to the Central Government and on receipt of such report, the Central Government may, by notification, nominate a person to fill the vacancy in the manner prescribed under sub-rules (1) and (2) of rule 9 above, and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated.

(8) Procedure for removal of a Member from the National Social Security Board for Unorganised Workers.-

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

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

10. Amount in connection with premium for Group Insurance Scheme of the beneficiaries under clause (c), the educational schemes for the benefit of children of the beneficiaries under clause (d) and the medical expenses for treatment of major ailments of a beneficiary or, such dependant under clause (e) of sub-section (6) of section 7.- Notwithstanding the welfare schemes mentioned in the sub-section (6) of the section 7 of the Code, the State Building and Other Construction Workers' Welfare Board shall also formulate following scheme(s) for the Building workers as may be specified by the State Government:

(i) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries;

- (ii) frame educational schemes for the benefit of children of the beneficiaries; and
- (iii) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant.

11. Other welfare measures and facilities under clause (j) of sub-section (6) of section 7.- If in the opinion of the Central Government, it is established that for improvement in the wellbeing of the Building workers, it is necessary to formulate a new welfare scheme (s) or schemes in a state(s), Central Government may formulate such scheme (s) as notified by that Government from time to time.

D. GENERAL

12. Intervals at which Social Security Organisation or any Committee thereof shall meet and the procedure in regard to the transaction of business at meetings under sub-section (1), and the fee and allowances of members of such Social Security Organisation or Committee under sub-section (4) of section 9.- (1) Meetings. –

- (a) The Central Board or the Corporation or the National Social Security Board or any Committee thereof shall, subject to the sub-rule (2), meet at such place and time as may be decided by the Chairperson.
- (b) The Central Board or the Corporation shall meet at least twice a year.
- (c) The Executive Committee of the Central Board and the Standing Committee of the Corporation shall meet at least four times a year. The Medical Benefit Committee of the Corporation shall meet at least twice each year.
- (d) The National Social Security Board shall meet at least thrice a year.
- (e) The Chairperson of the Central Board or the Corporation or the National Social Security Board or any Committee thereof may whenever he thinks fit, and shall within fifteen days of receipt of a requisition in writing from not less than one half of the members of the body concerned call for a special meeting thereof. A requisition so made shall specify the object of the meeting proposed to be called.

(2) Notice of meeting and list of business. –

- (a) A notice of not less than fifteen days from the date of issue, containing the date, time and place of every ordinary meeting of Central Board or Corporation or National Social Security Board or any Committee thereof, together with a list of business proposed to be transacted approved by the Chairperson shall be sent to every Trustee or member of Central Board or Corporation or National Social Security Board or any Committee thereof, as the case may be, through e-mail or registered post or by special messenger. A brief note on each item of the agenda shall be sent along with the agenda as soon as thereafter possible.
- (b) In case when the Chairperson calls an emergency meeting of the Central Board or the Corporation or the National Social Security Board or any Committee thereof for considering any matter which in his opinion is urgent, a notice giving such reasonable time as he may consider necessary shall be deemed sufficient.
- (c) No business other than for which the meeting of Central Board or the Corporation or the National Social Security Board or any Committee thereof has been convened shall be considered at the meeting except with the permission of the Chairperson of the meeting.

(3) Chairperson to preside at meetings. – The Chairperson or in his absence the Vice-Chairperson of Central Board or the Corporation or the National Social Security Board, as the case may be, shall preside the meeting. In event of absence of both the Chairperson and the Vice-Chairperson, the meeting shall be presided over by such Trustee or Member as may be nominated by the Chairperson.

(4) Quorum. – No business shall be transacted at any meeting of Central Board or Corporation or National Social Security Board or any Committee thereof unless a quorum of:

- (a) eleven Trustees in case of Central Board and four members in case of Executive Committee; or
- (b) fifteen members in case of Corporation, five members in case of Standing Committee and seven members in case of Medical Benefit Committee; or
- (c) ten members in case of National Social Security Board for Unorganised Workers and six members in case of National Social Security Board for Gig Workers and Platform Workers;

is present:

Provided that if at any meeting there is not a sufficient number of Trustees or members, as the case may be, present to form quorum, the Chairperson of the meeting shall adjourn the meeting for an hour and it shall thereupon

be lawful to dispose of the business at such adjourned meeting irrespective of the number of Trustees or members attending.

(5) Nomination of a substitute during the absence of a Trustee or Member. –

- a) If a Trustee or member is unable to attend any meeting of the Central Board or the Corporation or the National Social Security Board or any Committee thereof, he may, by a written instrument, signed by him, addressed to the Chairperson of the concerned body and explaining the reasons for his inability to attend the meeting, appoint any representative of the organisation, which he represents on the Central Board or the Corporation or the National Social Security Board or any Committee thereof, as his substitute for attending that meeting of the Central Board or the Corporation or the National Social Security Board or any Committee thereof in his place:

Provided that no such appointment shall be valid unless—

- i. such appointment has been approved by the Chairperson of the body concerned; and
 - ii. the instrument making such appointment has been received by the Chairperson of the body concerned before the date fixed for the meeting.
- b) A substitute validly appointed under clause (a) shall have all the rights and powers of a Trustee or the member, as the case may be, in relation to the meeting of the body concerned, in respect of which he is appointed and shall receive allowances, and be under obligations as if he were a Trustee or the member appointed under the Code.
- c) A Trustee or the member appointing a substitute for attending any meeting of the Central Board or the Corporation or the National Social Security Board or any Committee thereof, shall, notwithstanding anything contained in this sub-rule, continue to be liable for the misappropriation or misapplication of the Fund by the substitute and shall also be liable for any act of misfeasance or non-feasance committed in relation to the Fund by the substitute appointed by him.

(6) Disposal of business. – Every question considered at a meeting of the Central Board or the Corporation or the National Social Security Board or any Committee thereof shall be decided by a majority of the votes of the Trustees or members of the body concerned present and voting. In the event of an equality of votes the Chairperson shall exercise an additional casting vote:

Provided that the Chairperson may, if he thinks fit, direct that any question shall be decided by the circulation of necessary papers to Trustees or members of the Central Board or the Corporation or the National Social Security Board or any Committee thereof and by securing their opinions in writing. Any such question shall be decided in accordance with the opinion of the majority of Trustees or members received within the time-limit allowed and if the opinions are equally divided, the opinion of the Chairperson shall prevail:

Provided further that any Trustee or member of the Central Board or the Corporation or the National Social Security Board or any Committee thereof may request that the question referred to Trustees or members of the concerned body, as the case may be, for written opinion be considered at a meeting of the Central Board or the Corporation or the National Social Security Board or any Committee thereof and thereupon the Chairperson may, and if the request is made by not less than three Trustees or members of the concerned body, shall direct that it be so considered.

(7) Minutes of meetings. –

- (a) The minutes of each meeting showing *inter-alia* the names of the member present there, shall be forwarded to each Trustee or member of the Central Board or the Corporation or the National Social Security Board or any Committee thereof as the case may be and to the Central Government as soon as possible and in any case not later than four weeks after the meeting.
- (b) The records of the minutes of each meeting of the Central Board and the Executive Committee shall be signed by the Central Provident Fund Commissioner with the approval of the Chairperson.
- (c) The minutes of the meeting shall be confirmed with such modification considered necessary at the next meeting.
- (d) The minutes of a meeting of the Central Board or the Corporation or the National Social Security Board or any Committee thereof shall be kept in separate Books (hereinafter referred to as minute-books) and shall be signed by the Chairperson of the meeting at which the proceedings are confirmed.
- (e) A copy of the minutes so confirmed shall be forwarded to the Central Government within fifteen days from the date of such confirmation.

- (f) The minute-books shall be kept open at the principal office of the Central Board or Corporation or National Social Security Board during office hours on working days for inspection free of charge by any of the respective member.

(8) Fees and allowances. –

- (a) Every non-official Trustee or member of the Central Board or the Corporation or the National Social Security Board or any Committee thereof, as the case may be, shall be allowed travelling and daily allowance for attending its meetings at the rates admissible to officers of the Central Government holding a post in Level 12 in the Pay Matrix.
- (b) Where such Trustee or member, who is a Member of Parliament or a Member of State Legislature shall be paid travelling allowance and daily allowance in accordance with the provisions of the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provision of the law pertaining to the members of the concerned State Legislature, as the case may be:
- Provided that when a Minister is appointed as Chairperson or Trustee of the Central Board or the Corporation or the National Social Security Board or any Committee thereof and attends a meeting, his travelling and daily allowance shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid by the authority paying his salary.
- (c) No daily or travelling allowance in respect of any day of journey, as the case may be, shall be claimed by a Trustee or member of the Central Board or the Corporation or the National Social Security Board or by any Committee thereof if he has drawn or will draw allowance for the same from his employer or as a member of the Committee or any Legislature or of any Committee or Conference constituted or convened by Government and no travelling allowance shall be claimed if he uses a means of transport provided at the expense of Government or his employer.
- (d) The daily and travelling allowance shall also be payable in respect of the meetings of any sub-committee set up by the Central Board or the Corporation or the National Social Security Board or by any Committee thereof.
- (e) For attending a meeting of the Central Board or the Corporation or the National Social Security Board or any Committee thereof or meetings of a Sub-Committee set up by the Central Board or Corporation or National Social Security Board or any Committee thereof, an official Trustee or member of the Central Government shall draw his travelling allowance from his department on a scale admissible to him under the Central Government Rules and the amounts so drawn shall, on a demand being made therefor by the Central Government, be reimbursed by the Central Board or Corporation or National Social Security Board or Committee thereof to that Government.
- (f) Payments shall not be made to a non-official member earlier than the last date up to which the allowance is claimed. The travelling allowance for both the onward and return journeys will be included in the travelling allowance bill and the payment made thereof treated as final, irrespective of the date of completion of the journey.

13. Manner of reconstitution of the Corporation or the Central Board or the National Social Security Board or the State Unorganised Workers' Board or the Building Workers' Welfare Board or any of the Committees under sub-section (1) and the alternate arrangements for the purpose of administration of the relevant provisions of the Code under sub-section (2) of section 11.- When the Central Board or the Corporation or the National Social Security Board or the State Unorganised Workers' Board or the Building Workers Welfare Board has been superseded under the provisions of section 11 of the Code, the Central Government or the State Government, as the case may be, may—

- (a) appoint or cause to be appointed or elected new Trustees or members to the Central Board or the Corporation or the National Social Security Board or the State Unorganised Workers' Board or the Building Workers welfare board in accordance with sections 4, 5, 6 and 7, as the case may be, of the Code; and
- (b) in its discretion, make such arrangement for such period as it may think fit, to exercise the powers and perform the functions of the Central Board or the Corporation or the National Social Security Board or the State Unorganised Workers' Board or the Building Workers Welfare Board.

EMPLOYEES' PROVIDENT FUND**14. Form, manner, time limits and fees for filing of appeal under sub-section (2) of section 23.- (1) Language of the Tribunal.** — The language of the Tribunal shall be English:

Provided that the parties to the proceeding before the Tribunal may file documents drawn up in Hindi, if they so desire:

Provided further that:

- (i) The Tribunal may, in its discretion permit the use of Hindi in the proceedings but the final order shall be in English;
- (ii) The Tribunal hearing the matter, may in its discretion, direct English translation of pleadings and documents to be filed.

(2) **Procedure for filing appeals.** — (a) An appeal to the Tribunal shall be presented in **Form-I** by the appellant in person or by an agent or by a duly authorized legal practitioner to the Registry or any other officer authorized in writing by the Registrar to receive the same or be sent by registered post with acknowledgement due duly addressed to the Registrar of the Tribunal.

- (b) The appeal under sub-rule (2) shall be presented electronically or in triplicate in a paper-book form along with one unused file size envelope bearing full address of the respondent:

Provided that where the number of respondents is more than one, as many extra copies of the appeal in paper-book form as there are respondents together with unused file size envelopes bearing the full address of each respondent or electronically shall be furnished by the Appellant:

Provided also that where the number of respondents is more than five, the Registrar may permit the appellant to file the extra copies of the appeal at the time of issue of notice to the respondents.

- (c) The Registrar shall issue an acknowledgement of receipt of the appeal electronically or otherwise in **Form-II**.

(3) **Presentation and scrutiny of appeals.** — (a) The Registrar, or the Officer authorized by him under sub-rule (2), shall endorse on every appeal the date on which it is presented or deemed to have been presented under that rule and shall sign the endorsement digitally or otherwise.

- (b) If, on scrutiny, the appeal is found to be in order it shall be duly registered and given a serial number.
- (c) If the appeal, on scrutiny, is found to be defective and the defect noticed is formal in nature, the Registrar may allow the party to rectify the same in his presence, and if the same defect is not formal in nature, the Registrar may allow the appellant such time to rectify the defect as he may deem fit.
- (d) If the appellant fails to rectify the defect within the time allowed under clause (c), the Registrar may by order and for reasons to be recorded in writing, decline to register the appeal and inform the appellant accordingly.

(4) **Place of filing appeals.** — The appeal shall ordinarily be filed by the appellant with the Registrar of the Tribunal within whose jurisdiction: —

- (i) the cause of action has arisen, or
- (ii) office of the respondent against whose order relief is sought, is located.

(5) **Fee, time for filing appeal, deposit of amount due on filing appeal.** —

- (a) Every appeal filed with the Registrar shall be accompanied by a fee of rupees five thousand to be remitted by electronic transfer or in the form of Crossed Demand Draft on a scheduled commercial bank in favour of the Registrar of the Tribunal and payable at the main branch of that Bank at the station where the seat of the said Tribunal situate.
- (b) Any person aggrieved by an order passed under section 125 or 128 of the Code, may within sixty days from the date of issue of the order, prefer an appeal to the Tribunal:

Provided that the Tribunal may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the prescribed period, extend the said period by a further period of sixty days:

Provided further that no appeal by the employer shall be entertained by the Tribunal unless he has deposited with the Fund constituted under section 16 of the Code, by way of electronic transfer or Demand Draft, a sum equal to 25% of the amount due from him as determined under Section 125 or 128, as the case may be.

(6) **Content of the appeal.** — Every appeal filed under sub-rule (2) shall set forth concisely under distinct heads the grounds for such appeal. Such grounds shall be numbered consecutively. Every appeal, including any miscellaneous appeal shall be filed electronically or typed in double space on both sides on thick paper of good quality.

(7) **Documents to accompany the appeal.** — (a) Every appeal being filed electronically or otherwise shall be accompanied by a paper-book containing: —

- (i) a copy of the order against which the appeal is filed;
 - (ii) copies of the documents relied upon by the appellant and referred to in the appeal;
 - (iii) an index of the documents.
- (b) The documents referred to in the clause (a) may be digitally signed or attested by a legal practitioner or by a gazetted officer and each document shall be marked serially as Annexures A-1, A-2, A-3 and so on.
- (c) Where an appeal is filed by an agent, document authorizing him to act as such agent shall also be appended to the appeal:

Provided that where an appeal is filed by a legal practitioner, it shall be accompanied by a duly executed 'Vakalatnama' in digital format or otherwise.

(8) **Plural remedies.** — An appeal shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another.

(9) **Service of notices and processes issued by the Tribunal.** — (a) Notices and processes to be issued by the Tribunal may be served electronically or by any of the following modes directed by the Tribunal:

- (i) service by the party itself;
 - (ii) by hand delivery (Dasti) through process server;
 - (iii) by registered post with acknowledgement due.
- (b) Where notice issued by the Tribunal is served by the party himself electronically or by 'Hand delivery' (Dasti), he shall file with the Registry of the Tribunal, the acknowledgement, together with an affidavit of service.
- (c) Notwithstanding anything contained in clause (a) the Tribunal may, taking into account the number of respondents and their places of residence or work and other circumstances, direct that notice of the appeal shall be served upon the respondents electronically or in any other manner including any manner of substituted service, as it appears to the Tribunal just and convenient.
- (d) Notwithstanding anything done under clause (a), the Tribunal may in its discretion, having regard to the nature and urgency of the case, direct the service of the notice on the Standing Counsels appointed as such by the Central Government or any State Government or any other authority under the Code.
- (e) Every notice issued by the Tribunal shall, unless otherwise ordered, be accompanied by a copy of the appeal along with a copy of the paper-book.
- (f) Every appellant shall pay a fee for the service or execution of process in such manner as the Tribunal may direct under clause (c) such a sum, not exceeding the actual charges incurred in effecting the service, as may be determined by the Tribunal.
- (g) The fee for the service or execution of processes under clause (c) shall be remitted in the manner prescribed in sub-rule (5) within one week of the date of the order determining the fee or within such extended time as the Registrar may permit.
- (h) Notwithstanding anything contained in clauses (a) to (d), if the Tribunal is satisfied that it is not reasonably practicable to serve notice of appeal upon all the respondents, it may, for reasons to be recorded in writing, direct that the appeal shall be heard notwithstanding that some of the respondents have not been served with notice of the application:

Provided that no appeal shall be heard unless: --

- (i) Notice of appeal has been served on the Central Government or the State Government or the Central Board if such Government or Board is a respondent;
- (ii) Notice of appeal has been served on the authority which passed the order against which the appeal has been filed; and

- (iii) The Tribunal is satisfied that the interests of the respondents on whom notice of the appeal has not been served are adequately and sufficiently represented by the respondents on whom notice of the appeal has been served.

(10) **Filing of reply and other documents by the respondents.** — (a) Each respondent intending to contest the appeal, shall file electronically or in triplicate the reply to the appeal and the documents relied upon in paper-book form with the Registry within one month of the service of notice of the appeal on him.

- (b) In the reply filed under clause (a), the respondent shall specifically, admit, deny or explain the facts stated by the appellant in his appeal and may also state such additional facts as may be found necessary for the just decision of the case. It shall be signed digitally or otherwise and verified as a written statement by the respondent or any other person duly authorized by him in writing in the same manner as provided for in order VI, Rule 15 of the Code of Civil Procedure, 1908 (5 of 1908).
- (c) The documents referred to in clause (b) shall also be filed along with the reply and the same shall be marked as R-1, R-2, R-3 and so on.
- (d) The respondent shall also serve a copy of the reply along with documents as mentioned in clause (a) on the appellant or his legal practitioner, if any, electronically or otherwise and file proof of such service in the Registry.
- (e) The Tribunal may allow filing of the reply after the expiry of the prescribed period.

(11) **Date and place of hearing to be notified.** — The Tribunal shall notify to the parties the date and the place of hearing of the appeal electronically or otherwise in such manner as the Presiding Officer may, by general or special order direct.

(12) **Calendar of cases and time limit for disposal.** — (a) The Tribunal shall draw up a calendar for the hearing of cases and, as far as possible, hear and decide the cases according to the calendar.

(b) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the appeal under section 23, as far as practicable, shall be heard on day-to-day basis and endeavour shall be made to ensure that the same is decided within a period of one year:

Provided that where the appeal is not decided within the said period, the Presiding Officer hearing such appeal shall record the circumstances and reasons for not having decided so and submit the circumstances and reasons so recorded to the Central Government or such other officer authorised by it in this behalf:

- (c) The Tribunal shall have the power to decline an adjournment and also to limit the time for oral arguments.

(13) **Action on appeal for appellant's default.** — (a) Where on the date fixed for hearing of the appeal or on any other date to which such hearing may be adjourned, the appellant does not appear when the appeal is called for hearing, the Tribunal may, in its discretion, either dismiss the appeal for default or hear and decide it on merit.

(b) Where an appeal has been dismissed for default and the appellant files an appeal within thirty days from the date of dismissal and satisfies the Tribunal that there was sufficient cause for his non-appearance when the appeal was called for hearing, the Tribunal shall make an order setting aside the order dismissing the appeal and restore the same:

Provided that where the case was disposed of on merits the decision shall not be re-opened except by way of review.

(14) **Ex-parte hearing and disposal of appeal.** — (a) Where on the date fixed for hearing the appeal or on any other date to which such hearing may be adjourned, the appellant appears and the respondent does not appear when the appeal is called for hearing, the Tribunal may, in its discretion adjourn the hearing or hear and decide the appeal *ex-parte*.

(b) Where an appeal has been heard *ex-parte* against a respondent or respondents, such respondent or respondents may apply to the Tribunal for an order to set it aside and if such respondent or respondents satisfy the Tribunal that the notice was not duly served or that he or they were prevented by any sufficient cause from appearing when the appeal was called for hearing, the Tribunal may make an order setting aside the *ex-parte* hearing as against him or them upon such terms as it thinks fit, and shall appoint a day for proceeding with the appeal:

Provided that where the *ex-parte* order the appeal is of such nature that it cannot be set aside as against one respondent only, it may be set aside as against all or any of the other respondents also:

Provided further that in cases covered by clause (h) of sub-rule (9), the Tribunal shall not set aside *ex-parte* order of an appeal merely on the ground that it was not served upon the respondent or respondents.

(15) **Substitution of legal representatives.** — (a) In the case of death of a party during the pendency of the proceedings before the Tribunal, the legal representatives of the deceased party may apply electronically or otherwise within thirty days of the date of such death for being brought on record as necessary parties.

(b) Where no application is received from the legal representatives within the period specified in clause (a), the proceedings against the deceased party shall abate:

Provided that on good and sufficient reason the Tribunal, on an application, may set aside the order of abatement and substitute the legal representatives.

(16) **Adjournment of hearing.** — The Tribunal may, if sufficient cause is shown at any stage of proceedings, grant time to the parties or any of them, and adjourn the hearing of the appeal.

(17) **Order to be signed and dated.** — (a) Every order of the Tribunal shall be in writing and shall be signed digitally or otherwise by the Presiding Officer who pronounced the order.

(b) The order shall be pronounced in open court.

(18) **Communication of orders to parties.** — (a) Every final order passed on any appeal shall be communicated to the appellant and to the respondent concerned either electronically or otherwise by hand delivery or by registered post free of cost.

(b) If the appellant or the respondent to any proceeding requires a copy of any document or proceeding, the same shall be supplied to him on such terms and conditions on payment of such fees as may be fixed by the Presiding Officer by general or special order.

(19) **Orders and directions in certain cases.** — The Tribunal may make such orders or give such directions as may be necessary or expedient to give effect to its orders or to prevent abuse of its process or to secure the ends of justice.

(20) **Working hours of the Tribunal.** — Except on Saturdays, Sundays and other public holidays, the office of the Tribunal shall, subject to any order made by the Presiding Officer remain open from 9.30 A.M. to 6.00 P.M.

(21) **Sitting hours of the Tribunal.** — The sitting hours of the Tribunal shall, ordinarily, be from 10.30 A.M. to 1.30 P.M. and 2.30 P.M. to 5.00 P.M. subject to any general or special order made by the Presiding Officer.

(22) **Powers and functions of the Registrar.** — (a) The Registrar shall have the custody of the records of the Tribunal and shall exercise such other functions as are assigned to him under these rules or by the Presiding Officer by separate order.

(b) The official seal shall be kept in the custody of the Registrar.

(c) Subject to any general or special direction by the Presiding Officer, the seal of the Tribunal shall not be affixed to any order, summons or other process save under the authority in writing of the Registrar.

(d) The seal of the Tribunal shall not be affixed to any certified copy issued by the Tribunal save under the authority in writing of the Registrar.

(23) **Additional powers and duties of Registrar.** — In addition to the powers conferred elsewhere in these rules, the Registrar shall have the following powers and duties subject to any general or special order of the Presiding Officer, namely: —

(i) To receive all appeals and other documents;

(ii) To decide all questions arising out of the scrutiny of the appeals before they are registered;

(iii) To require any appeal presented to the Tribunal to be amended in accordance with the Code and the rules;

(iv) Subject to the directions of the Tribunal, to fix the date of first hearing of the appeals or other proceedings and issue notices thereof;

(v) To direct any formal amendment of records;

(vi) To order grant of copies of document to parties to the proceedings;

(vii) To grant leave to inspect the records of the Tribunal;

(viii) To dispose of all matters relating to the service of notices or other process for the issue of fresh notices and for extending the time for filing such appeals and to grant time not exceeding fifteen days for filing a reply or rejoinder, if any, and to place the matter before the Tribunal for appropriate order after the expiry of the aforesaid period;

(ix) To requisition records from the custody of any court of other authority;

- (x) To receive appeals within thirty days from the date of death for substitution of legal representatives of the deceased parties during the pendency of the appeals;
- (xi) To receive and dispose of appeals for substitution, except where the substitution would involve setting aside an order of abatement;
- (xii) To receive and dispose of application by parties for return of documents.

(24) Right of appellant to take assistance of legal practitioner and of Government etc. to appoint presenting officer. —

- (a) A person preferring appeal to a Tribunal under section 23 of the Code may either appear in person or take the assistance of a legal practitioner of his choice to present his case before the Tribunal.
- (b) The Central Government or a State Government or any other authority under the Code may authorize one or more legal practitioner or any of its officers and every person so authorized may present the case with respect to any appeal before a Tribunal.

(25) **Seal and emblem.** — The official seal and emblem of the Tribunal shall be in a round shape bearing name of the Tribunal in capital letters with Ashoka Pillar in the Center.

(26) **Dress of the Presiding Officer and staff of the Tribunal.** — The dress for the Presiding Officer of the Tribunal and member of the staff of the Tribunal shall be such as the Presiding Officer may specify.

(27) **Dress of the Parties.** — A legal practitioner or, as the case may be, a presenting officer shall appear before the Tribunal in his professional dress, if any, and if there is no such dress:

- (i) If a male, in a closed collared coat and trousers or in a lounge suit;
- (ii) If a female, in a saree, or any other customary dress of sober colour.

CHAPTER IV

EMPLOYEES' STATE INSURANCE CORPORATION

15. Salary and allowances of the Director General or the Financial Commissioner under sub-section (3), their powers and duties under sub-section (4) and maximum monthly salary limit under the proviso to sub-section (7) of section 24.- (1) **Salary and allowances of Director General and Financial Commissioner:-** The Director General and the Financial Commissioner appointed by the Central Government under sub-section (1) of section 24 shall receive such pay and allowances and other benefits as are admissible to officers of the Central Government drawing corresponding scales of pay:

Provided that where the Director General or the Financial Commissioner is a person already in the service of the Corporation, he shall be entitled to pension, gratuity and other superannuation benefits to which he would have been otherwise entitled but for his appointment as the Director General or the Financial Commissioner.

(2) Powers and duties of the Director General— (a) The powers and duties of the Director General shall be —

- (i) to act as the Chief Executive Officer of the Corporation;
 - (ii) to convene, under the orders of the Chairperson, meetings of the Corporation, the Standing Committee and the Medical Benefit Committee in accordance with the Code and the Rules and to implement the decisions reached at the meetings;
 - (iii) to enter into contracts on behalf of the Corporation in accordance with the Code or the Rules or Regulations made thereunder, or the general or special instructions of the Corporation or the Standing Committee;
 - (iv) to furnish all returns and documents required by the Code or the Rules to the Central Government and to correspond with the Central Government and the State Governments upon all matters concerning the Corporation;
 - (v) to undertake such other duties and to exercise such other powers as may from time to time, be entrusted or delegated to him.
- (b) The Director General may, with the approval of the Standing Committee, by general or special order, delegate any of his powers or duties under the Rules or the Regulations or under any resolution of the Corporation or the Standing Committee, as the case may be, to any person subordinate to him. The exercise or discharge of any of the powers or duties so delegated shall be subject to such restrictions, limitations and conditions, if any, as the Director General may, with the approval of the Standing Committee, impose.

(3) **Powers and duties of the Financial Commissioner.** — The powers and duties of the Financial Commissioner shall, subject to the control of the Director General, be —

- (i) to maintain the accounts of the Corporation and to arrange for the compilation of accounts by the collection of returns from the Centres and Regions;
- (ii) to prepare the budget of the Corporation;
- (iii) to arrange for internal audit of the accounts of the Centres and Regions and of the receipts and payments thereat;
- (iv) to make recommendations for the investment of the funds of the Corporation; and
- (v) to undertake such other duties and to exercise such other powers as may, from time to time, be entrusted or delegated to him.

(4) **Creation of posts by the Corporation**—The powers for creation of posts vested in the Corporation under sub-section (6) of section 24 of the Code shall be exercised by the Corporation in relation to posts carrying maximum of Level 14 in the Pay Matrix as per the 7th CPC.

