Department of Labour

Notification

24/20/2021/Lab./564

The following draft Rules, namely the Goa Social Security Rules, 2021, which the Government of Goa proposes to make in exercise of the powers conferred by sections 154 and 156 of the Code on Social Security, 2020 (Central Act No. 36 of 2020) (hereinafter referred to as the "said Code") are hereby pre-published as required by section 158 of the said Code for information of the persons likely to be affected thereby and notice is hereby given that the said rules will be taken into consideration by the Government or after the expiry of a period of forty-five days from the date of publication of this Notification in the Official Gazette.

All objections and/or suggestions to the said draft Rules may be forwarded to the Secretary (Labour), Secretariat, Porvorim before the expiry of said period of forty-five days so that they may be taken into consideration at the time of finalization of the said draft rules.

DRAFT RULES

1. *Short title, extent and commencement*.— (*1*) These rules may be called the Goa Social Security Rules, 2021.

(*2*) They shall come into force on the date of their final publication in the Official Gazette.

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

(*a*) "Authorised Officer" means any officer whom the Government may designate for the purposes of performing the functions assigned by these rules to the authorized officer;

(*b*) "Board" means the Goa Unorganised Workers Social Security Board and the Goa Building and Other Construction Workers Welfare Board constituted under sub-section (*9*) of section 6 of the Code and under sub-section (*1*) of section 7 of the Code respectively;

(*c*) "Chairperson" means the Chairperson of the Board;

(*d*) "Code" means the Code on Social Security, 2020 (Act No. 36 of 2020);