16. Manner of investment of Employees' State Insurance Fund or any other money which is held by Corporation under sub-section (4) of section 25.— (1) The Corporation shall invest the Fund vested in it within the ambit of the guidelines issued by the Central Government.

(2) The Corporation for the efficient administration of the Scheme may open as many accounts as it may consider necessary or as specified in the Scheme.

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

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

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

Explanation. — The approval of the Central Government shall not be required merely on the ground that the value of the security on its maturity is less than the price at which it was purchased.

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

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

17. Limits for defraying of expenditure for promotion of measures for health and welfare of Insured Persons under clause (k) of section 26.— For the promotion of measures for the improvement of the health and the welfare of Insured Persons and for the rehabilitation and re-employment of Insured Persons who have been disabled or injured, the Corporation may incur an expenditure up to a limit of **rupees one thousand crore** per year or as may be specified by the Central Government from time to time from the Employees' State Insurance Fund.

18. Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys by the Corporation under sub-section (2) and the terms to raise loans and taking measures for discharging such loans under sub-section (3) of section 27.— (1) **Acquisition of property**— Subject to the provisions of sub-rule (3) and such conditions as may, from time to time, be laid down by the Corporation, the Director General may, for the purposes of the Code, acquire on behalf of the Corporation movable or immovable property:

Provided that sanction of the Standing Committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding **thirty six** months, or for the acceptance of any gift or bequest of property burdened an obligation.

(2) **Disposal of property.** - Subject to the provisions of sub-rule (3) and such conditions as may be laid down by the Corporation from time to time the Director General may —

- (a) dispose of, by sale or exchange, any movable property belonging to the Corporation, the value of which does not exceed **rupees one crore** in each case, or grant for any term not exceeding twelve months a lease of any immovable property belonging to the Corporation.

- (b) with the sanction of the Standing Committee, lease, sell or otherwise dispose of any movable or immovable property belonging to the Corporation.

(3) **Procedure for execution of contracts**— (a) The Corporation may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of the Code.

(b) Every contract made under or for any purpose of the Code shall be made on behalf of the Corporation—

- (i) by the Director General; or
(ii) subject to such conditions as it may specify, by such member or officer of the Corporation as it may authorise:

Provided that the sanction of the Standing Committee shall be obtained in respect of any contract involving an expenditure exceeding rupees fifteen crore.

(c) Every contract entered into by any person as provided in clause (b) of sub-rule (3) shall be entered into in such manner and form as would bind him if it were made on his own behalf and may in like manner and form be varied or discharged:

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

(4) **Raising and repayment of loans**— (a) The Corporation may, in pursuance of a resolution passed at a meeting of the Standing Committee, and with the prior approval of the Central Government, raise loans for the purposes of the Code.

(b) In particular and without prejudice to the generality of the foregoing power, the Corporation may raise loans —

- (i) for the acquisition of land and/or the raising of buildings thereon; or
(ii) to repay a loan raised under this sub-rule; or
(iii) for any other purpose approved by the Central Government.

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

- (i) from the Central Government on such rates of interest and such terms as to the time and method of repayment as the Central Government may specify; or
(ii) with the approval of the Central Government from such bank or banks specified in rule 32.

(d) Where a loan is obtained from such bank or banks specified in rule 32 the Corporation may, with the approval of the Central Government, grant mortgages of all or any of the property vested in it for securing the repayment of the sums so advanced, with interest.

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

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

(f) No expenditure incurred out of a loan shall be charged by the Corporation to capital, except with the previous sanction (or under the direction) of the Central Government.

(g) The Corporation shall submit to the Central Government an annual statement by the thirtieth of April each year showing the loans raised and repayments made during the preceding year.

19. Manner of insurance of employees under sub-section (1) of section 28.— (1) The employer in respect of an establishment shall before taking any person into employment, unless such person is already registered under Chapter IV of the Code, register him by entering his name and Aadhaar number on the Specified Portal. A registration number shall be automatically allotted to the employee immediately on his registration by employer. This registration number shall remain valid for ten days during which the employer shall enter the updated particulars of that employee and family on declaration form available on the specified portal. An Aadhaar linked identity card shall be provided by the Corporation to the Insured Person and each of his dependent family members, electronically or otherwise.

(2) The registration number thus allotted shall automatically become invalid if the employee's details are not updated on the Declaration form within ten days or the Aadhaar number provided by the newly employed person is returned unauthenticated by the concerned authorities.

(3) The employer of the establishment shall be responsible for correctness of the particulars of the employee, filled on specified portal by him. The Insured Person shall be responsible for correctness of the particulars of his/ her family submitted on the portal.

(4) The Registration number will be used by the employer for filing the contributions and for all other purposes in respect of this employee.

(5) The Registration number thus allotted to the employee shall be used by him for availing any benefits available to him and (or) his family members under the Code.

20. Rate of contributions under sub-section (2) of section 29.- (1) The amount of contribution for a wage period shall be in respect of —

- (a) employer's contribution, a sum (rounded to the next higher rupee) equal to three and one-fourth per cent. of the wages payable to an employee; and
- (b) employee's contribution, a sum (rounded to the next higher rupee) equal to three-fourth per cent. of the wages payable to an employee.

(2) In respect of an employee who is a person with disability under the Right of Persons with Disabilities Act, 2016 (49 of 2016) and under the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 (44 of 1999) the employer shall not be required to pay employer's share of contribution up to a maximum period of three years from the date of commencement of the contribution period.

(3) The employer's share of contribution in respect of such employees and for such period under sub-rule (2) shall be reimbursed to the Corporation by the Central Government.

21. Type of administrative expenses and percentage of income which may be spent on expenses and the limits for such expenses under section 30.- (1) The expenditure incurred by the Corporation on the following items shall be termed as administrative expenses under section 30 of the Code, namely:

- (a) payment of fees and allowances to members of the Corporation, the Standing Committee and the Medical Benefit Committee and other committees of the Corporation;
- (b) payment of salaries, leave and joining time allowances, travelling and compensatory and other allowances, bonus, gratuities and compassionate allowances, pension, contributions to the Provident or other benefit funds and training related expenses of officers and employees of the Corporation;
- (c) defraying expenses on depreciation and maintenance of staff cars, office buildings, staff quarters, hiring of accommodation, purchase of furniture, office equipment, stationery, printing and other expenditure in respect of offices of the Corporation;
- (d) defraying expenses towards membership subscription to International Organisation, and other services for the purposes of giving effect to the provisions of the Chapter IV of the Code;
- (e) defraying the cost (including all expenses) of the auditing accounts of the Corporation and of the valuation of its assets and liabilities;
- (f) defraying the cost (including all expenses) of the Employees' State Insurance Courts set up under the Code;
- (g) payment of any sums under any contract entered into for the purposes of the Code by the Corporation or the Standing Committee or by any officer duly authorised by the Corporation or the Standing Committee in that behalf;
- (h) payment of sums under any decree, order or award of any Court or Tribunal against the Corporation or any of its Officers or servants for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceedings or claim instituted or made against the Corporation;
- (i) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under the Code;
- (j) defraying the expenditure in connection with publicity, of the E.S.I. Scheme including printing of publicity materials courses relevant to the purposes of the Code; and
- (k) defraying the expenditure on conducting evaluation studies on various aspects of functioning of the E.S.I. Scheme.

(2) The percentage of the total revenue income of the Corporation which may be spent every year on its administrative expenses shall not exceed fifteen per cent.

Explanation: - For the purpose of this rule the expression “ESI Scheme” means the Scheme maintained by the Corporation incorporated therein Rules, Regulations, Notifications and the Administrative instructions issued by the Corporation.

22. Limit for the amount of payment under the proviso to clause (f) of sub-section (1) of section 32.- The amount of funeral expenses for the purpose of proviso to clause (f) of sub-section (1) of section 32 of the Code shall be as notified by the Corporation.

23. The qualifications of a person to claim benefits, conditions, rate and period thereof under sub-section (3) of section 32 and rates, periods and conditions for payment of dependants' benefit under sub-section (1) and to other dependants under sub-section (2), of section 38.- (1) **Sickness Benefit—**(a) Subject to the provisions of the Code and the Regulations, a person shall be qualified to claim sickness benefit for sickness occurring during any benefit period if the contributions in respect of him were payable for not less than seventy-eight days in the corresponding contribution period and shall be entitled to receive such benefit at the rate of seventy per cent of the “Standard Benefit Rate” of that person during the corresponding contribution period rounded to the next higher rupee:

Provided that in case of a person who becomes an employee within the meaning of the Chapter IV of the Code for the first time and for whom a shorter contribution period of less than 156 days is available, he shall be qualified to claim sickness benefit if the contribution in respect of him were payable for not less than half the number of days available for working in such contribution period:

Provided further that in case of an Insured woman in receipt of maternity benefit or an Insured Person in receipt of temporary disablement benefit and due to this a shorter contribution period is available to her/ him, she/ he shall be qualified to claim sickness benefit in the corresponding benefit period if the contribution in her/ his respect were paid or payable for not less than half the number of days available for working in such shorter contribution period:

Provided also that he shall not be entitled to the benefits for the first two days of sickness except in the case of a spell of sickness following, at an interval of not more than fifteen days, the spell of sickness for which sickness benefits were last paid:

Provided that sickness benefits shall not be paid to any person for more than ninety-one days in any two consecutive benefit periods.

(b) (i) The sickness benefit may be extended if the person is diagnosed to be suffering from any one or more of the diseases specified in Regulations framed under the Code by the Corporation, provided that the Insured Person has completed four contribution periods immediately preceding the beginning of the spell in which the disease is first diagnosed and has paid contribution for a period of 156 days in the four aforesaid contribution periods and he is eligible to claim sickness benefit at least in one of the aforesaid four contributory periods.

(ii) The extended sickness benefit shall be granted only if the Insured Person is otherwise entitled to extended sickness benefit as above but has exhausted the sickness benefit due to him under the fourth proviso of sub-rule (1) above or is ineligible to sickness benefit in terms of sub-rule (1) above.

(iii) The sickness benefit may be extended for a maximum period of 730 days including the Sickness benefit under fourth proviso of sub-rule (1), subject to the conditions as specified in the Regulations.

(iv) The daily rate of the extended Sickness Benefit shall be eighty per cent. of the “Standard Benefit Rate”.

(2) **Maternity Benefit-** (a) An insured woman shall be qualified to claim maternity benefits for a confinement occurring or expected to occur in a benefit period, if the contributions in respect of her were payable for not less than seventy days in the immediately preceding two consecutive contribution period.

(b) Subject to the provisions of the Code and the Regulations, if any, an insured woman who is qualified to claim maternity benefits in accordance with clause (a) of sub-rule (2) shall be entitled to receive it at the daily rate specified in clause (e) of sub-rule (2) for all days on which she does not work for remuneration during a period of twenty six weeks of which not more than eight weeks shall precede the expected date of confinement:

Provided that where the insured woman dies during her delivery or during the period immediately following the date of her delivery for which she is entitled to maternity benefits, leaving behind child in either case, the maternity benefits shall be paid for the whole of that period but if the child also dies during the said period, then for the days up to and including the day of the death of the child, to the person nominated by the insured woman, in such manner as may be specified in the Regulations, and if there is no such nominee, to her legal representative.

Provided further that the insured woman shall be entitled to twelve weeks of maternity benefit from the date the child is handed over to the commissioning mother after birth or adopting mother, as the case may be:

Provided also that the insured woman having two or more than two surviving children shall be entitled to receive maternity benefits during a period of twelve weeks of which not more than six weeks shall precede the expected date of confinement.

(c) An insured woman who is qualified to claim maternity benefits in accordance with clause (a) of sub-rule (2) shall, in case of miscarriage or medical termination of pregnancy, be entitled, on production of such proof, as may be required under the Regulations, to maternity benefits at the rates specified in clause (e) of sub-rule (2), for all days on which she does not work for remuneration during a period of six weeks immediately following the date of her miscarriage or medical termination of pregnancy.

(d) An insured woman who is qualified to claim maternity benefits in accordance with clause (a) of sub-rule (2) in case of sickness arising out of pregnancy, confinement, premature birth of child or miscarriage or medical termination of pregnancy shall, on production of such proof as may be required under the Regulations, be entitled, in addition to the maternity benefits payable to her under any other provisions of the Code, for all days on which she does not work for remuneration to maternity benefits at the rates specified in the clause (e) of sub-rule (2) for all days on which she does not work for remuneration during an additional period not exceeding one month.

(e) The daily rate of maternity benefit payable in respect of confinement occurring or expected to occur during any benefit period shall be equal to the standard benefit rate in respect of the insured woman during the corresponding contribution period, rounded to the next higher rupee.

(3) **Confinement Expenses.**- An insured woman and an Insured Person in respect of his wife shall be paid a sum of rupees seven thousand five hundred per case as medical bonus on account of confinement expenses:

Provided that the confinement occurs at a place where necessary medical facilities under the Employees' State Insurance Scheme are not available:

Provided further that confinement expenses shall be paid for two confinements only.

(4) **Disablement benefits.**- (a) A person shall be qualified to claim disablement benefits for temporary disablement for not less than three days (excluding the day of accident) for the period of such disablement sustained as an employee under the Code.

(b) A person shall be qualified to claim periodical payment for permanent disablement sustained as an employee under the Code whether total or partial, for such disablement:

Provided that where permanent disablement, whether total or partial, has been assessed provisionally for a limited period or finally, the benefit provided under sub-rule (4) shall be payable for that limited period, or as the case may be, for life.

(c) The daily rate of disablement benefit shall be ninety per cent. of the standard benefit rate in the contribution period corresponding to the benefit period in which the employment injury occurs, rounded to the next higher rupee:

Provided that where an employment injury occurs before the commencement of the first benefit period in respect of a person, the daily rate of disablement benefit shall be —

- (i) where a person sustains employment injury after the expiry of the first wage period in the contribution period in which the injury occurs, ninety per cent. of his average daily wages in that wage period, rounded to the next higher rupee ;
- (ii) where a person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, ninety per cent. of his wages actually earned or which would have been earned, had he worked for a full day on the date of accident, rounded to the next higher rupee.

Explanation. — The disablement benefit calculated as aforesaid shall be called the "full rate".

(d) The disablement benefits shall be payable to the Insured Person as follows:

- (i) for temporary disablement, at the full rate;
- (ii) for permanent total disablement, at the full rate;
- (iii) for permanent partial disablement resulting from an injury specified, in Part II of the Fourth Schedule, at such percentage of the full rate which would have been payable in the case of permanent total disablement, as specified in the said Schedule as being the percentage of the loss of earning capacity caused by the injury;
- (iv) for permanent partial disablement resulting from an injury not specified in Part II of the Fourth Schedule, at such percentage of the full rate payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury.

Explanation. — Where more injuries than one are caused by the same accident, the rate of benefit payable sub-clauses (iii) and (iv) shall be aggregated but not so in any case as to exceed the full rate and in cases of disablement not covered by sub-clauses (i), (ii), (iii) and (iv) at such rate, not exceeding the full rate, as may be provided in the Regulations.

(5) **Dependant's Benefits**— (a) Dependant's benefit shall be paid to the dependants of the Insured Person who dies as a result of an employment injury, in the following manner:

(b) In the case of death of the Insured Person, the dependants' benefit shall be payable to his widow, children and widowed mother as follows:

(i) to the widow during life until remarriage, an amount equivalent to three-fifths of the full rate and, if there are two or more widows, the amount payable to the widow as aforesaid shall be divided equally between the widows;

(ii) to each legitimate or adopted son, an amount equivalent to two-fifths of the full rate until he attains the age of twenty-five years:

Provided that in the case of a legitimate or adopted son who is infirm and who is wholly dependent on the earnings of the Insured Person at the time of his death, dependants' benefits shall continue to be paid while the infirmity lasts;

(iii) to each legitimate or adopted unmarried daughter, an amount equivalent to two-fifths or the full rate:

Provided that in the case of legitimate or adopted daughter who is infirm and is wholly dependent on the earnings of the Insured Person at the time of his death, dependants' benefit shall continue to be paid while the infirmity lasts:

Provided further that if the total of the dependants' benefits distributed among the widow or widows and legitimate or adopted children and widowed mother of the deceased person as aforesaid exceeds at any time the full rate, the share of each of the dependants shall be proportionately reduced, so that the total amount payable to them does not exceed the amount of disablement benefits at the full rate.

(iv) to the widowed mother during life an amount equivalent to two-fifths of the full rate.

(c) In case the deceased person does not leave widow or legitimate or adopted child or widowed mother dependants' benefits shall be payable to other dependants as follows:

(i) to widower, for life, an amount equivalent to three-tenths of the full rate;

(ii) to a parent other than the widowed mother or grandparent, for life, at an amount equivalent to three-tenths of the full rate and if there are two or more parents (other than widowed mother) or grandparents the amount payable to the parents (other than widowed mother) or grandparents as aforesaid shall be equally divided between them;

(iii) to any other —

I. male dependant, until he attains the age of eighteen years,

II. female dependant, until she attains the age of eighteen years or until marriage, whichever is earlier or if widowed, until she attains eighteen years of age or re-marriage, whichever is earlier

at an amount equivalent to two-tenths of the full rate:

Provided that if there be more than one dependant under sub-clause (iii) the amount payable under this sub-rule shall be equally divided between them.

(d) The daily rate of dependant's benefit shall be ninety per cent. of the standard benefit rate in the contribution period corresponding to the benefit period in which the employment injury occurs:

Provided that where an employment injury occurs before the commencement of the first benefit period in respect of a person, the daily rate of dependants' benefit shall be —

(i) where a person sustains employment injury after the expiry of the first wage period in the contribution period in which the injury occurs, ninety per cent. of his average daily wages during that wage period, rounded to the next higher rupee;

(ii) where a person sustains employment injury before the expiry of the first wage period in the contribution period in which the injury occurs, ninety per cent. of wages actually earned or which would have been earned had he worked for a full day on the date of accident, rounded to the next higher rupee:

Provided that the minimum total amount of the periodical monthly payment of dependents' benefit payable to all eligible dependents of a deceased employee, shall be as notified by the Corporation.

24. Limits within which the Corporation may incur expenditure from the Employees' State Insurance Fund under section 33.- For the promotion of measures for the improvement of the health and the welfare of Insured Persons and for the rehabilitation and re-employment of Insured Persons who have been disabled or injured, the Corporation may incur an expenditure up to a limit of rupees one thousand crore per year or as may be specified by the Central Government from time to time from the Employees' State Insurance Fund.

25. Manner and time within which the Insured person or the Corporation may file appeal against decision of Medical Board under clause (a) of sub-section (7) of section 37.- (1) If the Insured Person or the Corporation is not satisfied with the decision of the medical board, the Insured Person or the Corporation may appeal against such decision to the Medical Appeal Tribunal referred to in sub-section (7) of section 37 by presenting an application within ninety days from the date of communication of the said decision to the Insured Person or the Corporation, as the case may be:

Provided that the Medical Appeal Tribunal may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the said period.

(2) The application, referred to in sub-rule (1), shall be in such form as may be specified in the Regulation.

(3) The application may be sent to the Chairperson of the Medical Appeal Tribunal by registered post or may be presented personally.

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

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

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

27. Qualification of an Insured Person and his family to claim medical benefit and the conditions subject to which such benefit may be given and the scale and period thereof, under sub-section (3) of section 39, and the payment of contribution and other conditions under the third proviso thereof.- (1) A person shall be entitled to medical benefit during any period for which contributions are paid or payable in respect of him or in which he is qualified to claim sickness benefit or maternity benefit

(2) A person who is in receipt of disablement benefit shall be entitled to medical benefit while he is in receipt of such benefit:

Provided that after the disablement has been declared as permanent disablement, the person shall not be entitled to medical benefit, if he is not otherwise entitled to such benefit, except in respect of any medical treatment which may be rendered necessary on account of the employment injury from which the disablement resulted.

(3) A person on becoming an Insured Person for the first time shall be entitled to medical benefit for a period of 3 months provided that where such a person continues for 3 months or more to be an employee of an establishment to which the Chapter IV of the Code applies, he shall be entitled to medical benefit till the beginning of the corresponding benefit period.

(4) The person in respect of whom contributions have been paid in a contribution period for not less than seventy-eight days in the said contribution period shall be entitled to medical benefit till the end of the corresponding benefit period:

Provided that in case of a person who becomes an employee within the meaning of the Code, for the first time, and for whom a shorter contributory period of less than 156 days is available, he shall be entitled to medical benefit till the end of the corresponding benefit period if the contributions in respect of him were payable for not less than half the number of days available for working in such contribution period.

(5) When a person qualifies for extension of sickness benefit as per provision of clause (b) of sub-rule(1) of rule 23 and Regulations made on the subject he shall be entitled to medical benefit till the end of the relevant extended benefit period.

(6) An Insured Person, whose title to medical benefit has ceased under this rule, shall again be entitled to medical benefit from the date of his re-employment as an employee under the Chapter IV of the Code by an establishment to

which the Code applies immediately on registration on specified portal. Such an Insured Person shall, unless he is covered by sub-rule (4) or (5), be entitled to medical benefit till the commencement of the benefit period corresponding to the contribution period in which he is re-employed.

(7) The family of an Insured Person shall become entitled to medical benefit from such date as may be specified in the notification and shall continue to be so entitled so long as the Insured Person is entitled to receive medical benefit for himself, or in the case of death of the Insured Person till such date up to which the Insured Person would have remained entitled to medical care, had he survived.

(8) An Insured Person and his family shall be entitled to receive medical benefit only of such kind and on such scale as may be provided by the State Government or by the Corporation, as the case may be, and an Insured Person or his family shall not have a right to claim any medical treatment except such as is provided by the dispensary, hospital, clinic or other institution to which he or his family is allotted, or as may be provided by the Regulations.

(9) Nothing in the Code shall entitle an Insured Person and his family to claim reimbursement from the Corporation of any expenses incurred in respect of any medical treatment, except as may be provided by the Regulations.

(10) An Insured Person who ceases to be in an insurable employment on account of permanent disablement caused due to an employment injury shall be eligible to receive medical benefits for himself and his spouse at the scale prescribed under sub-rule (8) and the Regulations made thereunder, subject to: —

- (i) The production of proof by such an Insured Person that he ceased to be in an insurable employment on account of permanent disablement due to employment injury to the satisfaction of such officer in such manner as may be authorised by the Corporation; and
- (ii) the payment of contribution at the rate of fifty rupees per month in lump sum for one year at a time in advance to the concerned office of the Corporation in the manner prescribed by it.

28. Structure, functions, powers and activities of the organisation for providing certain benefits to employees in case of sickness, maternity and employment injury, under sub-section (6) of section 40.- (1) The State Government may establish such Organisation as an Employees' State Insurance Society, which shall serve as a managerial and health care body, in terms of sub-section (5) of section 40 of the Code.

(2) The Society shall consist of the Governing Body, the Executive Committee, the Chief Executive Officer (CEO) and the Secretariat.

(3) The Society shall be registered under the State specific Societies Registration Act and the States specific Public Trust Act.

(4) Constitution of the Governing Body of the Society: - The Governing Body shall consist of following Members:-

- (i) Chief Secretary of the State as Chairperson;
- (ii) Additional Chief Secretary/ Principal Secretary/ Secretary (Labour/ Health) * as vice-Chairperson;
- (iii) Additional Chief Secretary/ Principal Secretary/ Secretary (Health/ Labour) * other than (ii) above as member;
- (iv) Additional Chief Secretary / Principal Secretary/ Secretary (Finance);
- (v) Director, ESI Services of the State as CEO-cum-Member Secretary;
- (vi) Corporation's Nominee as member;
- (vii) Three Employers' Representative to be nominated by the Corporation as member;
- (viii) Three Employees' representatives nominated by the Corporation as member;
- (ix) Regional Director, Employees' State Insurance Corporation as member;
- (x) State Medical Officer, ESIC as member.

*Explanation: - Additional Chief Secretary/ Principal Secretary/ Secretary (Labour/ Health) whosoever is overseeing the ESI Directorate in the State will act as Vice-Chairperson.

(5) The management of the affairs of the Society shall be entrusted to the Governing Body and the property of the society shall be vested in the Governing Body and the society shall be responsible for repair and maintenance of the properties in the possession of the Society and vested in the Governing Body.

(6) The Society shall also have an Executive Committee which shall be for acting for and doing deeds on behalf of Governing Body. The Executive Committee shall consist of:-

- (i) Additional Chief Secretary / Principal Secretary (Labour/Health) overseeing the ESI Directorate in the State as the Chairperson;
- (ii) Additional Chief Secretary / Principal Secretary (Health/Labour) other than the Chairperson as Vice Chairperson;
- (iii) Additional Chief Secretary / Principal Secretary (Finance) as member,
- (iv) Director-in-Chief of Directorate Health and Family Welfare of State as member,
- (v) Regional Director of ESIC as member;
- (vi) State Medical Officer of ESIC as member;
- (vii) one Employer Representative as member;
- (viii) one Employee Representative as member.
- (ix) The Director, State ESI Directorate shall be the CEO-cum-Member Secretary of the Executive Committee.

(7) One third or at least three, whichever is higher of the filled in posts of the members of the Governing Body or the Executive Committee, shall form the quorum for their meeting. Every matter coming up for decision before a meeting of the Governing Body or the Executive Committee, as the case may be, shall be decided by the majority of persons present and voting at the time of meeting and in case of equality of votes, the Chairman of the meeting shall have an additional casting vote.

(8) The Governing Body shall hold meeting at least twice a year and the Executive Committee shall hold meeting at least every three months. The Chairman, or in his absence, the Vice Chairman of the Governing Body or the Executive Committee, as the case may be, shall preside at the meeting.

(9) The Society shall establish a Secretariat which shall be responsible for day to day management of the Society's activities.

(10) The Chief Executive Officer may be authorized by the Governing Body to execute such contracts on behalf of the Society as it may deem fit in the conduct of the business of the Society, subject to the State Government norms.

(11) The Society shall submit its budget by 10th December of each year. The accounts of the Society shall be audited annually by the Comptroller and Auditor General of India.

(12) The financial year of the Society shall be from 1st April to 31st March.

(13) The financial statement for the year ending 31st March shall be prepared by 31st May of the year. An Annual Report along with Annual Accounts shall be submitted to the Corporation within six months of the closure of financial year.

(14) It shall have a bank account and the name of the Society to be opened in a Nationalised Bank. The Society shall be entitled to receive grants, donations, contributions, subscription, bequests, fees, loan or contingency in cash or kind, either in Indian or foreign currency, subject to the approval of Governing Body.

(15) The tenure of non-official members shall be two years. No non-official member shall be entitled to more than two terms as a member of the Society.

(16) The Society may sue or be sued in the name of Chief Executive Officer of the Society or of such other members as shall, in reference to the matter concerned, be appointed by the Governing Body for the occasion.

(17) The Society shall engage employees on deemed deputation from the State Government or Public Sector Undertaking or Central Government or Corporation and their pensionary liabilities, if any, shall rest with respective appointing authorities.

(18) The Society shall carry out any other activity as may be prescribed by the Central Government or as may be specified by the Corporation.

29. Extended period for insurance, the manner of satisfaction and the manner of calculation of capitalised value of benefit payable to the employee under sub-section (1) of section 42.- The capitalized value of the permanent disablement benefit and dependent benefit shall be calculated by multiplying the daily rate of benefit with the multiplication factor based on age of the insured person provided in the Regulations.

30. Terms and conditions subject to which the Scheme for other beneficiaries may be operated under section 44.- The terms and conditions for providing benefit under the scheme for other beneficiaries under Section 44 of the Code and user charges shall be as approved by the Corporation from time to time.

31. Manner of commencement of proceedings before the Employees' Insurance Court, fees and procedure thereof under sub-section (1) of section 51.- (1) The proceeding before an Employees' Insurance Court shall be commenced by application by the Corporation, Aggrieved person or the employer of an establishment as the case may be.

(2) Subject to the provisions of Chapter IV of the Code and any rules made by the State Government, all proceedings before the Employees' Insurance Court shall be instituted in the Court appointed for the local area in which the insured person was working at the time the question or dispute arose.

(3) If the Court is satisfied that any matter arising out of any proceedings pending before it can be more conveniently dealt with by any other Employees' Insurance Court in the same State, it may, subject to any rules made by the State Government in this behalf, order such matter to be transferred to such other Court for disposal and shall forthwith transmit to such other Court the records connected with that matter.

(4) The State Government may transfer any matter pending before any Employees' Insurance Court in the State to any such Court in another State with the consent of the State Government of that State.

(5) The Court to which any matter is transferred under sub-rule (3) or sub-rule (4) shall continue the proceedings as if they had been originally instituted in it.

32. Rules under clause (zv) of sub-section (2) of section 155: (1) Bank or banks for depositing the Fund - All moneys accruing or payable to the Fund shall be received by such officers of the Corporation as may be authorised by it in this behalf. The amount so received shall as soon as practicable be acknowledged by a receipt electronically or otherwise in such form as may be specified in the Regulations and deposited in the Reserve Bank of India or Banks approved by the Central Government to the account of fund;

Provided that such bank or banks for depositing the fund shall be a nationalized bank or any scheduled bank authorised for Government agency business.

Explanation. — (a) "Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980);

(b) "scheduled bank" means a scheduled bank referred to in section 42 and specified in the Second Schedule to the Reserve Bank of India Act, 1934 (2 of 1934);

(c) "authorised bank for Government agency business" means banks notified by the Department of Expenditure in the Ministry of Finance vide Office Memorandum number S-11021/1(20)/Rly/2008/RBD/2018, dated 7th December, 2016, as amended from time to time."

(2) **Procedure for crediting moneys to the Banks—** (a) All moneys accruing or payable to the Corporation shall be credited to the approved bank or banks and not utilised directly for any purpose.

(b) The bank or banks shall be required at the end of every calendar month to furnish to the Corporation or such officer as may be authorised by it in this behalf, a statement of the amounts deposited in and withdrawn item the Fund during the month. These statements shall be examined by the Director General before the expiry of a period of two months following the period to whom the statement relate.

(3) **Manner of payment out of the Fund—** (a) The accounts of the Fund shall be operated on by such officers as may be authorised by the Standing Committee, with the approval of the Corporation.

(b) No payment shall be made by the bank or banks out of the Fund except on a cheque signed by such officers as may be authorised under clause (a).

(c) Any payment in excess of one thousand rupees shall be made electronically or by means of a cheque signed as aforesaid and not in any other way unless specifically authorised by the Standing Committee.

(d) No payment shall be made out of the Fund unless the expenditure is covered by a current budget grant:

Provided that in the absence of a current budget grant, the Corporation may authorise payments either generally or for any particular case:

Provided further that the payment of benefits to Insured Persons under the provisions of the Code and of the pay and allowances of duly sanctioned posts shall not be withheld for want of a sanctioned budget grant.

(4) **Circumstances in which cheques may be drawn.** -Before any person authorised under sub-rule (3) signs a cheque or authorises an electronic payment, he shall satisfy himself that the sum for which the cheque is drawn is —

- (i) required for a purpose or work specifically sanctioned by the proper authority and covered by a current budget grant; and
- (ii) required for any payment referred to and specified under section 26 of the Code:

Provided that in the absence of a current budget grant, the Corporation may authorise payments either generally or for any particular case:

Provided further that the payment of benefits to Insured Persons under the provisions of the Code and of the pay and allowances of duly sanctioned posts shall not be withheld for want of a sanctioned budget grant.

(5) **Preparation and submission of annual budget estimates-** (a) The budget estimates of the Corporation for each financial year beginning on the first of April and ending on the thirty-first of March next shall be prepared by the Financial Commissioner in such form as the Central Government may, from time to time, direct and shall be submitted with his recommendations by the Director General to the Standing Committee for approval at a meeting of the Standing Committee to be held before the first of February of the preceding year.

(b) A copy of the budget estimates shall be sent to each member of the Standing Committee and of the Corporation at least seven clear days before the meeting of the Standing Committee or the Corporation at which these estimates are to be considered.

(c) The Standing Committee shall consider and approve the budget estimates with such changes as it may consider necessary.

(d) The budget estimates as approved by the Standing Committee shall be placed before a meeting of the Corporation to be held before the twentieth of February of the preceding year.

(e) The budget estimates as passed by the Corporation shall be authenticated by affixing the common seal of the Corporation and shall be submitted to the Central Government under section 117, not later than the first of March next following.

(f) It shall be open to the Central Government to make such alterations in the budget estimates as may be considered necessary before according approval.

(g) The budget estimates as finally adopted by the Corporation and as approved by the Central Government shall be placed before the Parliament by the administrative ministry concerned in the month of March preceding the financial year to which the estimates relate and shall be published in the Official Gazette.

(6) **Supplementary estimates-**The Standing Committee may cause a supplementary estimate to be prepared and submitted to the Corporation if in respect of any financial year further expenditure is likely to be incurred. Every such supplementary estimate shall be considered and sanctioned by the Corporation and submitted to the Central Government in the same manner as if it were an original annual estimate, not later than the fifteenth of February of the financial year to which it relates. The provisions of sub-rule (5) shall, so far as may be, apply to such supplementary estimate.

(7) **Re-appropriation—**(a) If the Director General finds in the course of the year that there is likely to be an excess of expenditure over the sanctioned budget estimate under any head, he shall examine the allotment under each head of the budget estimate with the object of discovering probable savings under any other head and effecting a re-appropriation. Where such re-appropriation is feasible, he may sanction the re-appropriation subject to such conditions as may be laid down by the Central Government from time to time.

(b) Funds shall not be re-appropriated to meet expenditure on a new service not contemplated in the budget estimates except with the prior approval of the Central Government.

(c) No re-appropriation shall be permitted between the grant sanctioned for administrative expenses, two-thirds of which shall be met by the Central Government, and a grant sanctioned for any other expenditure.

CHAPTER V

GRATUITY

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

Explanation.- "Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980).]

34. 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-III** and submitted in duplicate by the employee either by personal service, after taking proper receipt or by registered post acknowledgement due or electronically to the employer,

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

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

(2) Within thirty days of the receipt of nomination in **Form-III** 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-III** duly attested either by the employer or an officer authorised in this behalf by him, as a token of recording of the nomination by the employer and the other copy of the nomination shall be recorded.

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

(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 and shall be submitted by the employee electronically or by registered post acknowledgement due.

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

35. Time within which and the form in which a written application shall be made under sub-section (1) and the form of application to the competent authority under clause (b) of sub-section (5) of section 56.- (1) **Application for Gratuity:** (a) An employee who is eligible for payment of gratuity under the Code, or any person authorised, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in **Form-IV** to the employer:

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

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

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

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

(c) A legal heir of an employee who is eligible for payment of gratuity under the second proviso to sub-section (1) of section 53 shall apply, ordinarily within one year from the date of gratuity became payable to him, in **Form-IV** to the employer.

(d) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (a), (b) and (c) sub-rule (1) shall be deemed to be operative from the date of such commencement.

(e) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision.

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

(2) **Notice for payment of gratuity:** (a) Within fifteen days of the receipt of an application under sub-rule (1) for payment of gratuity, the employer shall-

- (i) if the claim is found admissible on verification, issue a notice in **Form-V** 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-V** 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-V** under sub-clause (i) of clause (a) sub-rule (2) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

c) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness or evidence as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be. In that case, the time limit specified for issuance of notices under clause (a) of sub-rule (2) shall be operative with effect from the date such witness or evidence, as the case may be, called for by the employer is furnished to the employer.

(d) A notice in **Form-V** shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.

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

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

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

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

- (i) refuses to accept a nomination under rule 34 or to entertain an application sought to be filed under sub-rule (1), or
- (ii) issues a notice under clause (a) of sub-rule (2) either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or
- (iii) having received an application under sub-rule (1) fails to issue notice as required under sub-rule (2) within the time specified therein, the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in **Form-VI** to the competent authority for issuing a direction under sub-section (5) of section 56 with as many extra copies as are the opposite party:

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

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

(5) **Procedure for dealing with application for direction :** (a) On receipt of an application under sub-rule (4) the competent authority shall, by issuing a notice in **Form-VII**, 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 to his approval or specifying, in the case of refusal to grant the permission prayed for, the reasons for the refusal.

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

(d) After completion of hearing on the date fixed under clause (a), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.

(e) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the competent authority may proceed to hear and determine the application *ex parte*. If the applicant fails to appear on the specified date of hearing without sufficient cause, the competent authority may dismiss the application:

Provided that an order under clause (e) of sub-rule (5) may, on good cause being shown within thirty days of 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) **Place and time of hearing.**- The sittings of the competent authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same in such manner as he thinks fit.

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

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

(9) **Service of summons or notice.**- (a) Subject to the provisions of clause (b) any notice, summons, process or order issued by the competent authority may be served either 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).

(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-VIII** electronically or registered post acknowledgement due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within thirty days from the date of the receipt of the notice by the employer. A copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

(12) **Appeal.**- (a) The Memorandum of appeal under sub-section (8) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgement due or electronically.

(b) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought.

(c) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.

- (d) On receipt of the copy of Memorandum of appeal, the competent authority shall forward records of the case to the appellate authority.
- (e) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.
- (f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal by electronically or registered post or in person and a copy thereof shall be sent to the competent authority returning his records of the case.
- (g) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him.
- (h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in **Form-VIII** 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.
- (13) **Application for recovery of gratuity.**- Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (11) or sub-rule (12) , as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in **Form IX** for recovery thereof under section 129 of the Code.

36. Qualifications and experience of the officer appointed as the competent authority under sub-section (1) of section 58.- The competent authority shall be appointed by the Central Government by notification.

CHAPTER VI

MATERNITY BENEFIT

37. Form of notice under sub-section (1) and the proof of pregnancy and proof of delivery under sub-section (5) of section 62 and proof of miscarriage or medical termination of pregnancy under sub-section (1), the proof of tubectomy operation under sub-section (2) and the proof of illness under sub-section (3) of section 65.- (1)

Proof.— (a) The fact that a woman is pregnant or has been delivered of a child or has undergone miscarriage or medical termination of pregnancy or tubectomy operation or is suffering from illness arising out of pregnancy, delivery, premature birth of a child or miscarriage or medical termination of pregnancy or tubectomy operation shall be proved by the production of a certificate in **Form-X**:

- (i) from a Medical Officer of a regional hospital or a dispensary set up under the Coal Mines Welfare Organisation; or
- (ii) where there is a Mines Board of Health within whose jurisdiction is situated, from the Medical Officer of that Board; or
- (iii) from a Registered Medical Practitioner.

b) The fact that a woman has been confined may also be proved by the production of a certified extract from a birth register maintained under the provisions of any law for the time being in force or a certificate signed by a registered midwife.

(c) The fact that a woman has undergone miscarriage may also be proved by the production of a certificate signed by a registered midwife.

(d) The fact of death of a woman or a child may be proved by the production of a certificate to that effect in **Form-X** from any of the authorities referred to in sub-rule (a) or by the production of a certified extract from a death register maintained under the provisions of any law for the time being in force.

(2) **Payment of maternity and other benefit.** — (a) A woman employed in a establishment and entitled to maternity benefit shall give notice to her employer in **Form-XI** and the employer shall make payment of the maternity benefit and any other amount due under the Code to the woman concerned, or, in case of her death before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of section 60, to the person nominated by the woman in her notice in **Form-XI** and in case there is no such nominee to her legal representative.

(b) In case of doubt, the maternity benefit or other amount due to a woman employed in an establishment shall be deposited by the employer, within two months of the date of death of the woman concerned with the Competent Authority, who shall, after making necessary enquiries, pay it to the person who, in his opinion, is entitled to receive it.

(c) Whenever the payment referred to in sub-rule (a) is made, a receipt shall be obtained by the employer in **Form-XI** from the person to whom the payment is made. In cases falling under sub-rule (b), a receipt shall be given to the employer by the Competent Authority.

(d) The medical bonus shall be paid along with the second instalment of the maternity benefit.

(e) The maternity benefit or any other amount payable under **section 63** shall be paid within two months of the date of death of the woman entitled to receive such benefit or amount.

(f) The wages payable under **section 65** shall be paid to the woman entitled to receive such wages within forty-eight hours of production of the certificate in **Form-X** by her.

38. Duration of nursing breaks under section 66.- Each of the two breaks mentioned in section 66 shall be of 15 minutes' duration. An extra sufficient period, depending upon the distance to be covered, shall be allowed for the purpose of journey to and from the creche or the place where the children are left by women while on duty, provided that such extra period shall not be of less than 5 minutes and more than 15 minutes' duration. If any dispute arises regarding such extra period, the matter shall be referred to the Competent Authority for decision.

39. Number of employees and distance for crèche facility under sub-section (1) of section 67.- (1) in every establishment where fifty or more women employees are ordinarily employed, there shall be provided and maintained a creche for the use of children under the age of six years of such women.

(2) Such creche shall provide adequate accommodation with lighting, ventilation and shall be maintained in a clean and sanitary condition. The crèche shall be under the charge of women trained in the care of children and infants.

(3) The crèche facility shall be located within the establishment or at an appropriate distance from the establishment such that it is easily accessible to the women employees including a woman employee working from home.

40. Gross misconduct under the second proviso to sub-section (1) of section 68.- (1) The following acts shall constitute gross misconduct for purpose of section 68, namely:—

- (a) wilful destruction of employer's goods or property;
- (b) assaulting any superior or co-employee at the place of work;
- (c) criminal offence involving moral turpitude resulting in conviction in a court of law;
- (d) theft, fraud, or dishonesty in connection with the employer's business or property; and
- (e) willful non-observance of safety measure or rules on the subject or willful interference with safety devices or with firefighting equipment.

(2) **Appeal under section 68.—** (a) An appeal under sub-section (2) of section 68 shall be preferred to the Competent Authority in **Form-XIII**.

(b) The appeal may be made in writing and either handed over personally or sent under a registered cover or electronically to the Competent Authority.

(c) When an appeal is received, the Competent Authority shall furnish a copy of the memorandum of appeal to the employer, call for his reply thereto and also ask him to produce documents connected with the issue of the appeal by a fixing date. The Competent Authority may ascertain further details, if necessary, from the employer as well as from the woman. On considering the facts presented to him and ascertained by him the Competent Authority shall give his decision. In case the employer fails to submit his reply or produce the required documents within the specified period, the Competent Authority may give his decision ex parte.

41. 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-XII** 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-XIII** and file other supporting documents.

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

(d) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the prescribed Authority shall give his decision.

42. Rules under clause (zv) of sub-section 2 of section 155.— (1) **Duties and powers of the Competent Authority and Inspector-cum-Facilitator under Chapter VI of the Code.**—

(a) The Competent Authority shall be responsible for the administration of these rules their respective areas notified.

(b) Every Inspector-cum-Facilitator shall discharge his duties within the area assigned to him by the Central Government and shall act under the supervision and control of the Competent Authority.

(c) Every Inspector-cum-Facilitator shall at each inspection of an establishment see.—

(i) whether due action has been taken on every notice given under section 62;

(ii) whether the Register of women employees prescribed under rule 55 is correctly maintained;

(iii) whether there have been any cases of discharge or dismissal or notices of discharge or dismissal in contravention of the provisions of section 68 since the last inspection;

(iv) whether the provisions of sub-section (1) of section 59, sub-sections (5) and (6) of section 62, section 64, sub-sections (1), (2) and (3) of section 65, sections 66, 67, 69 and 71 have been complied with and whether amounts due have been paid within the prescribed time;

(v) whether there have been any cases of deprivation of maternity benefit or medical bonus in contravention of sub-section (2) of section 68; and

(vi) how far the irregularities pointed out at previous inspections have been remedied and how far orders previously issued have been complied with.

(d) Where an Inspector-cum-Facilitator observes irregularities against the Code or these Rules, he shall issue orders in writing to the employer asking the latter to rectify the irregularities within a specified period and to report compliance to the Inspector-cum-Facilitator.

(2) **Supply of forms.**—The employer shall supply to every woman employed by him at her request free of cost copies of **Forms-X, XI, XII and XIII**.

(3) **Non-submission of notices, appeals or complaints in the prescribed forms.**—Nothing in sub-rule (1) of rule 37 and sub-rules (1) and (2) of rule 40 shall affect the right of a woman entitled to receive maternity benefit or any other amount due under the Code if she fails to submit a notice, appeal or complaint under the said rules, as the case may be, in a prescribed form:

Provided that where a notice, appeal or complaint under the said rules has been submitted by a woman entitled to receive maternity benefit or any other amount due under the Code in a form other than the prescribed form, the authority concerned may, within fifteen days of the receipt of such notice, appeal or complaint require the woman to submit the notice, appeal or complaint, as the case may be, in the prescribed form.

(4) **Abstract.**—The abstract of the provisions of the Chapter V of the Code and the rules frame thereunder required to be exhibited under section 71 shall be in **Form-XIV** and shall be exhibited in such manner as the Competent Authority may require.

CHAPTER VII

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

43. Manner and time of collection of cess under sub-section (2), manner of deposit of the cess so collected under sub-section (3), and the uniform rate or rates of advance cess under sub-section (4) of section 100 and manner of self-assessment of cess under sub-section (1) of section 103.- (1) **Information to be furnished by the employer.**— (a) Every employer, within sixty days of commencement of his work or payment of cess, as the case may be, furnish to the Assessing Officer, information in **Form-XV**.

(b) Any change or modification in the information furnished under clause (a) shall be communicated to the Assessing Officer in **Form-XV** incorporating details of such modification(s) immediately but not later than thirty days from the date of affecting the modification or change.

(2) **Time and manner of collection of Cess.**— (a) The cess levied under sub-section (1) of section 100 of the Code shall be paid by an employer in advance, on the basis of his self-assessment duly certified by Chartered Engineer at the time of approval or before the commencement of the work.

(b) For the purpose of self-assessment of cost of construction, the employer shall calculate the cost of construction work on the uniform rate or rates of construction as specified by respective State's Public Works Department or the Central Public Works Department or as per return or document submitted to the Real Estate Regulatory Authority, applicable for that particular year in which the commencement of building and other construction work took place in **Form-XVI**:

Provided, if there is any such type of construction activity involved for which neither State PWD nor Central PWD or Real Estate Regulatory Authority has specified any rate(s), the employer will calculate the cost of construction, based on the documents to be produced by him along with his assessment statement in **Form-XVI** within sixty days on completion of his each building and other construction work or project, to the assessing officer.

(c) Notwithstanding the provisions clauses (a) and (b), where the approval of a construction work by a local authority or such other authority notified by the Central Government or the State Government as the case may be, is required, every application for such approval shall be accompanied by a proof of online payment made in favour of the State Building and Other Construction Workers' Welfare Board for an amount of cess payable on the basis of self-assessment duly certified by the Chartered Engineer:

Provided that if the duration of the project is likely to exceed one year, the amount of cess payment may be for the amount of cess payable on cost of construction self-assessed to be incurred during one year from the date of commencement and further payments of due cess shall be made as per the provisions of clause (b) of sub-rule (2) of this rule.

(d) Notwithstanding the provisions of clauses (a) and (b), where the levy of cess pertains to building and other construction work of a Government or of a Public Sector Undertaking, such Government or the Public Sector Undertaking shall deduct or cause to be deducted the cess payable at the notified rates from the bills paid for such works. This deducted cess shall be deposited with the respective State Building and Other Construction Workers' Welfare Board within a period of thirty days from the date of such deduction made along with the details of the construction work to the Assessing Officer of the area concerned.

(e) In case, there is any stoppage or reduction of Building or construction work, employer shall furnish the information in **Form-XVII**, to the Assessing officer within sixty days of such stoppage or reduction of building or other construction.

(f) Every employer on completion of building or other construction work, shall be required to submit a return in **Form-XVIII**, to the Assessing officer within sixty days of each of his completed work.

(g) Advance cess paid as above shall be adjusted in the final assessment order made by Assessing Officer.

(3) **Transfer of the proceeds of the cess to the Board.**— (a) The proceeds of the cess collected under **sub-rule (2)**, shall be transferred by such Central or State Government office, as the case may be, Public Sector Undertaking, local authority or such other authority notified by the State Government, or assessing officer, in the Bank account of the State Building Workers' Welfare Board, electronically through online payment system.

(b) The amount collected shall be transferred to the Board's fund within thirty days of its collection through online payment system.

(c) The State Building and Other Construction Workers' Welfare Board shall periodically reconcile the amount of cess collected, with the concerned authorities of the State Government or Central Government or Public Sector

Undertaking of the State Government or the Central Government or any such other authority, as specified by the appropriate Government.

(d) The State Building and Other Construction Workers' Welfare Board shall submit half-yearly report, to the State Government with a copy to the Central Government, on the amount of cess collected, cumulative and during the period, expenditure incurred during the period, number of live building and other construction workers, or for such period and with such details, as specified by the Central Government.

(4) **Assessment.**— (a) The Assessing Officer, on receipt of information of return and cess paid in **Form-XVIII** from an employer shall make a scrutiny of such information furnished and, if he is satisfied about the correctness of the particulars so furnished, he shall make an order of assessment within a period not exceeding ninety days from the date of receipt of such information, indicating the amount of cess payable by the employer and endorse a copy thereof to the employer and to the cess-collector and to the Building and Other Construction Workers Welfare Board and despatch such order within five days of the date on which such order is made.

(b) The order shall inter-alia specify the amount of cess due, cess already paid by the employer or deducted at source and the balance amount payable and the date, consistent with the provision of sub-rule (2), by which the cess shall be paid to the cess collector.

(c) If on the scrutiny of information furnished by the employer in **Form-XVIII**, the Assessing Officer is of the opinion that employer has under-calculated or miscalculated the cost of construction or has calculated less amount of cess payable, he shall issue notice to the employer for assessment of the cess.

(d) On receipt of such notice the employer shall furnish to the Assessing Officer a reply together with copies of documentary or other evidences in support of his claim, within thirty days of the receipt of the notice:

Provided that the Assessing Officer may, in the course of assessment afford an opportunity to the assessee to be heard in person, if he so request to substantiate his claim.

(e) If the employer fails to furnish the reply within the stipulated period specified under clause (d) or where any employer fails to furnish information in Form-IV, the Assessing Officer shall proceed to make the assessment on the basis of the available records and other information incidental thereto.

(f) The assessing officer may, at any time while the work is in progress or in the process of assessment of cost of construction authorise such officer to make such enquiry at the work site or from documentary evidence or in any other manner as he may think fit for the purpose of estimating the cost of construction as accurately as possible.

(5) **Refund of overpaid cess.**— (a) Where the employer has deposited the cess in advance and the employer decides to withdraw from or foreclose the works or modifies the plan of construction thereby reducing the cost of construction undertaken or has been forced by other circumstances to call off the completion of the work undertaken, he may seek refund of the excess amount of advance cess paid by submitting information in **Form-XVII** to the Assessing Officer giving details of such reduction or stoppage of work.

(b) The Assessing Officer, on receipt of information in Form-XVII from an employer shall make a scrutiny of such information furnished and, if he is satisfied about the correctness of the particulars so furnished, he shall make an order of assessment within a period not exceeding within thirty days of receipt of such information.

(c) Following the assessment order made on receipt of **Form-XVII** as per clause (b), the Assessment Officer shall, wherever necessary, endorse a copy of the such assessment to the respective Building Workers Welfare Board, cess collector and to such other persons as he thinks appropriate, for making the refund of excess cess as ordered in the assessment made under clause (b).

(d) The Building and Other Construction Workers' Welfare Board shall, within thirty days of receipt of the endorsement from the Assessing Officer under clause (c), refund the amount specified in the order to the employer through electronically online payment System in the bank account as per details furnished by the employer for this purpose.

(e) Where the Appellate Authority has modified the order of assessment reducing the amount of cess, refund shall be made within such time as may be specified in that order or in the manner and time as specified under clause (d) above.

44. Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under section 101.— (1) Date of payment of cess shall be the date on which the amount is deposited with the Cess Collector under clauses (a) and (b) of sub-rule (2) of rule 43, or the date of deduction at source under clause (d) of sub-rule (2) of rule 43, or the date on which the amount has been deposited with the local authority under clause (c) of sub-rule (3) of rule 43, as the case may be.

(2) If any employer fails to pay any amount of cess payable under section 100 of the Code, within such time as may be specified in the assessment order, such employer shall be liable to pay interest on the amount of cess, to be paid, at the

rate of one per cent. for every month or part of a month comprised in the period from the date on which such payment was due till such amount is actually paid.

45. Authority to inquire and impose penalty under section 104.- (1) An Assessing Officer, if it appears to him that an employer has not paid the cess within the date as specified in the assessment order or has paid less cess, including the cess deducted at source or paid in advance, shall issue a notice to such employer that it shall be deemed to be in arrears and such Assessing Officer may, after such inquiry as it deems fit, impose on such employer, a penalty not exceeding such amount of cess:

Provided that, before imposing any such penalty, such employer shall be given a reasonable opportunity of being heard and if after such hearing the Assessment Officer is satisfied that the default was for any good and sufficient reason, no penalty shall be imposed on such employer.

(2) If any penalty is imposed on the employer or the notice for imposing the penalty is withdrawn, as mentioned in sub-rule (1), the Assessing Officer will pass a speaking order in this regard stating the reasons thereof. A copy of such order shall be endorsed to the employer, cess-collector and to the Secretary, Building and other Construction Workers Welfare Board.

46. Time limit to prefer appeal, appellate authority, form and manner of appeal under sub-section (1) and fees for appeal under sub-section (2) of section 105.- (1) An employer aggrieved by an order of the assessment made under sub-rule (4) of rule 43 or by an order imposing penalty made under rule 45, may file an appeal in **Form-XIX** against such order, within ninety days of the receipt of such order, to the Appellate Authority as notified by the State Government in this regard.

(2) The such appeal, inter-alia, shall be accompanied with—

- (a) the order appealed against;
- (b) a certificate from the Cess Collector to the effect that the amount of cess or penalty or both, as the case may be, relating to such appeal has been deposited;
- (c) a non-refundable fee equivalent to half percent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal;
- (d) a statement of points in dispute; and
- (e) documentary evidence relied upon.

(3) On receipt of the appeal, the Appellate Authority may, call details from the Assessing Officer or his statement on the basis of his assessment order appealed against, as such Appellate Authority may consider necessary for the disposal of such appeal.

(4) The Appellate Authority shall give the appellant an opportunity of being heard in the matter and dispose of the appeal as expeditiously as possible but not exceeding sixty days from the date of receipt of such appeal.

(5) On being satisfied on the quantum of cess the Appellate Authority shall confirm the order of the Assessing Officer or if in his opinion the assessment was wrong; or on the higher side shall modify the order of assessment or if in his opinion the assessment is on the lower side or if the basis of assessment is wrong, it shall remand back the assessment order to the Assessing Officer along with his observations to rectify the wrong.

(6) An order remanded back under sub-rule (5) shall be disposed of by the Assessing Officer within 30 days in view of the observation made by the Appellate Authority:

(7) Provided that, if the amount of cess is proposed to be enhanced the assessee shall be given an opportunity of being heard.

(8) If the Appellate Authority is of the opinion that the quantum of penalty imposed is on the higher side or not correctly made it shall suitably modify or set aside the order of the Assessing Officer, as the case may be.

(9) The appeal under this rule shall be disposed of by making a speaking order and a copy of such order shall be sent to each of the appellant, the Assessing Officer and to the Secretary, Building and Other Construction Workers Welfare Board within five days of the date on which such order is made.

(10) An order in appeal reducing the amount of cess shall also ask Secretary of the concerned Building and Other Construction Workers' Welfare Board to refund the excess cess stating clearly a specified time to the appellants.

(11) An order in appeal enhancing or reducing the amount of cess or penalty or both, as the case may be, shall also specify the date by which the amount of cess or penalty or both should be paid or refunded.

(12) No appeal shall lie against the order of the Appellate Authority under this rule.

47 . Manner of registration of building worker as beneficiary under section 106.- (1) It shall be the responsibility of the State Government and the State Building Workers' Welfare Board to register all such workers working as building or other construction workers within the geographical area of the state, on the specified portal of the Central Government and the State Government or Board through Aadhaar.

- (2) The employer or contractor of such building and other construction workers shall ensure that their workers are registered on the specified portal of the Central government and the State Government or Board.
- (3) The registration, renewal, and delivery of welfare scheme for the building workers shall be done electronically through the specified portal.
- (4) Portability of the benefits of the building and other construction workers, process for their registration, de-registration, and manner of obtaining the benefits in the state where they are working as building and other construction workers, shall be undertaken in the manner and process as specified by the Central Government.
- (5) The registration of the Building workers shall be done in the same manner and procedure(s) as prescribed for the registration of unorganised worker, gig worker and platform worker under rule 50.
- (6) Every State Government shall designate nodal officer for the purpose of registration, renewal and updation of particular(s) of building workers through official gazette.
- (7) Registration or Renewal as the case may be of the building and other construction workers shall be done only if they have been engaged as building or other construction work for not less than ninety days in a year.
- (8) Boards may utilise services of e-sewa kendras of the Central Government and State Governments and Business Correspondences of the Department of Posts or any other such agency for facilitating the registration, renewal, updation of particular(s) and delivery of welfare schemes for building workers.
- (9) Every Board shall submit a report annually to the State Government with a copy to the central government in the form as specified by the appropriate Government.
- (10) Board shall mobilize the building workers and facilitate to register eligible building workers and set up necessary camps as required in the labour intensive areas.
- (11) Every building worker registered as a beneficiary under section 106 of the Code, shall be entitled to the benefits provided by the Board from its Fund.
- (12) Where a Building worker migrates from one state to another, he shall be entitled to get benefits from the board in whose jurisdiction he is currently working and such board shall be responsible for providing such benefits to such workers.
- (13) Every registered Building Worker shall be issued a digital identity card or otherwise bearing his photograph and other details as specified by appropriate government.
- (14) Where identity card issued under sub-rule (1) above, is lost or accidentally destroyed, a duplicate identity card may be downloaded again from Board's web-portal with validation as specified by the State Government.
- (15) Charges if any, for registration or updation or renewal, may be borne by the Central Government or State Government or Board or by the worker himself, either partly or fully or as may be specified by State Government in this regard.

48. Benefits of a beneficiary under sub-section (2) of section 107.- If any building worker has been beneficiary for at least three years continuously immediately before attaining the age of sixty years, for the benefit of such workers, the Central Government may formulate such scheme (s) as may be notified by the Central Government.

49. Rules framed under clause (zv) of sub-section (2) of section 155.- (1) **Recovery of overdue amount.**— For the purpose of recovery of sums due on account of unpaid cess, interest or overdue payment or, penalty under these rules, the Assessing Officer shall prepare a certificate signed by him, specifying the amount due and send it to the Recovery Officer of the district concerned who shall proceed to recover from the said employer the amount specified thereunder as if it were an arrear of land revenue or by any other such laws prevailing in that State for this purpose.

(2) **Powers of Assessing Officer and other officers.**— An Assessing Officer, or an officer authorised, under sub-rule (4) of rule 43, if empowered by the State Government under section 103 of the Code, may,—

- (a) enter any establishment where building and other construction work is going on only with the prior approval of the Secretary, Building and Other Construction Workers Welfare Board;
- (b) make an inventory of materials, machinery or other articles lying at the work place;
- (c) enquire about the number of workers engaged in various activities;
- (d) require the production of any prescribed register or any other documents relevant to the assessment of cost of construction or number of workers employed;
- (e) seize or take copies of any such records;
- (f) make general assessment of the stage of the construction work having been completed;
- (g) take measurement, notes or photographs; and
- (h) exercise such other powers considered absolutely necessary for reasonable assessment of cost of construction.

(3) **Filing of complaints.**— (a) The Assessing Officer, or any inspector-cum-facilitator under the Code, having come to know of violation of an obligation to furnish return, furnishing of false information, intentionally or wilfully evading or attempting to evade the payment of cess may make a complaint with evidences pertaining to such complaint to the State Government with a copy to the Board in writing.

(b) The State Government may make such inquiry as considered necessary and authorise any officer as it thinks suitable to file a complaint in the court of law.

(4) **Exemption.**— (a) Any employer or class of employers in a State seeking exemption under section 102 of the Code may make an application to the Director General of Labour Welfare, Ministry of Labour and Employment, Government of India, stating the details of works undertaken, name of the Act or any other corresponding law in force in that State under which he is liable to pay cess for the social security and welfare measure of the construction workers and amount of cess actually paid along with the date of such payment and proof thereof. A copy of such application shall be endorsed to each of the Assessing Officer and the Building Workers Welfare Board concerned.

(b) On receipt of such application the Central Government may, if it feels necessary, seek a report from the State Government concerned.

(c) On examining the grounds, facts and merits of such application the Central Government may, by notification in the Official Gazette, issue an order exempting the employer or class of employers, as the case may be, from payment of cess payable under the Code where such cess is already levied and payable under such corresponding law.

(d) Assessment proceedings shall be stopped by the Assessing Officer for a period of thirty days commencing from the date of the receipt of a copy of the application under clause (a) to him, or till the order of the Central Government under clause (c) is conveyed to an employer or class of employers who made the application under clause (a), whichever is earlier.

CHAPTER VIII

SOCIAL SECURITY FOR UNORGANISED WORKERS, GIG WORKERS AND PLATFORM WORKERS.

50. Eligible age for registration under clause (a) and form and manner of information under clause (b), of subsection (1) and the form of application, documents for registration and manner of self registration under subsection (2), of section 113.- (1) Registration of unorganised worker or any category or sub-category of unorganised workers. –

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

- (e) The Central Government may provide a facility such as mobile app, web portal or any other application, facilitating the unorganised workers to register themselves on the specified portal.
- (f) In order to avail the facility of self-registration, an unorganised worker, or any category or sub-category of unorganised worker shall be required to establish his identity through OTP or any other procedure, as specified by the Central Government.
- (g) For availing any benefit under any of the social security scheme(s) framed under the Code, an unorganised worker or any category or sub-category of unorganised worker shall require to be registered on the specified portal of the Central Government, with such details as may be specified by the appropriate Government.
- (h) The unorganised worker, or any category or sub-category of unorganised worker shall be required to update their particulars such as current address, current occupation, mobile number, skill, or any other particular(s) from time to time, as may be specified by the appropriate Government. In the absence of such updation, any unorganised worker, or any category or sub-category of unorganised worker may not remain eligible to avail such benefit (s) of the social security scheme(s) notified under the Code.
- (i) The appropriate Government shall access the information from the above portal of the Central Government for delivery of benefits of the social security scheme(s) to the unorganised workers, or any category or sub-category of unorganised worker.
- (j) It shall be responsibility of the State Government or Building workers welfare board or the State Government(s) or any other such Board of the unorganised worker, employer of the Building workers or aggregators or the contractors of unorganised workers or any category or sub-category of unorganised workers, or gig workers or platform workers, to register such eligible workers with Aadhaar who are not registered with ESIC or EPFO on the portal specified by the Central Government.
- (k) The Directorate General of Labour Welfare, from time to time, shall de-duplicate the workers registered on the specified portal of the Central Government, on the basis of Aadhaar and only such workers, shall be eligible to derive the benefits of the scheme(s) notified under the Code.
- (l) The charges, if any, for registration or updation of particulars on the specified portal of the unorganised worker, or any category or sub-category of unorganised worker, may be borne by the Central Government or State Governments or unorganised worker, or any category or sub-category of unorganised worker, either partly or fully as may be specified by the appropriate Government.

(2) Registration of gig worker and platform worker and any other such worker. –

- (a) Every eligible gig worker or platform worker, under section 113 shall be required to be registered with Aadhaar, on self-declaration basis in the form on the portal, as specified by the Central Government.
- (b) For identification and smooth registration of eligible gig workers and platform workers, each aggregator shall share monthly or such other periodicity in such form as specified, details of the information of their gig workers or platform workers electronically to generate Unique Registration Number or temporary registration number on the Portal, as specified by the Central Government. Further, on issue of such number, each gig worker or platform worker shall authenticate himself through Aadhaar as per procedure specified by the Central Government.
- (c) Aggregator(s) shall link their database with the unique registration number issued under clause(d) of sub-rule (1) to facilitate registration of their gig and platform workers on the portal specified by the Central Government.
- (d) A gig worker or platform worker, who has completed the age of sixteen years, but not attained the age of sixty years, shall be eligible for registration as mentioned in clause (a) above:

Provided such worker has been engaged as gig worker or platform worker, for not less than ninety days during the preceding twelve months.
- (e) The registration of the gig worker or platform worker or any other such worker, shall be done in the same manner and procedure(s) as prescribed for the registration of unorganised worker, or any category or sub-category of worker, under sub-rule(1).
- (f) In order to be eligible for any benefit under any scheme(s) framed under the Code for gig workers and platform workers, the Central Government may notify specific condition(s) for eligibility, as deemed fit.
- (g) For availing any benefit under any of the social security scheme(s) framed under the Code, a gig worker or platform worker shall be required to be registered on the portal with such details as may be specified by the Central Government.

- (h) The unorganised worker, gig worker, platform worker shall be required to update his particulars such, as current address, current occupation, period of engagement with the concerned platform(s) or aggregator(s), mobile number, skill, or any other particulars from time to time, on the portal specified by the Central Government. In the absence of such updation, a gig worker or platform worker, may not remain eligible to avail benefit (s) of the social security scheme(s) notified under the Code.
- (i) The charges, if any, for registration or updation of particulars on the specified portal of the gig worker and platform worker, may be borne by the Central Government or aggregators or gig worker or platform worker, either partly or fully as may be specified by the Central Government

51. Carrying out the matters specified in clause (i) of sub-section (7) of section 114.- (1) **The authority to collect and to expend the proceeds of contribution collected.-** (1) The Central Government shall designate an Officer, or an agency, as the authority responsible to collect and expend the contributions from the aggregators.

(2) Such authority may seek any information as may be required from the aggregator(s) for registration of gig workers or platform workers, formulation of suitable welfare scheme(s) under section 114 and implementation thereof.

(3) The contribution collected under section 114 shall be part of the Social Security Fund in a separate account meant for gig workers and platform workers as mentioned in sub-section (2) of section 141.

(2) The rate of interest to be paid by an aggregator in case of delayed payment, less payment or non-payment of contribution.- If any aggregator fails to pay any amount of contribution payable under sub-section (4) of section 114, within such time as may be specified by the Central Government, such aggregator shall be liable to pay interest on the amount of contribution, to be paid, at the rate of one per cent. for every month or part of a month comprised in the period from the date on which such payment was due till such amount is actually paid.

(3) Self-assessment of contribution by aggregators.- (a) Every aggregator shall assess contribution payable under sub-section 4 of section 114 in the **Form-XX** and pay provisional contribution as assessed in the designated account of the Social Security Fund, for the preceding year not later than 30th June, of the current year in which the contribution is payable.

(b) Aggregator after finalization of the audited statement of the account for the previous financial year as per the relevant provisions of the Income-Tax Act, 1961 or the Companies Act, 2013 or the Limited Liability Partnership Act, 2008, shall submit a final return in the **Form-XXI**, detailing the provisional payment of contribution made along with the details of outstanding contribution, if any paid by 31st October, of the current year in which the contribution is payable.

(c) In case of excess contribution, if any paid by any aggregator, such aggregator shall claim the refund in the **Form-XXI** of such excess amount. The authority designated by the Central Government in this regard, shall scrutinize the **Form-XXI**, as submitted by the aggregator and excess paid amount, if any, shall be refunded electronically in the bank account provided in **Form-XXI**, within a period not exceeding ninety days from the date of receipt of such claim.

If any aggregator feels aggrieved against the authority's order as mentioned in sub-rule (2) or sub-rule (3), an appeal shall lie with the Secretary, Ministry of Labour and Employment and his order in the matter shall be final.

(4) Conditions for cessation of a gig worker or a platform worker.- (a) Any gig worker or platform worker registered as a beneficiary under section 113 shall cease to be as such, when he attains the age of sixty years or when he is not engaged as gig worker or platform worker, with any of the aggregator(s) for a period less than ninety days in the preceding twelve months.

(b) Every aggregator shall share on monthly or in such other periodicity and in such form as specified, details of the information of their gig workers or platform workers electronically to the Central Government.

(5) Any other matter relating to smooth functioning of the social security scheme notified under section 114.- Every aggregator as defined under sub-section (2) of section 2, shall register on the Shram Suvidha portal or any other portal, as may be specified by the Central Government.

CHAPTER IX

FINANCE AND ACCOUNTS

52. 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.- In the case of the Provident Fund, Pension Fund or Insurance Fund, such matters shall be specified in the Provident

Fund Scheme or Pension Scheme or Insurance Scheme, as the case may be. In the case of the Corporation, it has been specified in Chapter IV and Chapter IX of these rules.

53. Conditions and manner of writing off irrecoverable dues under section 121.- (1) Where the Corporation or the National Social Security Board is of the opinion that the amount of contribution, cess, interest and damages due to the Corporation or the National Social Security Board has become irrecoverable, the Corporation or National Social Security Board or any other officer authorised by it in this behalf may sanction the writing off of the said amount, subject to the following conditions, namely: —

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

(2) In the case of the Provident fund, Pension Fund or Insurance Fund, such writing off shall be specified in the Provident Fund Scheme or Pension Scheme or Insurance Scheme, as the case may be.

54. Rules under clause (zv) of sub-section (2) of section 155.- (1) **Maintenance of accounts-**The Corporation shall maintain complete and accurate accounts in such form as the Standing Committee may, with the approval of Central Government, specified from time to time. The books shall be balanced on the thirty-first of March each year.

(2) **Revenue Accounts -** The Corporation shall prepare Revenue Accounts for the financial year ended on the thirty-first March and Balance Sheet as on the thirty-first March by the thirty-first of May:

Provided that on the application of the Corporation, the Central Government may extend the said date by a period not exceeding thirty days:

Provided further that the Corporation may, and if so required by the Central Government shall, cause to be prepared the Revenue Accounts and the Balance Sheet for any other period or as on any other date.

(3) **Production of accounts before the Comptroller and Auditor General of India.-** The annual accounts shall be set out and produced before the Comptroller and Auditor General of India for scrutiny on or before the fifteenth of June each year following the close of the financial year to which they relate:

Provided that on the application of the Corporation the Central Government may extend the said date by a period not exceeding thirty days.

(4) **Powers of the Comptroller and Auditor General of India-** The Corporation shall submit all accounts to the Comptroller and Auditor General of India as required by them. The Comptroller and Auditor General of India may —

- (i) by written notice, require the production before them or before any officer subordinate to him, of any document which they may consider necessary for the proper conduct of their audit;
- (ii) by written notice, require any person accountable for or having the custody or control of, any such documents, to appear in person before them or before any officer subordinate to them; and
- (iii) require any persons so appearing before them or before any officer subordinate to them to make and sign a declaration with respect to such document or to answer any question or prepare and submit any statement.

(5) **Report of Comptroller and Auditor General of India.-** The report of the Comptroller and Auditor General of India] on the annual accounts shall be submitted to the Corporation on such date and in such form as the Central Government may specify in this behalf and they shall state whether in their opinion the Balance Sheet is a full and fair Balance Sheet containing all necessary particulars and properly drawn up so as to exhibit a true and correct view of the state of the Corporation's affairs and in case they have called for any explanation or information from the Corporation or any of its officers whether it has been given and whether it is satisfactory.

(6) **Consideration of reports.-** (a) The annual report on the work and activities of the Corporation (excluding the unaudited accounts for the year incorporated therein) shall be considered by the Standing Committee and shall be placed for adoption at a meeting of the Corporation to be held before the tenth of December following the close of the financial year concerned.

(b) The annual accounts relating to a financial year duly authenticated by the Financial Commissioner and the Director General and approved by the Standing Committee shall be submitted for audit to the Comptroller and Auditor General

of India and the audited accounts together with the report of the Comptroller and Auditor General of India shall be placed for adoption at a meeting of the Corporation to be held before the tenth of December following the close of the financial year concerned :

Provided that the report of the Comptroller and Auditor General of India is received by the twentieth November, following the year to which it pertains.

(7) Authentication and submission of annual accounts and reports.--The annual accounts together with the report of the Comptroller and Auditor General of India thereon and the annual report on the work and activities of the Corporation as adopted by the Corporation shall be authenticated by affixing the common seal of the Corporation and four copies thereof, together with the comments of the Corporation on the report of the Comptroller and Auditor General shall be submitted to the Central Government not later than the twentieth of December following the close of the financial year concerned for being placed before the Parliament :

Provided that if the report of the Comptroller and Auditor General of India is not received by the twentieth of November following the financial year to which it pertains the annual accounts together with the report of the Comptroller and Auditor General of India thereon shall be submitted to the Central Government separately from the annual report on the work and activities of the Corporation.

(8) Cost of audit.- The cost of audit shall be paid by the Corporation by such date as may be specified by the Central Government.

(9) Impropriety or irregularity in accounts. - (a) The auditors shall submit to the Corporation and the Central Government a separate statement, if necessary, in regard to —

- (i) any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to, or in the accounts of the Corporation ; or
- (ii) any loss or waste of money or other property owned by or vested in the Corporation which has been caused by neglect or misconduct, with the names of the persons who in their opinion are directly or indirectly responsible for such loss or waste.

(b) The Standing Committee shall forthwith remedy any defect or irregularity that may be pointed out by the auditors and shall report to the Central Government the action taken by it thereon within ninety days of the receipt of the report of the auditors:

Provided that if there is a difference of opinion between the Standing Committee and the auditors, or if the Standing Committee does not remedy any defect or irregularity within a reasonable period, the Central Government may, and on a reference specifically made therefor, shall pass such orders thereon as they think fit and the Standing Committee shall thereafter take action in accordance therewith within such time as may be specified by the Central Government.

(10) Disallowance of expenditure incurred and surcharge for loss or deficiency- (a) The Standing Committee or any authority authorised by it in this behalf may after giving the person concerned an opportunity to submit an explanation, and after considering any such explanation, disallow any item of account contrary to the provisions of the Code or of the Rules or Regulations made thereunder, and surcharge the same on the person making or authorising the making of payment of such account and shall charge against any person accounting, the amount of any deficiency or loss incurred by the negligence or misconduct of that person, or of any sum which ought to have been but is not brought into account by that person, and shall in every such case certify the amount due from such person :

Provided that no certificate made by the authority authorised by the Standing Committee shall have effect unless it is approved by the Standing Committee.

(b) The Standing Committee shall state in writing its reasons for every disallowance, surcharge or charge made or approved by it and shall serve a certificate of the amount due and a copy of the reasons for its decision on the person against whom the certificate is made and shall also furnish copies thereof to the Central Government.

(c) Any person aggrieved by a certificate made under sub-rule (10) may, within one month from the date of the service of certificate on him under clause (b) sub-rule (10), file an application to the Central Government for setting aside or modifying the disallowance, surcharge or charge in respect of which the certificate was made.

(d) On receipt of an application under clause (c) or on its own motion, the Central Government may, after making such inquiry as may be necessary, pass such order as it thinks fit either confirming, modifying or setting aside the disallowance, surcharge or charge in respect of which the certificate was made, and the Standing Committee shall thereupon take action in accordance with such order within such time as may be specified by the Central Government.

(e) The Central Government may by order direct that all further action under the certificate made under sub-rule (10) shall be stayed until the disposal of the matter pending before it under clause (d).

(11) **Recovery of amounts certified to be due**— (a) Every sum certified to be due from any person by the Standing Committee or if the certificate has been modified by the Central Government, the sum shown to be due from such person in the modified certificate, shall be paid by such person to the Corporation within three months after he has been served with the certificate of the Standing Committee ; or within such longer period as may be allowed by the Central Government ; any such sum, if not so paid, shall be recovered as if it were an arrear of land revenue.

(b) Any sum or part of a sum so paid or recovered, the certificate in respect of which is set aside or modified, shall, as the case may require, be wholly or partly refunded to the person who paid it.

(12) **Establishment of Provident Fund:** The Corporation shall establish, maintain and contribute to a Provident Fund called the Employees' State Insurance Corporation Provident Fund (hereinafter referred to as the Provident Fund) in respect of its employees other than those whose services are placed at the disposal of the Corporation by the Central or State Government.

(13) **Administration of the Provident Fund:** The Provident Fund shall be administered by the Standing Committee of the Corporation or by any other Committee approved by it for the purpose and subject to such conditions as it may deem fit to impose.

(14) **Framing of Provident Fund Regulation:** The Corporation may make Regulations to provide for all other matters incidental to or necessary for the Provident Fund.

(15) **Bar on grant of cash benefits.**— Where an Insured Person is convicted under clause (o) of section 133 of the Code, he shall not be entitled to any cash benefit admissible under Chapter IV of the Code for a period of three months for first conviction and six months for each subsequent conviction from the date of receipt of judgement of the court in the concerned office of the Corporation.

CHAPTER X

AUTHORITIES, ASSESSMENT, COMPLIANCE AND RECOVERY

55. Form and manner for maintenance of records and registers and other particulars and details under clause (a), manner and form for display of notices at the work places of the employees under clause (b) and the manner and period of filing returns to the officers or authority under clause (d) of section 123.— (1) **Register of Women Employees.**— (a) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in **Form XXII** electronically or in hard copy and shall enter therein particulars of all women workers in the establishment.

Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum-Facilitator.

(b) The employer may enter in the register of women employees such other particulars as may be required for any other purpose of the Code.

(2) **Records.**—Records kept under the provisions Chapter V 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-XXIII** online on the web portal of the Central Government in the Ministry of Labour and Employment, 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 the Central Government in the Ministry of Labour and Employment, a further unified return in **Form XXIII** 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 XI

OFFENCES AND PENALTIES

56. 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 Central Government by notification for the purposes of compounding

of offences under sub-section (1) of section 138 shall issue electronically a compounding notice in **Form-XXIV** for the offences for which are compoundable under section 138.

(2) The person so noticed may apply in Part III of the **Form-XXIV** 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-XXIV** 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 XII

EMPLOYMENT INFORMATION AND MONITORING

57. Manner of establishment and maintenance of career centre and the career services under clause (9) of section 2.- (1) The appropriate Government may establish, run and maintain Career Centre or modify and declare its already established office or employment exchange or both or a portal or authorize any other such centre as Career Centre by notification. Till such notification, existing local Employment Exchanges and Central Employment Exchange would function as Career Centres (Regional) and Career Centre (Central) respectively.

(2) The appropriate Government may also enter into an agreement with any institution, local authority, local body or private body for running a Career Centre.

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

(a) collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode; relating to:

- (i) persons who seek to employ employees;
- (ii) persons who seek employment;
- (iii) occurrence of vacancies; and
- (iv) persons who seek vocational guidance and career counseling or guidance to start self-employment;

(b) providing career counseling & vocational guidance;

(c) organizing job-fairs and job drives;

(d) employment related surveys and studies;

(e) employability enhancement activities; and

(f) other services as may be decided by the appropriate Government from time to time.

Explanation: Appropriate Government for this purpose would be Central Government for Career Centre (Central) and respective State Government for Career Centre (Regional)

58. 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 any State or area thereof, the employer in **every establishment in public sector** in that State or area shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre as may be specified in the notification by the Appropriate Government.

(b) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre (Regional) from such date as may be specified in the notification by the Appropriate Government.

(c) Appropriate Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.

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

- (i) the Government or a Department of the Government
- (ii) a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (No. 18 of 2013);
- (iii) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned ,controlled or managed by the Government; and
- (iv) a local authority.

(2) *“Establishment in private sector”* means an establishment which is not an establishment in public sector and with ordinarily 50 or more employees or such number of employees as may be notified by the Central Government.

(3) Appropriate Government would be Central Government for Career Centre(Central) and respective State Government for Career Centre(Regional). The State Government, having no career centre or digital portal of its own, may specify by notification reporting of vacancies by establishments in an area thereof to the digital portal or to the Career Centre of the Central Government.

(2) *Type of vacancies and respective Career Centre for reporting of vacancies:* (a) The following vacancies, namely-

- (i) All vacancies in posts of Technical and Scientific nature carrying a minimum pay or pay level or both as notified by the 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 Central Government by notification.

(3) **Form and manner of reporting of vacancies:** (a) The vacancies shall be reported in writing or through valid official email or digitally to the Career Centre specified by the Appropriate Government.

(b)The vacancies shall be reported in the format given at **Form-XXV**, furnishing as many details as practicable, separately in respect of each type of vacancy.

(c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule(3), shall be reported in writing or through official email or digitally as the case may be, to the specified Career Centre.

(4) **Time limit in the reporting of vacancies:**

- (a) Vacancies, required to be reported to the Career Centre (Regional), shall be reported at least 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.

(5) **Maintenance of records:** (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) Appropriate Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about
- i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;
 - ii) Persons recruited during the year ending on 31st March;
 - iii) Occupational details of its employees on 31st March of every year;
 - iv) Vacancies for which suitable candidates were not available during the year ending on 31st March; and
 - v) Approximate number of vacancies likely to occur during the *next financial year*.
- (6) **Submission of returns:** An employer shall furnish to the concerned Career Centre (Regional) yearly returns in form EIR (Employment Information Return) as given at **Form-XXVI**. Yearly returns shall be furnished manually or, electronically, or digitally, as the case may be, as specified by the respective State Government in notification, within thirty days of the due date namely *31st March* of the year.
- (7) **Declaration of Executive Officer:** (a) The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State Government, will declare in writing an officer looking after the work of Career Centres (Regional) as “Executive Officer” for each district for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in section 139 of the Code, or authorize any person in writing to exercise those rights and perform duties.
- (b) The Director of Employment or an officer of equivalent or above rank, controlling the work of Directorate General of Employment, Ministry of Labour & Employment, New Delhi, will declare in writing an officer looking after the work of Career Centres (Central) as “Executive Officer” 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.
- (8) **Levy of penalty under the Chapter XIII of the Code:** The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres (Regional) of the respective State shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the Code as mentioned in section 133.
- (9) **Issue of guidelines:** For implementation of provisions of Code on Social Security, 2020 relating to Chapter XIII and rules thereof, the Central Government may issue detailed guidelines which may be supplemented further by the respective State Government as per local needs.

CHAPTER XIII

MISCELLANEOUS

- 59. Manner of establishment and administration of the Social Security Fund under sub-section (4) of section 141.-** (1) All the following funds received shall be credited to separate account(s) and called as Social Security Fund and all expenses towards the scheme (s) notified under sections 109 and 114 for the Unorganised Workers, Gig Workers and Platform Workers shall be met out of this fund:
- (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 Central Government shall identify the source(s) for initial funding/ replenishing the Social Security Fund from time to time.
- (3) The fund shall be administered by the Central Government through an agency designated by the Central Government in the manner, as notified by the Central Government.
- (4) Directions of the Central Government, if any shall be complied by the agency designated for the administration of the Social Security Fund.
- (5) The Statement of accounts of Social Security Fund shall be maintained by the agency, in the form(s) and manner as specified by the Central Government and shall be submitted to the Central Government from time to time.

(6) The accounts of the Social Security Fund shall be audited by Comptroller and Auditor General of India.

60. Eligibility conditions to be fulfilled prior to grant of exemption and the conditions to be complied with after exemption under sub-section (1); and extension period of exemption under sub-section (3) of section 143.- (1)

An establishment, to be eligible to seek exemption under section 143 of the Code shall be required to fulfil the following conditions, prior to grant of exemption: -

- (a) the employees of such establishment are in receipt of benefits substantially similar or superior to the benefits granted in the scheme framed under Chapter III or the benefits available under Chapter IV, as the case may be, of the Code;
- (b) the establishment seeking exemption shall make an application electronically or otherwise;
- (c) the establishment has been complying with the provisions of Chapter III of the Code or the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952); or, the provision of Chapter IV of the Code or Employees' State Insurance Corporation Act, 1948 (34 of 1948), as the case may be, for a period of three years continuously immediately before making the application and has not defaulted in payment of contribution payable under the respective Chapters during such period;
- (d) the establishment seeking exemption under section 143 of the Code should have minimum five hundred contributory members for the purposes of Chapter III of the Code or minimum five hundred employees for the purposes of Chapter IV of the Code, as the case may be, on the date of such application;
- (e) the establishment seeking exemption from the provisions of the Provident Fund Scheme or the Pension Scheme framed under section 15 of the Code should have a cumulative balance in members account of rupees fifty crore or more in respect of the Scheme from which exemption is sought;
- (f) for the purposes of the Chapter III, the establishment shall furnish consent of majority of the employees for seeking exemption under section 143 of the Code;
- (g) the establishment seeking exemption should have a positive net worth during each of the last three years before the date of application;
- (h) the establishment must have seeded the Aadhaar Number of each of the member in the respective members' account for the purposes of Chapter III or that of each of insured person and his/her family members for the purposes of Chapter IV, as the case may be, of the Code in the respective data-base; and
- (i) for the purposes of Chapter III of the Code, the establishment shall provide facilities for online claim settlement and has an online portal for grievance resolution to provide linkages with that of Employees' Provident Fund Organisation within ninety days of grant of exemption.

(2) The notification granting exemption under section 143 of the Code shall be issued so as to take effect from the date of the notification and shall contain the other terms and conditions to be complied with by the establishment and/or the employer, as the case may be.

(3) (a) The application for extension of exemption under section 143 of the Code shall be made on specified portal, at least six months before expiry of exemption.

(b) The exemption granted to an establishment from provision of Chapter IV shall be extendable by the appropriate Government for a period of five years at a time, subject to the condition that the establishment continues to fulfil the relevant conditions in specified sub-rule (1) of Rule 60 except that in clause (d) of sub-rule (1) of Rule 60.

(c) No exemption from the provision of Chapter IV shall be extended without prior consultation of the Corporation. The Corporation shall submit its views to the Appropriate Government within three months of receipt of application failing which the appropriate Government shall decide on the extension of exemption, as it may deem fit.

(d) The exemption granted in respect of the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be, may be extended for such period and on such terms and conditions as may be specified in the respective Schemes.

61. Time within which the Central Board or the Corporation, as the case may be, shall forward its view to the appropriate Government under sub-section (1) section 143.- The Central Board or the Corporation, as the case may be, shall forward its views on the application seeking exemption under section 143 of the Code to the appropriate government within six months of receipt of proposal for exemption. If Central Board or the Corporation, as the case may be, is unable to provide its views within the said period, the appropriate government may extend the time limit or take action on the application of exemption, as it may deem fit.

62. Conditions which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption under sub-section (2) of section 143.- (1)

The establishment to which exemption has been granted from the provision of Chapter IV of the Code:

- (a) shall maintain such records regarding the exempted employees and submit such returns and other information to the Corporation as may be specified in the Regulations; and
- (b) in case of change of legal status of an establishment which has been granted exemption under section 143 of the Code, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc. the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption, to the appropriate Government.

(2) For the purposes of Chapter III, the establishment and/or employer, after the grant of exemption, shall comply with all such terms and conditions as may be specified in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be, framed under section 15 of the Code.

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

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

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

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

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

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

64. Submission of a copy of the Form to the office of Director General, Labour Bureau under clause (zv) of sub-section (2) of section 155. – A copy of Form V (notice for Payment/Rejecting claim of Gratuity) shall be shared electronically with the Director General, Labour Bureau in auto-mode.

FORM- I

[See Rule 14 (2)(a)]

APPEAL UNDER SECTION 23 OF THE CODE ON SOCIAL SECURITY, 2020

Title of the case:

APPEAL

INDEX

Serial No.	Description of documents relied	Page No.
1.		
2.		
3.		
4.		

Signature of the Applicant

*For use in Tribunal's office*Date of filing (or) Date of receipt by
post Registration No.

Signature of Registrar

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

BETWEEN

A. B.

APPELLANT

Vs.

C. D.

RESPONDENT

DETAILS OF APPEAL

1. **Particulars of the appellant:**

- (i) Name of the appellant
- (ii) Office address
- (iii) Address for service of notices

2. **Particulars of the Respondent:**

- (i) Name of the respondent
- (ii) Office address
- (iii) Address for service of notices

3. **Particulars of the order/notification against which appeal is made:** The appeal is against the following order/notification
 - (i) Order/notification No. with reference to Annexure
 - (ii) Date
 - (iii) Passed by
 - (iv) Subject in brief

4. **Jurisdiction of the Tribunal:** The appellant declares that the subject of the matter against which he wants redressal is within the jurisdiction of the Tribunal.

5. **Limitation.** —The appellant further declares that the appeal is within the limitation prescribed in Section 127 of the Social Security Code, 2020.

6. **Facts of the case:** The facts of the case are given below:

(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue, fact or otherwise)

7. **Details of remedies exhausted.** —The appellant declares that he has availed of all the remedies available to him under the Code.

(Give here chronologically the details of representations made and the outcome of such representation with reference to the Annexure numbers).

8. **Matters not previously filed or pending with any other Court.** —The appellant further declares that he had not previously filed any appeal, writ petition or suit regarding the matter in respects of which this appeal has been made, before any court of law or any other authority or any other bench of the Tribunal nor any such appeal writ petition or suit is pending before any of them.

In case the appellant has previously filed any appeal, writ petition or suit, the stage at which it is pending and if decided, the gist of the decision should be given with reference to the Annexure.

9. **Relief(s) sought.** —In view of the facts mentioned in para 6 above the appellant prays for the following relief(s):--

[Specify below the relief(s) sought explaining the ground for relief(s) and the legal provisions (if any) relied upon].

10. **Interim order, if any prayed for.** —Pending final decision on the appeal the applicant seeks issue of the following interim order—

(Give here the nature of the interim order prayed for with reasons)

11. In the event of appeal being sent by Registered post, it may be stated whether the appellant desires to have oral hearing at the admission stage and if so, he shall attach a self-addressed Post Card, Inland Letter, at which intimation regarding the date of hearing could be sent to him.

12. **Particulars of Bank Draft/Postal order in respect of the Appeal Fee:**
 1. Name of the Bank on which drawn
 2. Demand Draft No. (OR)
 3. Details of online fund transfer

13. **List of enclosures**
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.
 - 6.

VERIFICATION

I, (Name of the Appellant) S/O, D/O, W/O Age..... working asin the office of Resident of do hereby verify that the contents of paras to..... are true to my personal knowledge and paras to..... believed to be true on legal advice and that I have not suppressed any material fact.

Signature of the Appellant

Date:

Place:

To

The Registrar

FORM-II

[See Rule 14 (2)(c)]

RECEIPT SLIP

Receipt of the appeal filed in the Central Government Industrial Tribunal at by Sri/Smt/Kum..... working in/for..... of..... residing at..... is hereby acknowledged.

For Registrar

Central Government Industrial Tribunal

Date:

Seal:

FORM-III

[(See Rule 34 (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..... E-mail

ID.....Mobile Number.....

Place:

Date:

Signature/Thumb-impression of the
Employee

Certificate by the Employer

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

Employer's Reference No., if any

Signature of the employer/Officer authorised

Designation

Date:

Name and address of the establishment or
rubber stamp thereof.

Acknowledgement by the Employee

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

Date:

Signature of the Employee

FORM-IV

[(See Rule 35(1))]

Application for Gratuity by an Employee/Nominee/Legal Heir

(Strike out the words not applicable)

To,.....

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

Sir/Madam,

I,(name of employee/nominee/legal heir) /nominee of late.....(Name of the employee)/ as a legal heir of late.....(Name of the employee), 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 the employee
 9. Total wages last drawn by the employee.
 10. Total gratuity payable to the employee/ share of gratuity claimed by a nominee/legal heir.
 11. Payment may please be made by crossed bank cheque/credit in my bank account no.....

Yours faithfully,

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

Place:

Date:

FORM-V

[(See Rule 35(2)]

Notice for Payment/Rejecting claim of Gratuity

(Strike out the words not applicable)

To,.....

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

You are hereby informed that

(a) *as required under sub-clause (ii) of clause (a) of sub-rule (2) of rule 35 of the Code on Social Security (Central) Rules, 2020, that your claim for payments of gratuity as indicated on your application in **Form-IV** under the said rules is not admissible for the reasons stated below:

Reasons (Here specify the reasons); or

(b) *as required under sub-clause (i) of clause (a) of sub-rule (2) of rule 35 the Code on Social Security (Central) Rules, 2020 that a sum of Rs.(Rupees.....) is payable to you as gratuity/as your share of gratuity in terms of nomination made byonand.....recorded in thisas a legal heir of.....an employee of this establishment.

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

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

- (a) Date of appointment.
 (b) Date of termination/superannuation/resignation/ disablement/death.
 (c) Total period of service of the employee concerned:years.....
 months.

(d) Wages last drawn:

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

(f) Amount payable:

**strike out para, if, not applicable*

Place:

Date:

Signature of the Employer/authorised officer.

Name or description of establishment or
 rubber stamp thereof.

Copy to: The Competent Authority in case of denial of gratuity.

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

FORM-VI

[(See Rule 35(4)]

Application for Direction

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

Application No.

Date

BETWEEN

(Name in full of the applicant with full address)

AND

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

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

2. The applicant submitted an application under Rule..... of the Code on Social Security (Central) Rules, 2020 on thebut the above-mentioned employer refused to entertain it/issued a notice dated the..... under clauseof sub-rule of ruleoffering an amount of gratuity which is less than my due/issued a notice datedthe under clause..... of sub-rule.....of rule..... rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter (specify the dispute).

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.

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

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 – VII

[(See Rule 35 (5),(8)]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

(Name and address of the employer/applicant)

Whereas Shrian employee under you/a nominee(s)/legal heir(s) of Shri.....an employee under the above-mentioned employer, has/have filed an application under sub-rule (4) of rule 35 of the Code on Social Security(Central) Rules, 2020 alleging that----

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

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

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

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

List of documents-

- 1.
- 2.
3. so on

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

Competent Authority
under the Code on Social Security Code, 2020

Note: 1. Strike out the words and paragraphs not applicable.

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

FORM – VIII

[*(See Rule 35(11) and (12))*]

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

(Strike out the words not applicable)

To,

(Name and address of employer)

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

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

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

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

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

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

Competent Authority
under the Code on Social Security Code, 2020

Copy to:

1. The Applicant- He is advised to contact the employer for collecting payment.
2. The Appellate Authority if applicable.

Note--- *(Strike out paragraphs if not applicable)*

FORM – IX

[(See Rule 35(13))]

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 above-mentioned employer/a nominee of late.....

an employee of the above mentioned employer/a legal heir of latean employee of the above-mentioned employer, and you were pleased to direct the said employer in your notice dated theunder sub-rule (11) or sub-rule (12) of rule 35 of Code on Social Security (Central) Rules, 2020 for payment of a sum of Rs..... as gratuity payable under the Code on Social Security, 2020.

2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.

3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs.due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place:

Date:

Note.—Strike out the words not applicable.

FORM – X

[(See Rule 37(1)(a) and (d))]

Certificate of Medical Officer/Medical Practitioner for confinement/miscarriage/ Medical termination of pregnancy or tubectomy operation/ delivery of a child/adoption of child

This is to certify that-

1. *I examined.....wife/ daughter of Woman employee in..... (Name of the establishment) on..... (Date) and found/ cannot discover that she is pregnant and is expected to be delivered of a child within (month and/days) from the above mentioned date/ has undergone miscarriage/ Medical termination of pregnancy or tubectomy operation/has been delivered of a child on..... (Date) or is suffering from.....(date) from

illness arising out of pregnancy/delivery/ premature birth of a child or miscarriage/ Medical termination of pregnancy or tubectomy operation.

2. *Smt..... wife/daughter of..... employed in..... (Name of the establishment) expired onbefore/during/ after confinement. The child died on...../survives her.
3. *I examined....wife/ daughter of...a woman employed in..... (Name of establishment) and found that she has been delivered of a child/ has undergone miscarriage on..... (date).

*Strike out unnecessary portion.

Signature, qualifications and designation of
Medical Officer/Medical Practitioner/Midwife

Date.....

Definitions of "child" and "miscarriage" as in the Code on Social Security, 2020.-

1. "Child" includes a still-born child.
2. "Miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code.

FORM – XI

[See Rule 37(2)(a) and (c)]

(Notice of Claim for Maternity Benefit and Payment thereof under section 62 & 63)

To

..... (name of establishment)

PART I

Notice

[See Rule 37(2)(a)]

I (name of woman) wife/ daughter of..... employed as..... at.....(name of establishment), hereby give notice that I expect to be confined within six weeks next following from the date of this notice/ have given birth to a child on....(date) and shall be absent from work from....(date). I shall not work in any establishment during the period for which I receive maternity benefit.

2.For the purpose of section 63, I hereby nominate..... (Here enter name and address of the nominee) to receive maternity benefit and/ or any other amount due to me under the Code in case of my death.

Signature of an Attester in case

Signature or impression of woman

the woman is not able to sign

and affix thumb impression.

Date.....

PART II

FORM OF RECEIPT OF MATERNITY BENEFIT

[See Rule 37(2)(c)]

I,....., the undersigned, a woman employee/ the nominee of..... woman employee/ legal representative of..... woman employee deceased in.....(name of establishment) at..... in..... district received maternity benefit and/or other amount due under the Code on Social Security ,2020 from the employer of the establishment referred to above, as detailed below:-

Rs..... being the first installment of maternity benefit paid on.....

Rs..... being the second installment of maternity benefit after delivery paid on.....

Rs..... being the medical bonus under section 64 of the Code paid on.....

Rs.....being the wages for the leave period from..... to..... mentioned under section 65.

*My/ Her confinement/ miscarriage Medical termination of pregnancy or tubectomy operation took place on.....or I/she fell ill because of pregnancy, delivery, premature birth of a child or miscarriage Medical termination of pregnancy or tubectomy operation on..... In consequence I..... her nominee/legal representative has received the aforesaid amounts prescribed in sections 60, 64 and 65 of the Code on Social Security , 2020.

Signature or thumb impression of.....

*Woman employee or her nominee or legal representative

Signature of an Attester in case the woman is

not able to sign and affixes thumb impression

Date.....

*Strike out unnecessary portion.

FORM – XII

[See Rule 41(1)(a)]

Complaint to the Inspector-cum-Facilitator

To,

The Inspector-cum-Facilitator

(Under The Code on Social Security, 2020)

Sir,

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

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

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

Date.....

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

Full address of the women/nominee/legal representative.

FORM-XIII**Appeal****[See Rule 40(2) and 41 (2) (b)]**

To,

The Authority,

(Appointed under the Code on Social Security , 2020)

.....(Address)

Sir,

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

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

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

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

**Strike out unnecessary portion.*

Signature or thumb impression of the Women/Aggrieved person

Date.....

.....

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

FORM – XIV*[See Rule 42(4)]***(Abstract for the Maternity Benefit, and the rules made under the Code on Social Security, 2020).**

1. No employer shall knowingly employ a woman during the six weeks immediately following the day of her delivery of miscarriage/ Medical termination of pregnancy and no woman shall work in any establishment during the said period.
2. No pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do during the period of one month immediately preceding the period of six weeks before the date of her expected delivery and also for any period during this period of six weeks for which she does not avail of leave of absence, any work which is of an arduous nature or which involves long hours of standing, or which in way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.

3. (a) Subject to the provisions of the Code, every woman who has actually worked in an establishment of the employer from whom she claims maternity benefit for a period of not less than eighty days, including the days during which she was laid off, shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of her average daily wages, or **the minimum rate of wage fixed or revised under the Code on Wages, 2019 or Two hundred rupees a day**, whichever is higher, for the period of her actual absence not exceeding six weeks immediately preceding the day of delivery and the remaining period immediately following that day:

Provided further that where a woman dies during the period for which maternity benefit is payable, to her, the benefit shall be payable only for the days up to and including the day of her death. However, where the woman having been delivered of a child, dies during her delivery or during the remaining period of maternity benefit leaving behind in either case the child, the employer shall be liable for the, payment of maternity benefit for the entire period of maternity benefit following the day of her delivery but if the child also dies during the said period, then, for the days up to and including the day of the death of the child.

(b) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of a certificate in **Form-X** stating that she is pregnant and is expected to be delivered of a child within six weeks of the date of production of the certificate, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of the certificate in **Form-X** stating that she has been delivered of a child or production of a certified extract from a Birth Register maintained under the provisions of any law for the time being in force.

4. (a) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Code may give notice in writing in **Form-XI** to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Code may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.

(b) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.

(c) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after the delivery.

(d) On receipt of the notice, the employer shall permit such woman to absent herself from establishment until the expiry of the remaining period of maternity benefit after the day of her delivery.

5. (a) Every woman entitled to maternity benefit under the Code shall also be entitled to receive from her employer a medical bonus of rupees three thousand and five hundred, if no pre-natal, confinement and post-natal care is provided for by the employer free of charge. The medical bonus shall be paid along with the second installment of the maternity benefit.

(b) In case of miscarriage/medical termination of pregnancy, a woman shall, on production of a certificate in **Form-X** be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage. The wages shall be paid within 48 hours of production of the certificate in **Form-X**.

(c) A woman suffering from illness arising out of pregnancy, delivery, premature birth of child or miscarriage/ medical termination of pregnancy or tubectomy operation shall, on production of a certificate in **Form-X**, be entitled, in addition to the period of absence allowed to her on account of maternity or miscarriage/ medical termination of pregnancy or tubectomy operation, as the case may be, to leave with wages at the rate of maternity benefit for a maximum period of one month. The wages for the leave period shall be paid within 48 hours of the expiry of that period.

6. Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work two breaks of 15 minutes' duration for nursing the child until the child attains the age of fifteen months. An extra sufficient period, depending upon the distance to be covered, shall be allowed for the purpose of the journey to and from the creche or the place where the children are left by women while on duty, provided that such extra period shall not be less than 5 minutes and more than 15 minutes' duration.

7. (1) When a woman absents herself from work in accordance with the provisions of the Code, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service.

(2) (a) The discharge or dismissal of a woman at any time during her pregnancy, if the woman but for which discharge or dismissal would have been entitled to maternity benefit or medical bonus shall not have the effect of depriving her of the maternity benefit or medical bonus:

Provided that where the dismissal is for one or more of the following acts, the employer may, by order in writing communicate to the woman, deprive her of the maternity benefit or medical bonus or both-

- (i) Willful destruction of employer's goods or property;
- (ii) Assaulting any superior or co-employee at the place of work;
- (iii) Criminal offence involving moral turpitude resulting in conviction in a court of law;
- (iv) theft, fraud, or dishonesty in connection with the employer's business or property; and
- (iv) willful non-observance of safety measures or rules on the subject or willful interference with safety devices or with fire-fighting equipment.

(b) Any woman deprived of maternity benefit or medical bonus or both, may within sixty days from the date on which the order of such deprivation is communicated to her, appeal in **Form-XIII** to the Competent Authority and his decision on such appeal whether the woman should or should not be deprived of maternity benefit or medical bonus or both, shall be final.

8. If a woman works in any establishment after she has been permitted by her employer to absent herself under the provisions of the Act, she shall forfeit her claim to the maternity benefit for such period.

9. (1) Any woman claiming the maternity benefit or any other amount to which she is entitled under the Act and any person claiming that payment due has been improperly withheld may make complaint to the Inspector-cum-Facilitators in writing in **Form-XIII** as the case may be.

(2) The Inspector-cum-Facilitators may, on his own motion or on receipt of a complaint in **Form-XII**, make an inquiry or cause an enquiry to be made and if satisfied that payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders.

(3) Any person aggrieved by the decision of the Inspector-cum-Facilitator may, within, thirty days from the date on which such decision is communicated to such person, appeal to the Authority prescribed by the Appropriate Government.

(4) The decision of Authority where an appeal has been preferred to him or of the Inspector-cum-Facilitator where no such appeal has been preferred, shall be final.

10. (a) The employer shall supply to every woman employed by him at her request free of cost copies of **Forms X, XI, XII and XIII**.

(b) The failure to submit a notice, appeal or complaint in the prescribed form will not affect the right of a woman entitled to receive maternity benefit or any other amount due under the Code. Where a notice, appeal or complaint has been received in a form other than the prescribed form, the authority concerned shall within fifteen days of the receipt of such notice, appeal or complaint, require the woman to submit the notice, appeal or complaint, as the case may be in the prescribed form.

11. (a) (1) The employer of the establishment in which women are employed shall prepare and maintain a register of women employees in **Form-XXII** and shall enter therein particulars of all women workers in the establishment.

(2) All entries in the register of women employees shall be made in ink and maintained up-to-date and it shall always be available for inspection by the Inspector-cum-Facilitator during working hours.

(b) The employer to which the Code applies, on or before the 1st day of February in each year, upload a unified annual return in **Form-XXIII** online on the web portal of the Central Government in the Ministry of Labour and Employment, 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).

FORM – XV*[See Rule 43(1)(a) and (b)]***Information for commencement or modification in respect of Building or Other Construction Work by the Employer**

1.	Name and address (permanent) of the establishment.	
2.	Name of the employer and address details	
3.	Name and address/ location of place where the building and other construction is proposed to be carried on.	
4.	Name, designation and address of the authorised Person along with contact details	
5.	Correspondence address for the proposed building or other construction work may be sent	
6.	Nature of proposed construction work	
7.	Date of commencement of work(in case construction has started)	
8.	Approximate duration of work	
9.	Details of any change /modifications in the proposed construction work	

I/we hereby intimate that the building or other construction work (name of work) have you registration number dated is likely to commence/ is likely to modify with effect from (date)/ [on (date)].

Signature of employer

Name:

Date:

Place:

Mobile Number:

E-mail (if any):

FORM – XVI*[See Rule 43 (2)(b)]***Format for Self- assessment of Cess for Building or other Construction Work to be furnished by Employer**

1.	Name and address (permanent) of the establishment.	
2.	Name of the employer and address details	
3.	Name and address/ location of place where the building and other construction is proposed to be carried on.	
4.	Name, designation and address of the authorised Person along with contact details	
5.	Correspondence address for the proposed building or other construction work may be sent	

6.	Nature of proposed construction work		
7.	Date of commencement of work(in case construction has started)		
8.	Approximate duration of work		
9.	Total proposed area of construction work		
10.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 43.		
11	Total estimated cost of construction as certified by chartered engineer		
12	Amount of provisional cess	%age of total estimated cost of the construction as notified by the Central Government	Total estimated cess (in Rs.)
13	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work)/ deduction at source		
14	Details of cess paid (when duration of the proposed construction work is more than one year)		
	Sl No	Year	Amount (in Rs.)
	14.1	1 st year	
	14.2	2 nd Year	
	14.3	3 rd Year	
15	Total of the cess paid (Srl.No. 13 + 14)		

Declaration

1. I/We hereby declare that the particulars given above are true to the best of my/our knowledge and belief and I/We hereby declare that nothing has been concealed or any fact has been mis-represented in the above calculation made by me/us.
2. I/We hereby declare that I/We are quite aware of the penal provisions of the Code on Social Security, 2020 and if in future anything mentioned in the above self-assessment of cess amount, is found to be incorrect or inappropriate or any incidence of hiding the facts or under calculation of cess amount is found, punitive action may be taken against me/us.

Signature and seal of employer

Name:

Date:

Place:

Mobile Number:

E-mail (if any):

Certified by Chartered Engineer

Along with his registration number, duly stamp.

FORM- XVII

[See Rule 43 (2) (e)]

Notice for stoppage or reduction of Building or Other Construction Work

1.	Name of Establishment		
2.	Registration number of Establishment		
3.	Address of establishment		
4.	Date of commencement of work		DD MM YYYY
5.	Approximate proposed period of work		DD MM YYYY
6.	Date of stoppage or reduction of the building or other construction work		
7.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 43.		
8.	Total incurred cost of the construction work		
9.	Total amount of cess payable	%age of total incurred cost of the construction as notified by the Central Government	Total cess payable (in Rs.)
10.	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any		
11.	Details of cess paid (when duration of the proposed construction work was more than one year)		
	Sl No	Year	Amount (in Rs.)
	11.1	1 st year	
	11.2	2 nd Year	
	11.3	3 rd Year	
12.	Total of the cess paid (Srl.No. 10 + Srl.No 11)		
13.	Amount of outstanding cess (Srl.No. 13 – Srl.No .16)		
14.	Proof of payment of outstanding Cess, if applicable		
15.	Amount of overpaid cess, if applicable		
16.	In case overpaid, details of the bank account in which excess amount is to be refunded		
17.	Remark, if any		

Declaration

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

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

Signature and seal of employer

Name:

Date:

Place:

Mobile Number:

E-mail (if any):

Certified by Chartered Engineer

Along with his registration number, duly stamp.

FORM- XVIII

[See Rule 43 (2) (f) and 43(4) (a) and (c)]

Return on completion of building or other construction work submitted by employer

1.	Name and address (permanent) of the establishment.		
2.	Name of the employer and address details		
3.	Name and address/ location of place where the building and other construction is proposed to be carried on.		
4.	Name, designation and address of the authorised Person along with contact details		
5.	Correspondence address for the proposed building or other construction work may be sent		
6.	Nature of proposed construction work		
7.	Date of commencement of work (in case construction has started)		
8.	Date of completion of work		
9.	Duration of work		
10.	Total completed area of construction work		
11.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 43		
12.	Total incurred cost of the construction work		
13.	Total amount of cess payable	%age of total incurred cost of the construction as notified by the Central Government	Total cess payable (in Rs.)

14	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any		
15	Details of cess paid (when duration of the proposed construction work is more than one year)		
	Sl No	Year	Amount (in Rs.)
	14.1	1 st year	
	14.2	2 nd Year	
	14.3	3 rd Year	
16	Total of the cess paid (Sl.No. 14 + 15)		
17.	Amount of outstanding cess (Sl.No. 13 – Sl. No.16)		
18	Proof of payment of outstanding Cess, if any		
19.	Amount of overpaid cess, if applicable		
20.	In case overpaid, details of the bank account in which excess amount is to be refunded		
21.	Remark, if any		

Declaration

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

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

Signature and seal of employer

Name:

Date:

Place:

Mobile Number:

E-mail (if any):

Certified by Chartered Engineer

Along with his registration number, duly stamp.

FORM – XIX

[See Rule 46(1) and section 105 of the Code on Social Security, 2020]

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

1.	Name and address (permanent) of the establishment.	
2.	Name of the employer and address details	
3.	Name and address/ location of place where the building and other construction is proposed to be carried on.	

4.	Name, designation and address of the authorised Person along with contact details		
5.	Correspondence address for the proposed building or other construction work may be sent		
6.	Nature of proposed construction work		
7.	Date of commencement of work(in case construction has started)		
8.	Date of completion of work		
9.	Duration of work		
10.	Total completed area of construction work		
11.	Total estimated cost of the construction based on the rates of (PWD or CPWD or RERA or some other rates as the case may be) along with documents (original) as per Rule 43.		
12.	Total incurred cost of the construction work		
13.	Total amount of cess payable	%age of total incurred cost of the construction as notified by the Central Government	Total cess payable (in Rs.)
14.	Advance cess paid, along with details (at the time of approval of the Project or before the commencement of the construction work) /deduction at source, if any		
15.	Details of cess paid (when duration of the proposed construction work is more than one year)		
	Sl. No.	Year	
	14.1	1 st year	
	14.2	2 nd Year	
	14.3	3 rd Year	
16.	Total of the cess paid (Sl.No. 14 + 15)		
17.	Amount of outstanding cess (Sl. No. 13 – Sl. No.16)		
18.	Proof of payment of outstanding Cess, if any		
19.	Amount of overpaid cess, if applicable		
17.	Amount of cess assessed by the Assessing Officer		
18.	Amount of outstanding cess to be paid by the employer		
19.	Amount of penalty for non-payment of cess imposed / outstanding cess claimed by the Assessing Officer.		
20.	Ground for Appeal with supporting documents		
21.	Remark, if any		

Declaration

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

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

Signature and seal of employer

Name:

Date:

Place:

Mobile Number:

E-mail (if any):

FORM – XX

[See Rule 51(3)(a)]

**Format for Self- assessment of contribution by Aggregators of gig workers and platform workers
(to be submitted by 30th June of the current year in which the contribution is payable.)**

1.	Registration number of Aggregator / platform		
2.	Name of the Aggregator / platform and address/ location of Aggregator / platform		
3.	Name and address of the authorised person along with contact details		
4.	Number of gig workers and platform workers associated with the Aggregator / platform / as on opening day of the current financial year, i.e. 1 st day of April in the year in which contribution is payable.		
5.	Annual turn-over of such Aggregator / platform of the preceding year		
6.	Liability of the aggregator, payable to gig workers and platform workers, during the preceding year		
7.	Provisional Contribution assessment		(Amount in Rs.)
	7.1	% of the annual turnover as notified under sub-section (4) of section 114 for the preceding year	
	7.2	5% of the liability of the aggregator to gig workers and platform workers	
8.	Amount of contribution payable (minimum of 7.1 and 7.2) (in Rs.)		
9.	Payment of provisional contribution as assessed above.		
10.	Details of the Provisional payment		
11.	Remark, if any		

Note-1: For purposes of calculating contribution, turnover of an aggregator as defined under sub-section (91) under Section 2 of the Companies Act, 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.

Note-2: For this purpose, the annual turnover of an aggregator shall not include any tax, levy and cess paid or payable to the Central Government.

Declaration

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

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

Signature of authorized person

Along with seal and stamp

Name:

Date:

Place:

Mobile Number:

E-mail (if any):

FORM – XXI

[See Rule 51 (3)(b) and (c)]

**Format for return to be submitted by Aggregators of gig workers and platform workers
(to be submitted by 31st October, of the current year in which the contribution is payable.)**

1.	Registration number of Aggregator / platform		
2.	Name of the Aggregator / platform and address/ location of Aggregator / platform		
3.	Name and address of the authorised person along with contact details		
4.	Number of gig workers and platform workers associated with the Aggregator / platform / as on opening day of the current financial year, i.e. 1 st day of April in the year in which contribution is payable.		
5.	Annual turn-over of such Aggregator / platform of the preceding year		
6.	Liability of the aggregator, payable to gig workers and platform workers, during the preceding year		
7.	Final Contribution assessment after audited statement of account		(Amount in Rs.)
	7.1	% of the annual turnover as notified under sub-section (4) of section 114 for the preceding year	

	7.2	5% of the liability of the aggregator to gig workers and platform workers	
8.	Amount of contribution payable (minimum of 7.1 and 7.2) (in Rs.)		
9.	Amount paid as provisional contribution based on self-assessment.		
10.	Details of the Provisional payment (along with receipt)		
11.	Amount of outstanding contribution to be paid (Srl. No. 8-Srl.No.9)		
11.	Proof of payment of outstanding contribution, if any		
12	Amount of excess paid contribution, if any		
13	In case excess paid, details of the bank account in which refund amount is to be refunded		
14	Remark, if any		

Note-1: For purposes of calculating contribution, turnover of an aggregator as defined under sub-section (91) under section 2 of the Companies Act, 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.

Note-2: For this purpose, the annual turnover of an aggregator shall not include any tax, levy and cess paid or payable to the Central Government.

Declaration

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

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

Signature of authorized person

Along with seal and stamp

Name:

Date:

Place:

Mobile Number:

E-mail (if any):

FORM – XXII*[(See Rule 55 (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) & 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 XXIII

[(See Rule 55(3)(a)]

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

(a) Name of the establishment.....

Address of the establishment:

House No./Flat No.Street No./Plot No.

Town.....District.....State.....pin code.....

(b) Name of the employer.....

Address of the employer:

House No./Flat No.Street No./Plot No.

Town.....District.....State.....pin code.....

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

D. Working hours and weekly rest day:

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

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

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

F. Wage rates (Category Wise):

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

G. (a) Details of Payments:

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

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

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

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

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

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

01.	Date of opening of establishment	
02.	Date of closing, if closed	

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

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

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

Declaration

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

Place

Date

Sign. Here

FORM-XXIV*[See Rule 56 (1)]***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 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

[See Rule 56 (2)]

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**

[See Rule 56 (3)]

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:

	(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), Scheduled Tribe(ST), Economically Weaker Sections(EWS), Other Backward Classes(OBC), Ex-serviceman and persons with disabilities (pwd) , etc, in filling up the vacancies: Yes/No (if yes, give the number of vacancies to be filled by such categories of persons as detailed below)	
	Category	Number of vacancies to be filled
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons with disabilities (pwd) (g) women (h) Others(specify)	Total *By Priority candidates *(Applicable for Central Government vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.	
7.	Place of work (Name of the town/village and district, pin code ,etc. in which it is situated)	
8.	Mode of Application(email, online, in writing, etc) and Last date for receipt of applications.	
9.	Particulars of officer to whom the applications be sent/candidates should approach (Mention Name, designation, email id, address , telephone No., website address in case of online)	
10.	Mode of Recruitment {Through Career Centre, Placement Agency , self-management, any other mode(specify) }	
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No
12.	Any other relevant information	

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

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

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

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

NOTE:

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

FORM-XXVI

[See Rule 58(6)]

Form EIR (Employment Information Return)

Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....

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

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

MEN		
WOMEN		
Other (Transgender)		
TOTAL :		
PWD (persons with disabilities) out of above total		

(EIR-continued)

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

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

3. MANPOWER SHORTAGES:

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

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

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

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

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

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

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

To

The Career Centre,
.....

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

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

[F. No. R-11011/03/2020-SS-II]
ANURADHA PRASAD, Addl. Secy.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 64] नई दिल्ली, बृहस्पतिवार, दिसम्बर 05, 2019/ अग्रहायण 14, 1941 (शक)
No. 64] NEW DELHI, THURSDAY, DECEMBER 05, 2019/AGRAHAYANA 14, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 5th December, 2019/Agrahayana 14, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 5th December, 2019, and is hereby published for general information:—

THE TRANSGENDER PERSONS (PROTECTION OF RIGHTS) ACT, 2019

No. 40 OF 2019

[5th December, 2019.]

An Act to provide for protection of rights of transgender persons and their welfare and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Transgender Persons (Protection of Rights) Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means,—

(i) in relation to the Central Government or any establishment, wholly or substantially financed by that Government, the Central Government;

(ii) in relation to a State Government or any establishment, wholly or substantially financed by that Government, or any local authority, the State Government;

(b) "establishment" means—

(i) any body or authority established by or under a Central Act or a State Act or an authority or a body owned or controlled or aided by the Government or a local authority, or a Government company as defined in section 2 of the Companies Act, 2013, and includes a Department of the Government; or

18 of 2013.

(ii) any company or body corporate or association or body of individuals, firm, cooperative or other society, association, trust, agency, institution;

(c) "family" means a group of people related by blood or marriage or by adoption made in accordance with law;

(d) "inclusive education" means a system of education wherein transgender students learn together with other students without fear of discrimination, neglect, harassment or intimidation and the system of teaching and learning is suitably adapted to meet the learning needs of such students;

(e) "institution" means an institution, whether public or private, for the reception, care, protection, education, training or any other service of transgender persons;

(f) "local authority" means the municipal corporation or Municipality or Panchayat or any other local body constituted under any law for the time being in force for providing municipal services or basic services, as the case may be, in respect of areas under its jurisdiction;

(g) "National Council" means the National Council for Transgender Persons established under section 16;

(h) "notification" means a notification published in the Official Gazette;

(i) "person with intersex variations" means a person who at birth shows variation in his or her primary sexual characteristics, external genitalia, chromosomes or hormones from normative standard of male or female body;

(j) "prescribed" means prescribed by rules made by the appropriate Government under this Act; and

(k) "transgender person" means a person whose gender does not match with the gender assigned to that person at birth and includes trans-man or trans-woman (whether or not such person has undergone Sex Reassignment Surgery or hormone therapy or laser therapy or such other therapy), person with intersex variations, genderqueer and person having such socio-cultural identities as *kinner*, *hijra*, *aravani* and *jogta*.

CHAPTER II

PROHIBITION AGAINST DISCRIMINATION

Prohibition
against
discrimination.

3. No person or establishment shall discriminate against a transgender person on any of the following grounds, namely:—

(a) the denial, or discontinuation of, or unfair treatment in, educational establishments and services thereof;

(b) the unfair treatment in, or in relation to, employment or occupation;

(c) the denial of, or termination from, employment or occupation;

(d) the denial or discontinuation of, or unfair treatment in, healthcare services;

(e) the denial or discontinuation of, or unfair treatment with regard to, access to, or provision or enjoyment or use of any goods, accommodation, service, facility, benefit, privilege or opportunity dedicated to the use of the general public or customarily available to the public;

(f) the denial or discontinuation of, or unfair treatment with regard to the right of movement;

(g) the denial or discontinuation of, or unfair treatment with regard to the right to reside, purchase, rent, or otherwise occupy any property;

(h) the denial or discontinuation of, or unfair treatment in, the opportunity to stand for or hold public or private office; and

(i) the denial of access to, removal from, or unfair treatment in, Government or private establishment in whose care or custody a transgender person may be.

CHAPTER III

RECOGNITION OF IDENTITY OF TRANSGENDER PERSONS

4. (1) A transgender person shall have a right to be recognised as such, in accordance with the provisions of this Act.

Recognition of identity of transgender person.

(2) A person recognised as transgender under sub-section (1) shall have a right to self-perceived gender identity.

5. A transgender person may make an application to the District Magistrate for issuing a certificate of identity as a transgender person, in such form and manner, and accompanied with such documents, as may be prescribed:

Application for certificate of identity.

Provided that in the case of a minor child, such application shall be made by a parent or guardian of such child.

6. (1) The District Magistrate shall issue to the applicant under section 5, a certificate of identity as transgender person after following such procedure and in such form and manner, within such time, as may be prescribed indicating the gender of such person as transgender.

Issue of certificate of identity.

(2) The gender of transgender person shall be recorded in all official documents in accordance with certificate issued under sub-section (1).

(3) A certificate issued to a person under sub-section (1) shall confer rights and be a proof of recognition of his identity as a transgender person.

Change in gender.

7. (1) After the issue of a certificate under sub-section (1) of section 6, if a transgender person undergoes surgery to change gender either as a male or female, such person may make an application, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone surgery, to the District Magistrate for revised certificate, in such form and manner as may be prescribed.

(2) The District Magistrate shall, on receipt of an application along with the certificate issued by the Medical Superintendent or Chief Medical Officer, and on being satisfied with the correctness of such certificate, issue a certificate indicating change in gender in such form and manner and within such time, as may be prescribed.

(3) The person who has been issued a certificate of identity under section 6 or a revised certificate under sub-section (2) shall be entitled to change the first name in the birth certificate and all other official documents relating to the identity of such person:

Provided that such change in gender and the issue of revised certificate under sub-section (2) shall not affect the rights and entitlements of such person under this Act.

CHAPTER IV

WELFARE MEASURES BY GOVERNMENT

Obligation of appropriate Government.

8. (1) The appropriate Government shall take steps to secure full and effective participation of transgender persons and their inclusion in society.

(2) The appropriate Government shall take such welfare measures as may be prescribed to protect the rights and interests of transgender persons, and facilitate their access to welfare schemes framed by that Government.

(3) The appropriate Government shall formulate welfare schemes and programmes which are transgender sensitive, non-stigmatising and non-discriminatory.

(4) The appropriate Government shall take steps for the rescue, protection and rehabilitation of transgender persons to address the needs of such persons.

(5) The appropriate Government shall take appropriate measures to promote and protect the right of transgender persons to participate in cultural and recreational activities.

CHAPTER V

OBLIGATION OF ESTABLISHMENTS AND OTHER PERSONS

Non-discrimination in employment.

9. No establishment shall discriminate against any transgender person in any matter relating to employment including, but not limited to, recruitment, promotion and other related issues.

Obligations of establishments.

10. Every establishment shall ensure compliance with the provisions of this Act and provide such facilities to transgender persons as may be prescribed.

Grievance redressal mechanism.

11. Every establishment shall designate a person to be a complaint officer to deal with the complaints relating to violation of the provisions of this Act.

Right of residence.

12. (1) No child shall be separated from parents or immediate family on the ground of being a transgender, except on an order of a competent court, in the interest of such child.

(2) Every transgender person shall have—

(a) a right to reside in the household where parent or immediate family members reside;

(b) a right not to be excluded from such household or any part thereof; and

(c) a right to enjoy and use the facilities of such household in a non-discriminatory manner.

(3) Where any parent or a member of his immediate family is unable to take care of a transgender, the competent court shall by an order direct such person to be placed in rehabilitation centre.

CHAPTER VI

EDUCATION, SOCIAL SECURITY AND HEALTH OF TRANSGENDER PERSONS

13. Every educational institution funded or recognised by the appropriate Government shall provide inclusive education and opportunities for sports, recreation and leisure activities to transgender persons without discrimination on an equal basis with others.

Obligation of educational institutions to provide inclusive education to transgender persons.

14. The appropriate Government shall formulate welfare schemes and programmes to facilitate and support livelihood for transgender persons including their vocational training and self-employment.

Vocational training and self-employment.

15. The appropriate Government shall take the following measures in relation to transgender persons, namely:—

Healthcare facilities.

(a) to set up separate human immunodeficiency virus Sero-surveillance Centres to conduct sero-surveillance for such persons in accordance with the guidelines issued by the National AIDS Control Organisation in this behalf;

(b) to provide for medical care facility including sex reassignment surgery and hormonal therapy;

(c) before and after sex reassignment surgery and hormonal therapy counselling;

(d) bring out a Health Manual related to sex reassignment surgery in accordance with the World Profession Association for Transgender Health guidelines;

(e) review of medical curriculum and research for doctors to address their specific health issues;

(f) to facilitate access to transgender persons in hospitals and other healthcare institutions and centres;

(g) provision for coverage of medical expenses by a comprehensive insurance scheme for Sex Reassignment Surgery, hormonal therapy, laser therapy or any other health issues of transgender persons.

CHAPTER VII

NATIONAL COUNCIL FOR TRANSGENDER PERSONS

16. (1) The Central Government shall by notification constitute a National Council for Transgender Persons to exercise the powers conferred on, and to perform the functions assigned to it, under this Act.

National Council for Transgender Persons.

(2) The National Council shall consist of—

(a) the Union Minister in-charge of the Ministry of Social Justice and Empowerment, Chairperson, *ex officio*;

(b) the Minister of State, in-charge of the Ministry of Social Justice and Empowerment in the Government, Vice-Chairperson, *ex officio*;

(c) Secretary to the Government of India in-charge of the Ministry of Social Justice and Empowerment, Member, *ex officio*;

(d) one representative each from the Ministries of Health and Family Welfare, Home Affairs, Housing and Urban Affairs, Minority Affairs, Human Resources

Development, Rural Development, Labour and Employment and Departments of Legal Affairs, Pensions and Pensioners Welfare and National Institute for Transforming India Aayog, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(e) one representative each from the National Human Rights Commission and National Commission for Women, not below the rank of Joint Secretaries to the Government of India, Members, *ex officio*;

(f) representatives of the State Governments and Union territories by rotation, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members, *ex officio*;

(g) five representatives of transgender community, by rotation, from the State Governments and Union territories, one each from the North, South, East, West and North-East regions, to be nominated by the Central Government, Members;

(h) five experts, to represent non-governmental organisations or associations, working for the welfare of transgender persons, to be nominated by the Central Government, Members; and

(i) Joint Secretary to the Government of India in the Ministry of Social Justice and Empowerment dealing with the welfare of the transgender persons, Member Secretary, *ex officio*.

(3) A Member of National Council, other than *ex officio* member, shall hold office for a term of three years from the date of his nomination.

Functions of Council.

17. The National Council shall perform the following functions, namely:—

(a) to advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to transgender persons;

(b) to monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of transgender persons;

(c) to review and coordinate the activities of all the departments of Government and other Governmental and non-Governmental Organisations which are dealing with matters relating to transgender persons;

(d) to redress the grievances of transgender persons; and

(e) to perform such other functions as may be prescribed by the Central Government.

CHAPTER VIII

OFFENCES AND PENALTIES

Offences and penalties.

18. Whoever,—

(a) compels or entices a transgender person to indulge in the act of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

(b) denies a transgender person the right of passage to a public place or obstructs such person from using or having access to a public place to which other members have access to or a right to use;

(c) forces or causes a transgender person to leave household, village or other place of residence; and

(d) harms or injures or endangers the life, safety, health or well-being, whether mental or physical, of a transgender person or tends to do acts including causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine.

CHAPTER IX

MISCELLANEOUS

19. The Central Government shall, from time to time, after due appropriation made by Parliament by law in this behalf, credit such sums to the National Council as may be necessary for carrying out the purposes of this Act.

Grants by
Central
Government.

20. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Act not in
derogation of
any other law.

21. No suit, prosecution or other legal proceeding shall lie against the appropriate Government or any local authority or any officer of the Government in respect of anything which is in good faith done or intended to be done in pursuance of the provisions of this Act and any rules made thereunder.

Protection of
action taken
in good faith.

22. (1) The appropriate Government may, subject to the condition of previous publication, by notification, make rules for carrying out the provisions of this Act.

Power of
appropriate
Government
to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which an application shall be made under section 5;

(b) the procedure, form and manner and the period within which a certificate of identity is issued under sub-section (1) of section 6;

(c) the form and manner in which an application shall be made under sub-section (1) of section 7;

(d) the form, period and manner for issuing revised certificate under sub-section (2) of section 7;

(e) welfare measures to be provided under sub-section (2) of section 8;

(f) facilities to be provided under section 10;

(g) other functions of the National Council under clause (e) of section 17; and

(h) any other matter which is required to be or may be prescribed.

(3) Every rule made by the Central Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made by the State Government under sub-section (1), shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such legislature consists of one House, before that House.

Power to
remove
difficulties.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.

UPLOADED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI-110002
AND PUBLISHED BY THE CONTROLLER OF PUBLICATIONS, DELHI-110054.

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DUBEY Digitaly signed by
BANSHI DHAR DUBEY
Date: 2019.12.05
22:58:48 +05:30

MGIPMRND—4115GI(S3)—05-12-2019.



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सी.जी.-डी.एल.-अ.-29092020-222096
CG-DL-E-29092020-222096

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 483]

नई दिल्ली, मंगलवार, सितम्बर 29, 2020/आश्विन 7, 1942

No. 483]

NEW DELHI, TUESDAY, SEPTEMBER 29, 2020/ASVINA 7, 1942

सामाजिक न्याय और अधिकारिता मंत्रालय

अधिसूचना

नई दिल्ली, 25 सितम्बर, 2020

सा.का.नि.592(अ).—जब कि उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 (2019 का 40) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के सामाजिक न्याय और अधिकारिता मंत्रालय ने भारत के राजपत्र, असाधारण, भाग-II, खण्ड III, उप खण्ड (i) में दिनांक 13 जुलाई, 2020 के सा.का.नि.....(ई) की अधिसूचना के तहत उक्त अधिनियम की उप-धारा (i) में यथावश्यक मसौदा नियमों को प्रकाशित करके उनसे प्रभावित होने वाले संभावित व्यक्तियों से राजपत्र में उक्त अधिसूचना की प्रतियां जनता को उपलब्ध कराए जाने की तारीख से तीस दिन की अवधि समाप्त होने से पूर्व आपत्तियां और सुझाव आमंत्रित किए गए थे;

और जबकि, उक्त अधिसूचना की प्रतियां जनता को दिनांक 13 जुलाई, 2020 को उपलब्ध करा दी गई थीं;

और जबकि, उक्त मसौदा नियमों के संबंध में जनता से प्राप्त आपत्तियों और सुझावों पर केन्द्र सरकार द्वारा विचार किया गया है;

अब, अतः, उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 (2019 का 40) की धारा 22 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा निम्नलिखित नियम बनाती, नामतः :-

1. **संक्षिप्त शीर्षक और प्रारंभ** – (1) इन नियमों को उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियम, 2020 के नाम से जाना जाएगा।
- (2) ये नियम सरकारी राजपत्र में अपने अंतिम प्रकाशन की तारीख से प्रवृत्त होंगे।
2. **परिभाषा** – इन नियमों में, जब तक कि संदर्भ अन्यथा अपेक्षित न हो –
 - (क) "अधिनियम" से अभिप्रेत उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 (2019 का 40वां) से है;
 - (ख) "आवेदक" से अभिप्रेत उस उभयलिंगी व्यक्ति से है जो नियम 3 के अंतर्गत आवेदन प्रस्तुत करेगा।
 - (ग) "आवेदन" से अभिप्रेत प्रपत्र-1 में यथा विहित आवेदन पत्र से है।
 - (घ) "किन्हीं सरकारी कागजातों" से अभिप्रेत **अनुबंध-1** में सूचीबद्ध सभी कागजातों से है जिन्हें समुचित सरकार सरकारी राजपत्र में अधिसूचना द्वारा संशोधित करेगी।
 - (ङ) "पहचान प्रमाण पत्र" से अभिप्रेत जिला मजिस्ट्रेट द्वारा अधिनियम की धारा 6 अथवा धारा 7 के अंतर्गत क्रमशः प्रपत्र-3 अथवा प्रपत्र-4 में जारी प्रमाण पत्र से है।
 - (च) "प्रपत्र" इन नियमों में विहित प्रपत्र से है।
 - (छ) "पहचान पत्र" से अभिप्रेत इन नियमों के प्रवृत्त होने से पूर्व जिला मजिस्ट्रेट द्वारा किसी उभयलिंगी व्यक्ति को जारी किए "पहचान प्रमाण पत्र" अथवा राज्य प्राधिकारी उभयलिंगी व्यक्ति को जारी किए गए "पहचान प्रमाण पत्र" के आधार पर धारा 6 के अंतर्गत प्रपत्र-5 में जारी अथवा किसी उभयलिंगी व्यक्ति को धारा 7 के अंतर्गत लिंग परिवर्तन के आधार पर प्रपत्र-6 में जारी फोटो पहचान पत्र से है।
 - (ज) "चिकित्सा संस्थान" से अभिप्रेत ग्रामीण क्षेत्रों अथवा शहरी क्षेत्रों अथवा ओवरसीज में स्थित किसी चिकित्सा संस्थान चाहे वह निजी अथवा सरकारी अस्पताल या क्लीनिक हो, से है।
 - (झ) "चिकित्सा हस्तक्षेप" में किसी व्यक्ति द्वारा अपनी स्वतः पहचान लिंग के परिवर्तन को सुकर करने के लिए अपने लिंग की पुष्टि करवाने के लिए चिकित्सा हस्तक्षेप शामिल हैं लेकिन यह काउंसिलिंग, हार्मोनल थेरेपी और सर्जिकल हस्तक्षेप, यदि कोई हो, तक सीमित नहीं है।
 - (ञ) "धारा" से अभिप्रेत अधिनियम की धारा से है।
 - (ट) इस अधिसूचना में प्रयोग किए गए अन्य सभी शब्द और अभिव्यक्तियां जो इसमें परिभाषित नहीं की गई हैं, लेकिन अधिनियम में परिभाषित की गई हैं, का वहीं अर्थ होगा जो अधिनियम में परिभाषित की गई है।
3. **धारा 6 अथवा धारा 7 के अंतर्गत पहचान प्रमाण पत्र जारी करने के लिए आवेदन :**
 - (1) उभयलिंगी व्यक्ति जो पहचान प्रमाण पत्र प्राप्त करने का इच्छुक है, वह प्रपत्र-1 में यथाविहित आवेदन प्रस्तुत करेगा।
 - (2) जब तक ऑनलाइन सुविधाएं विकसित नहीं की जाती हैं, तब तक जिला मजिस्ट्रेट को आवेदन व्यक्तिगत रूप से प्रस्तुत किए जाएंगे अथवा डाक द्वारा भेजे जाएंगे और तत्पश्चात् आवेदन केवल ऑनलाइन ही प्रस्तुत किए जाएंगे :

बशर्ते कि समुचित सरकार दूरस्थ क्षेत्रों अथवा वंचित परिस्थितियों में रहने वाले उभयलिंगी व्यक्तियों द्वारा पहचान प्रमाण पत्र के लिए आवेदन प्रस्तुत करने हेतु सुविधाएं उपलब्ध कराने के लिए कोई उपयुक्त प्रयास, जैसा वह उचित समझे, नहीं करती है।

बशर्ते कि नबालिग बालक के मामले में, यह आवेदन उसके माता-पिता अथवा नबालिग बालक के मामले में अभिभावक द्वारा और देखरेख तथा संरक्षण की आवश्यकता वाले बालक के मामले में किशोर न्याय (बालकों की देखरेख और संरक्षण) अधिनियम, 2015 (2016 का 2) के तहत सक्षम प्राधिकारी द्वारा प्रस्तुत किया जाएगा।

- (3) जिन उभयलिंगी व्यक्तियों ने अधिनियम के प्रवृत्त होने से पूर्व अपना लिंग, चाहे वह पुरुष, महिला या उभयलिंगी हो, परिवर्तित करके सरकारी तौर पर दर्ज कराया है, उन्हें इन नियमों के अंतर्गत पहचान प्रमाण पत्र के लिए आवेदन प्रस्तुत करने की आवश्यकता नहीं है।

बशर्ते कि ऐसे व्यक्ति अधिनियम के अंतर्गत उभयलिंगी व्यक्ति को प्रदत्त सभी अधिकारों और पात्रताओं का लाभ उठा रहे हों।

4. पहचान प्रमाण पत्र जारी करने के लिए पद्धति - (1) जिला मजिस्ट्रेट चिकित्सा जांच के प्रपत्र-2 में किसी व्यक्ति की लिंग पहचान की घोषणा करने के आधार पर प्रस्तुत शपथ पत्र, जो बिना किसी चिकित्सा जांच के प्रस्तुत किया जाएगा, आवेदन के सही होने के बशर्ते कार्रवाई करेगा और आवेदक को पहचान संख्या जारी करेगा जिसे आवेदन के प्रमाण के रूप में उद्धृत किया जाएगा।

(2) निवास स्थान के निर्धारण के प्रयोजनार्थ, आवेदक आवेदन प्रस्तुत करने की तारीख से जिला मजिस्ट्रेट के क्षेत्राधिकार के अंतर्गत आने वाले क्षेत्र का निवासी होना चाहिए और इस संबंध में प्रपत्र-2 में एक शपथ पत्र प्रस्तुत किया जाएगा तथा उससे और कोई प्रमाण नहीं मांगा जाएगा।

5. धारा 6 के अंतर्गत उभयलिंगी व्यक्ति के लिए पहचान प्रमाण पत्र जारी करना - (1) जिला मजिस्ट्रेट नियम 4 में निर्धारित पद्धति के अनुसार कार्रवाई करते हुए प्रपत्र-3 में पहचान प्रमाण पत्र जारी करेगा जिसमें ऐसे व्यक्ति का लिंग अंकित होगा।

(2) उक्त पहचान प्रमाण पत्र, शपथ पत्र सहित विधिवत रूप से भरे आवेदन के प्राप्त होने के तीस दिन के भीतर जारी किया जाएगा।

(3) उप नियम (1) के अंतर्गत जारी पहचान प्रमाण पत्र, उक्त पहचान प्रमाण पत्र में विनिर्दिष्ट लिंग के अनुसार **अनुबंध-1** में यथा-निर्धारित ऐसे सभी सरकारी कागजातों में उभयलिंगी व्यक्ति का लिंग तथा उसका नाम और फोटो में परिवर्तन करने का आधार होगा।

(4) जिला मजिस्ट्रेट उप नियम (1) के अंतर्गत आवेदक को पहचान प्रमाण पत्र जारी करते समय, प्रपत्र-5 में उभयलिंगी व्यक्ति पहचान पत्र जारी करेगा।

(5) जारी किए गए उक्त पहचान प्रमाण पत्र और उभयलिंगी व्यक्ति के पहचान पत्र को उपयुक्त सरकारों द्वारा लोक सेवा के प्रयोजनार्थ अपने रिकार्ड में शामिल किया जाएगा।

(6) जो प्राधिकारी, नियम 3 के अंतर्गत आवेदन के आधार पर सरकारी कागजात जारी करता है, वह ऐसे आवेदन के प्रस्तुत करने के पन्द्रह दिन के भीतर सरकारी कागजातों में आवेदक का नाम अथवा लिंग अथवा दोनों को परिवर्तित कर सकेगा।

(7) किसी सरकारी कागजात, जिसमें उभयलिंगी व्यक्ति का लिंग, नाम और फोटो उक्त पहचान प्रमाण पत्र के आधार पर संशोधित किया गया है, में उस उभयलिंगी व्यक्ति जिसने अपना नाम या लिंग या दोनों में परिवर्तन कराया है, के मूल सरकारी कागजात में उल्लिखित समान क्रम संख्या अथवा संदर्भ संख्या होगी :

बशर्ते कि कोई उभयलिंगी व्यक्ति राज्य प्राधिकारी द्वारा जारी किए गए पहचान पत्र, यदि कोई हो, के आधार पर लाभ पाने का पात्र था, वह उभयलिंगी व्यक्ति इन नियमों के अंतर्गत जारी पहचान प्रमाण पत्र के आधार पर उन लाभों को पाने का पात्र होगा।

6. लिंग परिवर्तित करने के लिए पहचान प्रमाण पत्र जारी करने हेतु पद्धति -

- (1) यदि कोई उभयलिंगी व्यक्ति, पुरुष अथवा महिला के रूप में लिंग परिवर्तित के लिए मेडिकल हस्तक्षेप का सहारा लेता है तो वह व्यक्ति जिसने उक्त चिकित्सा हस्तक्षेप का सहारा लेता है, तो वह व्यक्ति जिनसे चिकित्सा हस्तक्षेप करवाया है, वह उस चिकित्सा संस्थान के चिकित्सा अधीक्षक अथवा मुख्य चिकित्सा अधिकारी द्वारा इस संबंध में जारी प्रमाण पत्र के साथ संशोधित पहचान प्रमाण पत्र जारी करने के लिए जिला मजिस्ट्रेट को प्रपत्र-1 में आवेदन कर सकता है।
- (2) जिला मजिस्ट्रेट उप-नियम (1) में संदर्भित आवेदन की प्राप्ति पर उक्त मेडिकल प्रमाण पत्र के सही होने की जांच करेगा जिसमें कोई शारीरिक जांच शामिल नहीं होगी।
- (3) आवास स्थान का पता लगाने के प्रयोजनार्थ, आवेदक को आवेदन की तारीख पर जिला मजिस्ट्रेट के क्षेत्राधिकार के अंतर्गत आने वाले क्षेत्र का निवासी होना चाहिए और इससे संबंधित शपथ-पत्र प्रपत्र-1 में आवेदन के साथ प्रस्तुत करना होगा तथा कोई और अतिरिक्त प्रमाण नहीं मांगा जाएगा।

7. धारा 7 के अंतर्गत पहचान प्रमाण पत्र जारी करना - (1) धारा 7 के अंतर्गत लिंग बदलाव चाहने वाले आवेदक को जिला मजिस्ट्रेट प्रपत्र-4 में संशोधित प्रमाण पत्र जारी करेगा, जिसमें संबंधित व्यक्ति को पुरुष अथवा महिला, जैसा भी मामला हो, दर्शाया जाएगा।

- (2) जिला मजिस्ट्रेट इसकी प्राप्ति के पंद्रह दिन के भीतर उप-नियम (1) के अंतर्गत संशोधित प्रमाण-पत्र जारी करेगा।
- (3) उप-नियम (1) के अंतर्गत जारी पहचान-पत्र अनुबंध-1 में दिए गए सभी सरकारी कागजातों में उभयलिंगी व्यक्ति के लिंग, फोटो के साथ-साथ नाम का रिकार्ड अथवा बदलाव, करने के लिए आवेदक को पात्र बनाएगा जो उक्त प्रमाण-पत्र में विनिर्दिष्ट पुरुष अथवा महिला, जैसा भी मामला हो, के अनुरूप होगा।
- (4) लिंग बदलाव के लिए पहचान प्रमाण-पत्र जारी करते हुए, जिला मजिस्ट्रेट साथ ही आवेदक को प्रपत्र-6 में पहचान पत्र जारी करेगा।
- (5) सरकारी कागजात जारी करने वाला प्राधिकारी नियम-3 के अंतर्गत आवेदक द्वारा किए गए ऐसे आवेदन के 15 दिनों के भीतर सरकारी कागजातों में आवेदक का नाम अथवा लिंग अथवा दोनों में बदलाव करेगा।
- (6) उक्त पहचान प्रमाण पत्र के आधार पर ऐसा कोई सरकारी कागजात जिसमें उभयलिंगी के लिंग, नाम अथवा फोटो में संशोधन किया गया हो, उसकी क्रम संख्या अथवा संदर्भ संख्या वही होगी जो ऐसे उभयलिंगी व्यक्ति, जो सरकारी कागजात में नाम अथवा लिंग अथवा दोनों को बदलना चाहता है, को जारी मूल सरकारी कागजात में है।

8. आवेदन को अस्वीकृत करने की सूचना - (1) नियम 3 के अंतर्गत आवेदन प्राप्त होने की तारीख से 30 दिनों के भीतर आवेदन की अस्वीकृति के मामले में, जिला मजिस्ट्रेट द्वारा आवेदक को ऐसे अस्वीकृति का कारण अथवा के कारण सूचित किए जाएंगे।

- (2) ऐसी अस्वीकृति की 60 दिनों के भीतर नियम 8 का उप-नियम (1) में आवेदक द्वारा, जिला मजिस्ट्रेट द्वारा की गई आपत्तियों के अनुसार, किए गए आवेदन पर जिला मजिस्ट्रेट अस्वीकृति के निर्णय की समीक्षा करेगा।

9. अपील का अधिकार - आवेदक को आवेदन की अस्वीकृति की सूचना की तारीख से नब्बे दिन के भीतर अंतिम आदेश के लिए समुचित सरकार द्वारा नामित अपीलीय प्राधिकारी को अपील करने का अधिकार होगा।

10. समुचित सरकार द्वारा उभयलिंगी व्यक्तियों के लिए कल्याण संबंधी उपाय, शिक्षा, सामाजिक सुरक्षा और स्वास्थ्य -

- (1) समुचित सरकार उभयलिंगी व्यक्तियों के अधिकारों और हितों की रक्षा करने और उन्हें सरकारी द्वारा बनाई गई स्कीमों तथा कल्याण संबंधी उपायों के प्रयोजनार्थ उनके लिए एक कल्याण बोर्ड गठित करेगी।

- (2) उभयलिंगी व्यक्तियों के अधिकारों और हितों की रक्षा तथा सरकार द्वारा बनाई गई स्कीमों व कल्याण संबंधी उपायों तक उनकी पहुंच को सुलभ बनाते हुए उभयलिंगी व्यक्तियों को उसमें शामिल करने के लिए राज्य/संघ राज्य क्षेत्र सरकारें सभी मौजूदा शैक्षणिक, सामाजिक सुरक्षा, स्वास्थ्य स्कीमों, कल्याण उपायों, व्यावसायिक प्रशिक्षण और स्व-रोजगार स्कीमों की समीक्षा करेंगी।
- (3) केंद्रीय और राज्य/संघ राज्य क्षेत्र, दोनों सरकारें **अनुबंध-II** में यथा-विनिर्दिष्ट शैक्षणिक, सामाजिक सुरक्षा और स्वास्थ्य स्कीमों और कल्याण स्कीमों तथा कार्यक्रमों को इस प्रकार तैयार करेंगी कि वे उभयलिंगी व्यक्तियों के प्रति संवेदनशील, गैर-कलंकित और बिना भेदभाव के हों।
- (4) केंद्रीय और राज्य/संघ राज्य क्षेत्र, दोनों सरकारें, दोनों, अपने कार्यक्षेत्र में आने वाले किसी सरकारी अथवा प्राइवेट संगठन, अथवा शैक्षणिक संस्था में भेदभाव का प्रतिषेध करने और शमशान घाटों/कब्रिस्तानों सहित सामाजिक और सार्वजनिक स्थानों पर समान पहुंच सुनिश्चित करने के लिए पर्याप्त कदम उठाएंगी।
- (5) केंद्रीय/राज्य/संघ राज्य क्षेत्र की सरकारें, उभयलिंगी व्यक्तियों के अधिकारों की सुरक्षा के लिए इन नियमों के लागू होने की तारीख से दो वर्षों के भीतर अधिनियम की धारा 12 की उप-धारा (3) में उल्लिखित संस्थागत और अवसंरचनात्मक सुविधाएं, जो पुनर्वास केंद्रों तक सीमित नहीं होंगी, मानव रोगक्षम-अपर्याप्तता वायरस सीरो-सर्वालिऐंस केंद्र, अस्पतालों में अलग वार्ड और प्रतिष्ठान में अलग शौचालय तैयार करेंगी।
- (6) कल्याण संबंधी स्कीमों के लाभ के प्रयोजनार्थ उभयलिंगी व्यक्तियों को शिक्षित करने, जानकारी देने और प्रशिक्षित करने के लिए; उभयलिंगी व्यक्तियों को उनके अधिकारों के प्रति शिक्षित और प्रशिक्षित करने के लिए; उभयलिंगी व्यक्तियों के विरुद्ध कलंक और भेदभाव को हटाने और इसके प्रभावों को कम करने के लिए राज्य/संघ राज्य क्षेत्र सरकारें जागरूकता अभियान चलाएंगी।
- (7) केंद्रीय/राज्य/संघ राज्य क्षेत्र की सरकारें अपने कार्यक्षेत्र के अंतर्गत आने वाले स्कूलों और कालेजों में शिक्षकों और संकाय के सुग्राहीकरण के लिए इस प्रकार प्रावधान करेंगी:-
- (क) समानता और लैंगिक विविधता के लिए सम्मान पैदा करने के लिए शैक्षणिक पाठ्यचर्या में बदलाव;
 - (ख) स्वास्थ्य देखभाल संबंधी पेशेवरों का सुग्राहीकरण;
 - (ग) मेडिकल शिक्षा के लिए पाठ्यचर्या में बदलाव; और
 - (घ) कार्यस्थलों में सुग्राहीकरण कार्यक्रम।
- (8) सभी शैक्षणिक संस्थानों में ऐसी एक समिति होगी, जिस तक किसी प्रकार के उत्पीड़न और भेदभाव के मामले में उभयलिंगी व्यक्तियों की पहुंच होगी। इस समिति के पास ऐसे अधिकार होंगे जो यह सुनिश्चित करेंगे कि शिक्षकों सहित उभयलिंगी व्यक्तियों को परेशान करने वाले व्यक्तियों की उपस्थिति से उभयलिंगी छात्रों पर कोई प्रभाव नहीं पड़े।
- (9) राज्य/संघ राज्य क्षेत्र सरकारें, उभयलिंगी व्यक्तियों के अधिकारों की सुरक्षा के लिए इन नियमों के लागू होने की तारीख से दो वर्षों के भीतर अस्थायी आश्रयों, अल्पावास गृहों और आवासों, अस्पतालों में पुरुष, महिला अथवा अलग वार्ड का चयन करने और प्रतिष्ठानों में शौचालयों तक सीमित न रहते हुए संस्थागत और अवसंरचनात्मक सुविधाओं को तैयार करेंगी।
- 11. गैर भेदभाव के लिए प्रावधान -** (1) समुचित सरकार शिक्षा, रोजगार, स्वास्थ्य देखभाल, सार्वजनिक परिवहन, जन जीवन में भागीदारी, खेल-कूद, अवकाश और मनोरंजन तथा पब्लिक अथवा प्राइवेट कार्यालय में कार्य करने का अवसर सहित किसी सरकारी अथवा निजी संगठन अथवा प्रतिष्ठान में भेदभाव का प्रतिषेध करने के लिए भी पर्याप्त कदम उठाएगी।
- (2) अधिनियम के उपबंधों के अनुसार उभयलिंगी व्यक्तियों की सुरक्षा के लिए इन नियमों के लागू होने की तारीख से

दो वर्षों के भीतर समुचित सरकार आवश्यक उपायों और पद्धतियों पर विस्तृत नीति तैयार करेगी।

(3) उप-धारा (2) के अंतर्गत तैयार नीति में असुरक्षित उभयलिंगी समुदायों की सुरक्षा के लिए निवारक और निरोधक प्रशासनिक और पुलिस उपाय शामिल होंगे।

(4) संबंधित राज्य सरकार धारा 18 के अंतर्गत अभियोजित व्यक्तियों के समय से अभियोजन के पर्यवेक्षण के लिए उत्तरदायी होगी।

(5) उभयलिंगी व्यक्तियों के विरुद्ध अपराधों की निगरानी करने और मामलों का समय से पंजीकृत करने, जांच और अभियोजन सुनिश्चित करने के लिए प्रत्येक राज्य सरकार जिला मजिस्ट्रेट और पुलिस महानिदेशक के प्रभार में उभयलिंगी सुरक्षा सेल स्थापित करेगी।

12. रोजगार के समान अवसर - (1) प्रत्येक प्रतिष्ठान अवसंरचनात्मक समायोजनों, भर्ती, पदोन्नति और अन्य संबंधित मामलों तक सीमित न रहते हुए रोजगार संबंधी किसी मामले में उभयलिंगी व्यक्ति के विरुद्ध गैर-भेदभाव सुनिश्चित करने के लिए सभी उपायों को कार्यान्वित करेगा।

(2) प्रत्येक प्रतिष्ठान उभयलिंगी व्यक्तियों के लिए समान अवसर नीति प्रकाशित करेगा।

(3) प्रतिष्ठान विशेषतः अपनी वेबसाइट पर समान अवसर नीति प्रदर्शित करेगा। ऐसा न कर पाने की स्थिति में अपने परिसर में विशिष्ट स्थानों पर इसे प्रदर्शित करेगा।

(4) निजी प्रतिष्ठान की समान अवसर नीति में अन्य बातों के साथ-साथ निम्नलिखित का उल्लेख होगा -

(क) उभयलिंगी व्यक्ति प्रतिष्ठान में अपने कर्तव्यों का प्रभावी रूप से निर्वाह कर सकें, इसके लिए उभयलिंगी व्यक्तियों को अवसंरचनात्मक सुविधाएं (जैसे यूनिसेक्स शौचालय), सुरक्षा के लिए उपाय (परिवहन और गार्ड) और सुविधाएं (जैसे स्वच्छता उत्पाद) प्रदान करना।

(ख) कर्मचारियों की सेवा संबंधी शर्तों के बारे में कंपनी के सभी नियमों और विनियमों को लागू करना;

(ग) कर्मचारियों के लिंग की पहचान गोपनीय रखना।

(घ) शिकायत अधिकारियों का ब्यौरा।

13. शिकायत निवारण - समुचित सरकार यह सुनिश्चित करेगी कि इन नियमों की अधिसूचना लागू होने की तारीख से तीस दिनों के भीतर प्रत्येक प्रतिष्ठान धारा 11 के अनुसार शिकायत अधिकारी नामित करेगा।

(2) शिकायत अधिकारी, शिकायत प्राप्त होने की तारीख से पन्द्रह दिनों के अंदर इन शिकायतों पर कार्रवाई करेगा।

(3) प्रतिष्ठान प्रमुख रिपोर्ट प्रस्तुत करने की तारीख से पन्द्रह दिन के भीतर शिकायत अधिकारी द्वारा सौंपी गई जांच रिपोर्ट पर कार्रवाई करेगा।

(4) जिन शिकायतों पर उपयुक्त समय सीमा के भीतर कार्रवाई नहीं की गई है उन पर प्रतिष्ठान प्रमुख तुरंत कार्रवाई करेगा।

(5) समुचित सरकार, धारा 12 की उप-धारा (1) और (2) के विशेष संदर्भ सहित अधिनियम के अध्याय-V के उपबंधों के उपयुक्त कार्यान्वयन को सुनिश्चित करने के लिए हेल्पलाइन और आउटरीच केंद्रों के माध्यम से कार्य करते हुए एक वर्ष के भीतर शिकायत निवारण तंत्र भी स्थापित करेगी।

(6) ऐसी शिकायतों के हेल्पलाइन पर आने की तारीख से तीस दिनों के भीतर शिकायत निवारण प्रणाली शिकायतों का समाधान और धारा 18 में यथा-निर्धारित शास्तियों को लागू करना सुनिश्चित करेगी।

(7) समुचित सरकार, अपने क्षेत्राधिकार के अंतर्गत आने वाले सभी प्रतिष्ठानों में दायर की गई शिकायतों, जांच तथा उन पर की गई कार्रवाई का पता लगाने के लिए एक निगरानी प्रणाली स्थापित करेगी।

14. राष्ट्रीय परिषद् – (1) राष्ट्रीय परिषद् अधिनियम की धारा 17 के अनुसार कार्य करेगी।

(2) राष्ट्रीय परिषद् को अपनी बैठकें आयोजित करने और अपने कार्यों को करने की सुविधा प्रदान करने के लिए राष्ट्रीय समाज सुरक्षा संस्थान सचिवालय के रूप में कार्य करेगा।

[फा.सं. 17-2/2019-डीपी-II]

राधिका चक्रवर्ती, संयुक्त सचिव

प्रपत्र-1

(कृपया नियमावली 2 (घ), 3(1) और 6(1) देखें)

उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 6*/7* के साथ पठित उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियमावली, 2020 के अंतर्गत उभयलिंगी पहचान प्रमाण-पत्र जारी करने के लिए आवेदन प्रपत्र।

*जो लागू न हो उसे काट दें।

राज्य चिन्ह राज्य सरकार (राज्य का नाम) जिला मजिस्ट्रेट कार्यालय		
उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 6*/7* के साथ पठित उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियमावली, 2020 के अंतर्गत उभयलिंगी पहचान प्रमाण-पत्र जारी करने के लिए आवेदन प्रपत्र।		
*जो लागू न हो उसे काट दें।		
1	नाम	
(i)	दिया गया नाम (बड़े अक्षरों में)	
(ii)	बदला हुआ/चुना हुआ नाम (बड़े अक्षरों में)	
(iii)	(i) और (ii) में से वह नाम जो पहचान प्रमाण पत्र और पहचान पत्र पर छापा जाना है।	
2	लिंग	
(i)	जन्म के समय प्राप्त	
(ii)	आवेदन में किया गया अनुरोध	
3	जन्म तिथि	तारीख/माह/वर्ष
4	शैक्षणिक योग्यता	
5	वर्तमान पता	
6	स्थायी पता	
7	यदि आय का स्रोत है तो, वार्षिक आय	
(i)	1,00,000 रुपए से कम	हां / नहीं
(ii)	1,00,001 रुपए और 3,00,000 रुपए के बीच	हां / नहीं
(iii)	3,00,000 रुपए से अधिक	कृपया राशि बताएं
8	क्या आपके पास निम्नलिखित में से कोई दस्तावेज है? यदि हां तो लिखित की स्व-प्रमाणित छायाप्रति प्रस्तुत करें।	
(i)	जन्म प्रमाण पत्र की तिथि	हां / नहीं
(ii)	आधार कार्ड	हां / नहीं
(iii)	पैन कार्ड	हां / नहीं

(iv)	चुनाव मतदाता पहचान पत्र	हां / नहीं
(v)	राशन कार्ड	हां / नहीं
(vii)	पासपोर्ट	हां / नहीं
(viii)	बैंक पासबुक	हां / नहीं
(ix)	मनरेगा कार्ड	हां / नहीं
(x)	जाति प्रमाण पत्र (अजा/अजजा/अपिव/अन्य)	हां / नहीं
9	उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 7 के अंतर्गत आवेदन करने वाले व्यक्ति का मेडिकल इतिहास	
(i)	क्या आप उभयलिंगी परिवर्तन के संदर्भ में कोई मेडिकल हस्तक्षेप में गए थे	हां / नहीं
(ii)	कृपया ब्यौरा दें	
(iii)	अस्पताल अथवा चिकित्सकीय संस्थान का नाम और पूरा पता	
(iv)	जारीकर्ता प्राधिकारी का नाम, तिथि के साथ	
(v)	कोई अन्य मेडिकल स्थिति जिसे आप साझा करना चाहें	
(vi)	क्या आपको अधिनियम की धारा 6 और धारा 7 के अंतर्गत कोई पहचान पत्र अथवा इस नियमावली के शुरू होने से पहले राज्य प्राधिकारी द्वारा कोई अन्य पहचान पत्र जारी किया गया है? यदि हां तो संलग्न करें।	
10	कोई अन्य सूचना जो आप देना चाहें	
11	क्या आपने उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 और उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियमावली, 2020 के प्रपत्र-2 में विनिर्दिष्ट शपथ पत्र भरकर संलग्न किया है	
12	क्या आपने पासपोर्ट आकार का फोटो संलग्न किया है?	हां / नहीं

संलग्न: आवेदन में किए गए उल्लेख के अनुसार – दस्तावेज।

घोषणा

1. मैं यह घोषित करता हूँ कि मेरे द्वारा दिया गया विवरण सत्य और सटीक है।
2. इस आवेदन में दी गई सूचना को गुप्त रखा जाएगा और इसे केंद्रीय और/अथवा राज्य सुरक्षा एजेंसियों के अतिरिक्त किसी अन्य व्यक्ति अथवा संगठन, विधि द्वारा प्रदत्त किसी अन्य एजेंसी के साथ और सांख्यिकीय तथा नीतिगत उद्देश्य हेतु साझा नहीं किया जाएगा।

स्थान:	आवेदक का दिया गया नाम और हस्ताक्षर अथवा बाएं हाथ के अंगूठा का निशान
दिनांक:	

प्रपत्र-2

(कृपया नियमावली 2(ख) और 4 (1) देखें)

उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 6 के साथ पठित उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियमावली, 2020 की नियम 4 के अंतर्गत उभयलिंगी व्यक्तियों की पहचान हेतु प्रमाण-पत्र का आवेदन प्रस्तुत करने वाले व्यक्ति द्वारा प्रस्तुत किया जाने वाला शपथ पत्र।

(शपथ पत्र 10/- रुपए के गैर-न्यायिक स्टाम्प पेपर पर होना चाहिए)
सक्षम नोटरी सिविल, जिला (जिला का नाम), (राज्य का नाम)

मैं (नाम), पुत्र/पुत्री/आश्रित की पति/पत्नी (अभिभावक/संरक्षक/पति का नाम), आयु (पूर्ण वर्षों में), आवास (पता),

(तहसील), (जिला), (राज्य), (पिन कोड) एतद्वारा सत्यानिष्ठा से दावा और घोषित करता हूँ कि:

1. मैं उक्त पते पर वर्तमान में रह रहा हूँ।
2. मैं एक उभयलिंगी व्यक्ति हूँ जिसका लिंग उसके जन्म के समय प्राप्त लिंग के अनुरूप नहीं है।
3. मैं स्वयं को एक उभयलिंगी व्यक्ति के रूप में घोषित करता हूँ।
4. मैं यह शपथपत्र जिला मजिस्ट्रेट को उभयलिंगी व्यक्ति (अधिकारों का संरक्षण), नियमावली, 2020 के अंतर्गत उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 6 के अंतर्गत, उभयलिंगी के रूप में पहचान प्रमाण पत्र जारी करने के लिए प्रस्तुत करता हूँ।

* जो लागू न हो उसे काट दें।

साक्षी

(आवेदक के हस्ताक्षर)

सत्यापन

मैं, (नाम) यह उल्लेख करता हूँ कि उक्त क्रम सं. 1 से 4 में जो भी उल्लेख किया गया है वह मेरे विवेक के अनुसार सत्य है।

साक्षी

(आवेदक के हस्ताक्षर)

तहसील
तिथि
मेरे द्वारा अभिज्ञात
अधिवक्ता
पब्लिक

मेरे समक्ष (नोटरी)

प्रपत्र 3

(कृपया नियमावली 2(ड) और 5(1) देखें)

उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 6 के साथ पठित उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियमावली, 2020 के नियम 5 के अंतर्गत जिला मजिस्ट्रेट द्वारा जारी किए जाने वाले पहचान प्रमाण पत्र का आवेदन प्रपत्र।

प्रमाण-पत्र धारक का नाम। जिला मजिस्ट्रेट द्वारा फोटो को सत्यापित किया जाए।
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1. अधोहस्ताक्षरी को दिए गए दिनांक तिथि/माह/वर्ष के आवेदन के आधार पर यह प्रमाणित किया जाता है कि (आवेदक का पूरा आवासीय पता) के श्री/श्रीमती/कुमारी/मा. (नाम) पुत्र/पुत्री/वाई श्री/श्रीमती (अभिभावक/संरक्षक का नाम) – एक उभयलिंगी व्यक्ति हैं।
2. उनके जन्म का नाम है।
3. यह प्रमाण पत्र उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 6 के साथ पठित उभयलिंगी व्यक्ति (अधिकारों का संरक्षण), नियमावली, 2020 का नियम 5 के अंतर्गत निहित उपबंधों के अनुसार जारी किया जाता है।

4. यह भी प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी/मा. उक्त पता के मूल निवासी हैं।
5. यह प्रमाण पत्र धारक को उसके द्वारा धारित सभी सरकारी दस्तावेजों में अपने नाम और लिंग बदलने का अधिकार देता है।

तिथि:

स्थान:

जिला मजिस्ट्रेट के हस्ताक्षर
मोहर

प्रपत्र – 4

[कृपया नियमावली 2(ड) और 7(1) देखें]

उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा-7 सहित पठित उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियमावली, 2020 के नियम 6 के अंतर्गत लिंग बदलने के लिए जिला मजिस्ट्रेट द्वारा जारी किए जाने वाले पहचान प्रमाण-पत्र का प्रपत्र।

<p>प्रमाण-पत्र धारक का नाम। जिला मजिस्ट्रेट द्वारा फोटो को सत्यापित किया जाए।</p>

1. अधोहस्ताक्षरी को चिकित्सा अधीक्षक अथवा मुख्य चिकित्सा अधिकारी (अस्पताल का नाम और पूरा पता) के चिकित्सा प्रमाण-पत्र सहित प्रस्तुत किए गए आवेदन पत्र के आधार पर, यह प्रमाणित किया जाता है कि (आवेदक का पूर्ण आवासीय पता) श्री/श्रीमती/कुमारी/एमएक्स (नाम) पुत्र/पुत्री/आश्रित श्री/श्रीमती (माता-पिता अथवा संरक्षक का नाम) ने लिंग परिवर्तन के लिए चिकित्सा इंटरवेंशन प्रक्रिया पूर्ण की है।
2. उनके जन्म का नाम है।
3. यह प्रमाण-पत्र उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 7 सहित पठित उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियमावली, 2020 के नियम 6 के अंतर्गत निहित प्रावधानों के संदर्भ में जारी किया जाता है।
4. यह भी प्रमाणित किया जाता है कि श्री/श्रीमती/कुमारी/सुश्री मूलतः ऊपर दिए गए पते का निवासी हैं।
5. यह प्रमाण-पत्र धारक को सभी आधिकारिक दस्तावेजों में नाम और लिंग बदलने का अधिकार प्रदान करता है।
6. नाम और लिंग में इस प्रकार का बदलाव और इस प्रमाण-पत्र को जारी करने से इस प्रमाण-पत्र धारक के सभी अधिकारों और पात्रताओं पर प्रतिकूल प्रभाव नहीं पड़ेगा।

जिला मजिस्ट्रेट के हस्ताक्षर
मुहर

दिनांक:

स्थान:

प्रपत्र – 5

[कृपया नियमावली 2(छ) और 5(4) देखें]
 पहचान का प्रपत्र, पहचान पत्र का
 सम्मुख भाग
 राज्य-चिह्न
 राज्य सरकार (राज्य का नाम) का
 जिला मजिस्ट्रेट कार्यालय

उभयलिंगी पहचान पत्र

पहचान पत्र संख्या

कार्ड धारक की फोटो

नाम

माता का नाम @

पिता अथवा संरक्षक का नाम @

लिंग

उभयलिंगी

जन्म तिथि अथवा

दिनांक/माह/वर्ष

पहचान पत्र जारी करने के लिए आवेदन की दिनांक तक आयु

वर्ष

अधिकृत प्रमाण-पत्र का संदर्भ जिसके आधार पर यह
 कार्ड जारी किया गया

पहचान पत्र का पृष्ठ भाग

वर्तमान पता

कार्ड जारी करने की तिथि

जारी करने वाले अधिकारी के
 हस्ताक्षर

पद

जारी करने वाले अधिकारी की
 मुहर

उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) अधिनियम, 2019 की धारा 6*/7* और उभयलिंगी व्यक्ति (अधिकारों का संरक्षण) नियमावली, 2020 के नियम.....के अंतर्गत जारी।

* जो लागू न हो उसे काट दें।

@ यदि आवेदक नाबालिक बच्चा है तो केवल उस मामले में।

प्रपत्र – 6
[कृपया नियमावली 2(छ) और 7(4) देखें]
 पहचान का प्रपत्र
 पहचान पत्र का सम्मुख भाग
 राज्य-चिह्न
 राज्य सरकार (राज्य का नाम) का
 जिला मजिस्ट्रेट कार्यालय

पहचान पत्र

पहचान पत्र संख्या

कार्ड धारक की फोटो

नाम

माता का नाम @

पिता अथवा संरक्षक का नाम @

लिंग

जन्म तिथि अथवा

पहचान पत्र जारी करने के लिए आवेदन की दिनांक तक आयु

अधिकृत प्रमाण-पत्र का संदर्भ जिसके आधार पर यह

कार्ड जारी किया गया

उभयलिंगी

दिनांक/माह/वर्ष

वर्ष

पहचान पत्र का पृष्ठ भाग

वर्तमान पता

स्थायी पता

कार्ड जारी करने की

तिथि

जारी करने वाले

अधिकारी के हस्ताक्षर

पद

जारी करने वाले

अधिकारी की मुहर

@ यदि आवेदक नाबालिक बच्चा है तो केवल उस मामले में।

अनुबंध-1

.....में उल्लिखित सरकारी कागजातों की व्याख्यात्मक सूची।

क्र.सं.	सरकारी कागजात का नाम
(1)	जन्म प्रमाण-पत्र

(2)	जाति/जनजाति प्रमाण-पत्र
(3)	स्कूल, बोर्ड, कालेज, विश्वविद्यालय अथवा अन्य ऐसे किसी अकादमिक संस्थान द्वारा जारी कोई शिक्षा प्रमाण-पत्र
(4)	चुनाव फोटो पहचान पत्र
(5)	आधार कार्ड
(6)	स्थायी खाता संख्या (पैन)
(7)	ड्राइविंग लाइसेंस
(8)	बीपीएल राशन कार्ड
(9)	फोटो सहित पोस्ट आफिस बैंक/बैंक पासबुक
(10)	पासपोर्ट
(11)	किसान पास बुक
(12)	विवाह प्रमाण-पत्र
(13)	विजली/पानी/गैस कनेक्शन के कागजात
(14)	संपत्ति के कागजात
(15)	वाहन पंजीकरण
(16)	सेवा-पुस्तिका, नियोजन के कागजात
(17)	बार से संबंधित पहचान पत्र
(18)	पॉलिसी के कागजात

अनुबंध-II**कल्याणकारी स्कीमों की विचारार्थ सुझाई सूची।****1. स्वास्थ्य तक पहुंच**

- 1) उभयलिंगी समुदाय को सभी एमटीएफ और एफटीएम पद्धतियों सहित सुरक्षित और निःशुल्क लिंग पुष्टिकरण सर्जरी, परामर्श और हार्मोन प्रतिस्थापन उपचार के लिए प्रत्येक राज्य में कम से कम एक सरकारी अस्पताल को सुसज्जित किया जाएगा।
- 2) निजी अस्पतालों में उभयलिंगी व्यक्तियों से संबंधित एसआरएस पद्धतियों, हार्मोन उपचार, लेजर उपचार, परामर्श और स्वास्थ्य से जुड़े अन्य मुद्दों को राज्य चिकित्सा बीमा कवर करेगा।
- 3) चिकित्सा बीमा/आरोग्यश्री कार्ड।
- 4) सभी स्वास्थ्य देखरेख सुविधाओं में उभयलिंगी व्यक्तियों के लिए अलग से वार्ड सुनिश्चित करना।

2. शिक्षा तक पहुंच

- 1) उभयलिंगी छात्रों के लिए छात्रवृत्ति।
- 2) स्कूलों में समावेशी और समान गुणवत्तापरक शिक्षा का प्रावधान जो समानता और लिंग विविधता के सम्मान को बढ़ावा देती है।
- 3) शिकायत निवारण प्रावधानों सहित शैक्षिक संस्थान में रैगिंग के विरुद्ध संरक्षण।

- 4) उभयलिंगी व्यक्तियों, जेंडर नॉन-कॉन्फॉर्मिंग और इंटर-सेक्स बच्चों के लिए आवासीय सरकारी स्कूलों और विश्वविद्यालयों में आवास और शिक्षा की सुविधा।
3. **आवास तक पहुंच**
- 1) किफायती आवास।
 - 2) संकटग्रस्त उभयलिंगी युवाओं के लिए आश्रय और सामुदायिक केंद्र जो पौष्टिक भोजन और परामर्श प्रदान करते हों।
 - 3) स्वच्छता सुविधाओं और सुरक्षित पेयजल तक पहुंच।
4. **कल्याणकारी उपाय**
- 1) खाद्य सुरक्षा स्कीमों और राशन कार्ड के प्रावधान के लिए सार्वभौमिक पहुंच।
 - 2) वृद्ध, अशक्त अथवा अन्य कमजोर उभयलिंगी व्यक्तियों के लिए पेंशन।
 - 3) घर से बहिष्करण की समस्या से जूझ रहे उभयलिंगी व्यक्तियों के लिए वृद्धाश्रम और विश्राम गृह।
 - 4) उभयलिंगी व्यक्तियों के लिए सार्वजनिक परिवहन में उत्पीड़न मुक्त स्थल।
5. **आर्थिक सहयोग**
- 1) जीवन बीमा का सार्वभौमिक कवरेज।
 - 2) ऋण सुविधा सहित बैंकिंग और वित्तीय सेवाओं तक पहुंच।
 - 3) मनरेगा और सभी सामाजिक सुरक्षा स्कीमों जैसी रोजगार गारंटी स्कीमों में उभयलिंगी व्यक्तियों को स्पष्ट रूप से शामिल करना।
 - 4) आजीविका कार्यकलापों के लिए स्व-सहायता समूहों का गठन।
 - 5) शून्य-ब्याज और अन्य सूक्ष्म-वित्त स्कीमों का प्रावधान।

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 25th September, 2020

G.S.R.592(E).— Whereas the draft rules in exercise of the powers conferred by section 22 of the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019) were published, as required by sub-section (1) of the said section vide notification of the Government of India in the Ministry of Social Justice and Empowerment, number G. S. R. 441(E), dated the 13th July, 2020 in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) inviting objections and suggestions from the persons likely to be affected thereby, before the expiry of the period of thirty days from the date on which copies of the Gazette containing the said notification were made available to the public;

And whereas, the copies of the said Gazetted notification were made available to the public on the 13th July, 2020;

And whereas, the objections and suggestion received from the public in respect of the said draft rules have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 22 of the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019), the Central Government hereby makes the following rules namely:-

1. **Short title and commencement.** - (1) These rules may be called the Transgender Persons (Protection of Rights) Rules, 2020.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definition.-** In these rules, unless the context otherwise requires,-

- (a) “Act” means the Transgender Persons (Protection of Rights) Act, 2019 (40 of 2019);
- (b) “applicant” means a transgender person who submits an application under rule 3;
- (c) “application” means the application form as provided in Form –1;
- (d) “any official documents” include all documents listed in Annexure 1, which the appropriate Government may revise, by notification in the Official Gazette;
- (e) “certificate of identity” means a certificate issued by the District Magistrate under section 6 or section 7 of the Act as in Form – 3 or Form – 4 respectively;
- (f) “form” means a form prescribed to these rules;
- (g) “identity card” means a photo identity card issued in Form – 5 to a transgender person under section 6 or issued in Form – 6 to a transgender person on change of gender under section 7 on the basis of “certificate of identity” issued by the District Magistrate or an identity card to a transgender person issued by a State authority prior to the coming into force of these rules;
- (h) “medical institution” means any medical institution whether hospital or clinic, private or public, in rural areas or urban or overseas;
- (i) “medical intervention” includes any gender affirming medical intervention undertaken by an individual to facilitate the transition to their self-identified gender, including but not limited to counseling, hormonal therapy, and surgical intervention, if any.
- (j) “section” means a section of the Act;
- (k) all other words and expressions used herein but not defined and defined in the Act shall have the same meaning assigned to them in the Act.

3. Application for issue of certificate of identity under section 6 or section 7:

- (1) A transgender person desirous of obtaining a certificate of identity shall make an application as prescribed in Form –1.
- (2) The application shall be submitted to the District Magistrate in person or by post till online facilities are developed by the State Government concerned and thereafter the application shall be made by online only:

Provided that the appropriate Government may undertake measures, as it deems appropriate, to facilitate the submission of applications for certificate of identity by transgender persons living in remote areas or disadvantaged conditions:

Provided further that in case of a minor child, such application shall be made by a parent or guardian of such minor child and in the case of a child in need of care and protection, by the competent authority under the Juvenile Justice (Care and Protection of Children) Act, 2015 (2 of 2016).

- (3) Transgender persons who have officially recorded their change in gender, whether as male, female or transgender, prior to the coming into force of the Act shall not be required to submit an application for certificate of identity under these rules:

Provided that such persons shall enjoy all rights and entitlements conferred on transgender persons under the Act.

4. Procedure for issue of certificate of identity:-(1) The District Magistrate shall, subject to the correctness of the applicant’s particulars, get the application processed based on the affidavit submitted declaring the gender identity of any person in Form- 2, without any medical or physical examination, and thereafter issue an identification number to the applicant, which may be quoted as proof of application.

(2) For the purpose of determination of the place of residence, the applicant shall have to reside in the area under the jurisdiction of District Magistrate as on the date of application and an affidavit to this effect shall be submitted in Form-2.

5. Issue of certificate of identity for a transgender person under section 6.- (1) The District Magistrate shall issue to the applicant, a certificate of identity in Form-3 following the procedure provided in rules 4 indicating the gender of such person.

(2) The said certificate of identity shall be issued within thirty days of receipt of duly filled in application along with the affidavit.

(3) The certificate of identity issued under sub-rule(1) shall be the basis to change the gender as well as the name and the photograph, if so necessitated, of the transgender person in all such official documents as provided in Annexure-1, in accordance with the gender specified in the said certificate of identity.

(4) The District Magistrate shall, at the time of issuance of the certificate of identity under sub-rule(1), issue a transgender identity card in Form – 5 to the applicant.

(5) The appropriate Governments shall maintain a register for the issuance of certificate of identity card and the transgender identity card.

(6) The authority that issued the official document, on an application made by an applicant under rule 3, shall change the name or gender or photograph or any of this information of the applicant in the official documents within fifteen days of making of such application.

(7) Any official document wherein gender, name and the photograph of transgender are revised based on the said certificate of identity, shall bear the same serial or reference number as in the original official document of such transgender person who seeks change in the name or gender or both in the official documents:

Provided that all benefits that a transgender person was entitled to based on an identity card, if any, issued by a State authority shall continue to be enjoyed by that transgender person based on the certificate of identity issued under these rules.

6. Procedure for issue of a certificate of identity for change of gender.-

(1) If a transgender person undergoes medical intervention towards a gender affirming procedure, either as a male or female, such person may apply in the Form – 1, along with a certificate issued to that effect by the Medical Superintendent or Chief Medical Officer of the medical institution in which that person has undergone the said medical intervention, to the District Magistrate for the issue of a revised certificate of identity.

(2) The District Magistrate shall, on receipt of an application referred to in sub-rule (1) shall verify the genuineness of the said medical certificate, which shall not include any physical examination.

(3) The applicant shall be a currently residing in the area under the jurisdiction of the District Magistrate as on the date of application and an affidavit to this effect shall be submitted along with the application in Form-1 and no additional evidence shall be called for.

7. Issue of certificate of identity under section 7- (1) The District Magistrate shall issue a revised certificate of identity in Form – 4 to the applicant seeking change in gender indicating the gender of such a person as male or female, as the case may be.

(2) The District Magistrate shall issue the revised certificate under sub-rule (1) within fifteen days of its receipt of the application.

(3) The certificate of identity issued under sub-rule (1) shall entitle the applicant to record or change the gender, as well as photograph and name, if so necessitated of transgender person in all such official documents provided in Annexure – 1, in accordance with the gender specified in the said certificate of identity as male or female, as the case may be.

(4) The District Magistrate while issuing the certificate of identity for change of gender shall simultaneously issue an identity card in Form – 6 to the applicant.

(5) The authority that issued the official document, on an application made by an applicant under sub-rule (3), shall change the name or gender or photograph or any of this information of the applicant in the official documents within fifteen days of making of such application.

(6) Any official document wherein gender, name or photograph of transgender person is revised based on the said certificate of identity shall bear the same serial or reference number as in the original official document of such transgender person who seeks change in the name or gender or both in the official documents.

8. Communication of rejection of application- (1) In case of rejection of application made under rule 3, the District Magistrate shall inform the applicant the reason or reasons for such rejection within thirty days from the date of receipt of such application.

(2) The District Magistrate may review the decision of rejection of the application based on the reply submitted by the applicant regarding the reason for rejection communicated in sub-rule (1) of rule 8 within sixty days from the date of such rejection.

9. Right to appeal-The applicant shall have a right to appeal, within ninety days from the date of intimation of the rejection of the application, to the appellate authority as designated by the appropriate Government by notification for a final order.

10. Welfare measures, education, social security and health of transgender persons by appropriate Government-

(1) The appropriate Government shall constitute a welfare board for the transgender persons for the purpose of protecting their rights and interests of, and facilitating access to schemes and welfare measures framed by the Government.

(2) The appropriate Government shall review all existing educational, social security, health schemes, welfare measures, vocational training and self-employment schemes to include transgender persons to protect their rights and interests and facilitate their access to such schemes and welfare measures framed by that Government

(3) The appropriate Government shall formulate educational, social security, health schemes and welfare schemes and programmes as specified in Annexure-II in a manner to be transgender sensitive, non-stigmatising and non-discriminatory to transgender persons.

(4) The appropriate Government shall take adequate steps to prohibit discrimination in any Government or private organisation, or private and public educational institution under their purview, and ensure equitable access to social and public spaces, including burial grounds

(5) The appropriate Government shall create institutional and infrastructure facilities, including but not limited to, rehabilitation centre referred to in sub-section (3) of section 12 of the Act, separate human immunodeficiency virus sero-surveillance centres, separate wards in hospitals and washrooms in the establishment, within two years from the date of coming into force of these rules to protect the rights of transgender persons.

(6) The appropriate Government shall carry out an awareness campaign to educate, communicate and train transgender persons to avail themselves of the benefits of welfare schemes, educate and train transgender persons on their rights; eradicate stigma and discrimination against transgender persons and mitigate its effects.

(7) The appropriate Government shall also provide for sensitisation of institutions and establishments under their purview, including:-

- (a) sensitization of teachers and faculty in schools and colleges, changes in the educational curriculum to foster respect for equality and gender diversity;
- (b) sensitization of healthcare professionals;
- (c) sensitization programmes in workplaces;
- (d) sensitization programmes for complaints officers.

(8) All educational institutions shall have a committee which shall be accessible for transgender persons in case of any harassment or discrimination, with powers to ensure that transgender students do not have to be affected by the presence of the persons bullying them, including teachers.

(9) The appropriate Government shall create institutional and infrastructure facilities, including but not limited to, temporary shelters, short-stay homes and accommodation, choice of male, female or separate wards in hospitals and washrooms in the establishment within two years from the date of coming into force of these rules to protect the rights of transgender persons.

11. Provisions for non-discrimination.- (1) The appropriate Government shall take adequate steps to prohibit discrimination in any Government or private organisation or establishment including in the areas of education, employment, healthcare, public transportation, participation in public life, sports, leisure and recreation and opportunity to hold public or private office.

(2) The appropriate Government shall within two years from the date of coming into force of these rules, formulate a comprehensive policy on the measures and procedures necessary to protect transgender persons in accordance with the provisions of the Act.

(3) The policy formulated under sub-section (2) shall include preventative administrative and police measures to protect vulnerable transgender communities.

(4) The appropriate Government shall be responsible for the supervision of timely prosecution of individuals charged under section 18 of the Act, or under any other Law for similar offences committed against the transgender persons.

(5) Every State Government shall set up a Transgender Protection Cell under the charge of the District Magistrate in each District and under Director General of Police in the State to monitor cases of offences against transgender persons and to ensure timely registration, investigation and prosecution of such offences.

12. Equal opportunities in employment.- (1) Every establishment shall implement all measures for providing a safe working environment and to ensure that no transgender person is discriminated in any matter relating to employment including, but not limited to, infrastructure adjustments, recruitment, employment benefits, promotion and other related issues

(2) Every establishment shall publish an equal opportunity policy for transgender persons.

(3) The establishment shall display the equal opportunity policy, including the details of the complaints officer, preferably on their website, failing which, at conspicuous places in their premises.

(4) The equal opportunity policy of an establishment shall, inter alias, contain details of-

(a) infrastructural facilities (such as unisex toilets), measures put in for safety and security (transportation and guards) and amenities (such as hygiene products) to be provided to the transgender persons so as to enable them to effectively discharge their duties in the establishment.

(b) applicability of all rules and regulations of the company regarding service conditions of employees;

(c) confidentiality of the gender identity of the employees;

(d) complaint of the officers.

13. Grievance redressal.- The appropriate Government shall ensure that every establishment designates a complaint officer in accordance with section 11 within thirty days from the date of coming into force notification of these rules.

(2) The complaint officer shall enquire into the complaints received within fifteen days from the date of receipt of such complaints.

(3) The head of the establishment shall take action on the enquiry report submitted by the complaints officer within fifteen days from the date of submission of the report.

(4) The head of the establishment shall take action forthwith in all cases where action has not been taken in

accordance with the above time limits.

(5) The appropriate Government shall also set up within one year a grievance redressal mechanism, operating through a helpline and outreach centres, for ensuring proper implementation of the provisions of Chapter V of the Act with special reference to sub-sections (1) and (2) of section 12.

(6) The grievance redressal system shall ensure resolution of grievances within thirty days from the date of bringing of such grievance to the helpline, and imposing of penalties as laid down in section 18.

(7) The appropriate Government shall put in place a monitoring system for tracking the number of complaints filed, enquired and action taken of all the establishments in their jurisdiction.

14. National Council – (1) The National Council shall perform the functions as per Section 17 of the Act.

(2) National Institute of Social Defence shall give secretarial assistance to the National Council in conduct of its meetings and facilitate in the discharge of the functions of the National Council.

[F.No. 17-2/2019-DP-II]

RADHIKA CHAKRAVARTHY, Jt. Secy.

Form – 1

[See rules 2(d), 3(1) and 6(1)]

Application form for issue of transgender certificate of identity under Rule Transgender Persons (Protection of Rights) Rules, 2020 read with Section 6* / 7* of the Transgender Persons (Protection of Rights) Act, 2019

* Strike out whichever is not applicable

State Emblem State Government of (name of the State) Office of the District Magistrate		
Application form for issue of a transgender certificate of identity under Rule Transgender Persons (Protection of Rights) Rules, 2020 (read with Section 6* / 7* of the Transgender Persons (Protection of Rights) Act, 2019 * Strike out whichever is not applicable)		
1	Name	
(i)	Given name (in capital letters)	
(ii)	Changed/Chosen name (in capital letters)	
(iii)	Out of (i) and (ii), name to be printed in the certificate of identity and in the identity card	
2	Gender	
(i)	Assigned at birth	
(ii)	Requested in the application	
3	Date of birth	dd/mm/yyyy
4	Educational qualification	
5	Present address	
6	Permanent address	
7	If there is a source of income, the annual income:	
(i)	Under Rs 1,00,000	YES / NO

(ii)	Between Rs 1,00,001 and 3,00,000	YES / NO
(iii)	Above Rs 3,00,000	Please specify the amount:
8	Do you have any of the following documents? If so, please submit self- attested photocopies of the certificates stated below.	
(i)	Date of birth certificate	YES / NO
(ii)	Aadhaar card	YES / NO
(iii)	PAN card	YES / NO
(iv)	Election Voter Identity Card	YES / NO
(v)	Ration card	YES / NO
(vii)	Passport	YES / NO
(viii)	Bank passbook	YES / NO
(ix)	MNREGA Card	YES / NO
(x)	Caste certificate (SC/ST/OBC/Others)	YES / NO
9	Medical history (for those applying under section 7 of the Transgender Persons (Protection of Rights) Act, 2019	
(i)	Have you undergone any medical intervention in the context of transgender transition?	YES / NO
(ii)	Please give details	
(iii)	Name and complete address of the Hospital or medical institute	
(iv)	Name of the issuing authority along with the date	
(v)	Any other medical status you would like to share	
(vi)	Have you been issued any certificate of identity under Section 6 and Section 7 under the Act, or any other ID Card issued by the State Authority before the commencement of these Rules? If so, enclosed the same.	
10	Any other information you would like to give	
11	Have you attached affidavit prescribed in Form – 2 of the Transgender Persons (Protection of Rights) Act, 2019 under Rule--Transgender Persons Protection of Rights) Rules, 2020	
12	Have you attached the passport size photographs?	Yes/No

Enclosed: _____ documents as mentioned in the application

Declaration

1. I declare that the particulars furnished by me are true and correct.
2. Information provided in this application will be treated as confidential and shall not be shared with any person or organisation save the Central and / or State security agencies, any other agency as provided by Law; and for statistical and policy framing purposes.

Place: Date:	Signature or left hand thumb impression of the applicant given name of the applicant
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Form – 2

[See rules 2(b) and 4(1)]

Format of affidavit to be submitted by a person applying for certificate of identity for transgender persons under Rule 4 of the Transgender Persons (Protection of Rights) Rules, 2020 read with Section 6 of the Transgender Persons (Protection of Rights) Act, 2019(Affidavit should be on Non-judicial stamp paper of Rs.10/-) Competent Notary
Civil, District (Name of the District), (Name of the State)I, (Name), son/daughter/ward/spouse of (name of the parent/guardian/husband), aged(in completed years), residing at (address), (Tehsil), (District), (State) (Pin code) do hereby solemnly affirm and declare as under:

1. I am currently residing in the above address.
2. I perceive myself as a transgender person whose gender does not match with the gender assigned at birth.
3. I declare myself as transgender.
4. I am executing this affidavit to be submitted to the District Magistrate for issue of certificate of identity as transgender person under Section 6 of the Transgender Persons (Protection of Rights) Act, 2019 under Rule Transgender Persons (Protection of Rights) Rules, 2020.

.* strike out whichever is not applicable.

Deponent

(Signature of the Applicant)

VerificationI, (Name), hereby state that whatever is stated here in above serial Nos. 1 to 4 are true to the best of my knowledge.

Deponent

(Signature of the Applicant)

Tehsil

Date

Identified by me

Advocate

Public

Before Me

Notary

Form – 3**[See rules 2(e) and 5(1)]**

Form of certificate of identity to be issued by District Magistrate under Rule 5 Transgender Persons (Protection of Rights) Rules, 2020 read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019

**Photograph of the
certificate holder
District
Magistrate to attest
the photograph**

- 1 On the basis of the application dated dd/mm/yyyy to the undersigned it is certified that Shri / Smt./ Km/ Ms (name) son / daughter / ward of Shri/ Smt. (name of the parent or Guardian) of (complete residential address of the applicant) is a transgender person.
- 2 His / her birth name is _____.
- 3 This certificate is issued in terms of the provisions contained under Rule 5 Transgender Persons (Protection of Rights) Rules, 2020 read with section 6 of the Transgender Persons (Protection of Rights) Act, 2019.
- 4 It is also certified that Shri/Smt/Km/Ms. _____ is ordinarily a resident at the address given above.
- 5 This certificate entitles the holder to change name and gender in all official documents of the holder.

Date

Signature of the District Magistrate

Place

Seal

Form – 4

[See rules 2(e) and 7(1)]

Form of certificate of identity for change of gender to be issued by District Magistrate under Rule 6 of the Transgender Persons (Protection of Rights) Rules, 2020 read with section 7 of the Transgender Persons (Protection of Rights) Act, 2019

Photograph of the certificate holder District Magistrate to attest the photograph
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1. On the basis of the application submitted to the undersigned along with a medical certificate from the Medical Superintendent or Chief Medical Officer (name of the Hospital and complete address), it is to certify that Shri / Smt./ Km/ Ms. (name) son/ daughter / ward of Shri/ Smt. (name of the parent or Guardian) of (complete residential address of the applicant) has undergone medical intervention to change gender.
2. His/ Her birth name is _____.
3. This certificate is issued in terms of the provisions contained under Rule 6 of the Transgender Persons (Protection of Rights) Rules, 2020 read with section 7 of the Transgender Persons (Protection of Rights) Act, 2019.
4. It is also certified that Shri / Smt/ Km/ Ms. is ordinarily a resident at the address given above.
5. This certificate entitles the holder to change name and gender in all official documents of the holder.
6. Such change in name and gender and the issue of this certificate shall not adversely affect the rights and entitlements of the holder of this certificate.

Date

Signature of the District Magistrate:

Place

Seal

Form – 5**[See rules 2(g) and 5(4)] Form of Identity Card Front side of identity card**

State Emblem

State Government of (name of the State) Office of the District Magistrate

Transgender Identity CardIdentity
card
number

Photograph of the Card holder

Name

Mother's name@

Father's or Guardian's name @

Gender

Transgender

Date of birth or

dd/mm/yyyy

Age as on the date of application for issue of
Identity card

___years

Reference number of certificate of
authority on the basis of which this
card is issued**Back side of the identity card**

Present address

Card issue date

Signature of the issuing
authority Designation

Seal of the issuing authority

Issued under Section 6*/ 7* of the Transgender Persons (Protection of Rights) Act, 2019 and under Rule _____ of Transgender Persons (Protection of Rights) Rules, 2020*** Strike out whichever is not applicable**

@ only in case the applicant is a minor child

Form – 6**[See rules 2(g) and 7(4)] Form of Identity Card Front side of identity card**

State Emblem

State Government of (name of the State) Office of the District Magistrate

Identity Card

Identity card number

Photograph of the Card holder

Name

Mother's name@

Father's / Guardian's name@

Gender

Male /Female

Date of birth or

dd/mm/yyyy

Age as on the date of application for issue of

___years identity card

Reference number of certificate of
authority on the basis of which this
card is issued**Back side of the identity card**

Present address

Permanent address

Card issue date

Signature of the
issuing authority

Designation

seal of the issuing authority

@ only in case of a minor child

Annexure- 1

Illustrative list of official documents referred to in_____

S No	Name of the official document
(1)	Birth certificate
(2)	Caste/ Tribe certificate
(3)	Any education certificate issued by a school, board, college, university or any such academic institution
(4)	Election Photo Identity Card
(5)	Aadhaar Card
(6)	Permanent Account Number (PAN)
(7)	Driving Licence
(8)	BPL ration card
(9)	Post Office bank/ Bank Pass book with photo
(10)	Pass port
(11)	Kisan Pass book
(12)	Marriage certificate
(13)	Electricity / water/ gas connection paper
(14)	property papers,
(15)	vehicle registration
(16)	service book, employment papers
(17)	identity card related to bar,
(18)	policy papers

Annexure - II**Suggested list of welfare schemes to be considered:****1. Access to health**

- a) At least 1 government hospital in every State shall be equipped to offer safe and free gender affirming surgery, counseling and hormone replacement therapy to the transgender community, including all Male to Female (MTF) and Female to Male (FTM) procedures.
- b) State medical insurance shall cover procedures of SRS, hormonal therapy, laser therapy, counselling and other health issues of transgender persons at private hospitals
- c) medical insurance/arogyashri cards,
- d) All healthcare facilities should ensure that that there are separate wards for transgender persons

2. Access to education

- a) Scholarship for transgender students
- b) Inclusive and equitable quality education in schools that fosters respect for equality and gender diversity
- c) Protection against ragging in the educational institutions with provisions for grievance redressal
- d) Facilitation of accommodation and schooling for transgender, gender non conforming and intersex children in residential government schools and universities

3. Access to housing:

- a) Affordable housing
- b) Shelters and community centres for at risk transgender youth that provide nutritious food and counselling.
- c) Access to sanitation facilities and safe drinking water

4. Welfare measures

- a) Universal access to Food security schemes and provision of ration cards,
- b) Pension for aged, disabled or other vulnerable transgender persons
- c) Old age and retirement homes for transgender persons facing housing exclusion
- d) Public transport to have harassment-free zones for transgender persons

5. Economic support

- (1) Universal coverage of Life Insurance
- (2) Access to banking and financial services including loans
- (3) Explicit inclusion of transgender persons in employment guarantee schemes such as Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) and all social security schemes,
- (4) Formation into self help groups for livelihood activities
- (5) Provisions of zero-interest and other micro-finance schemes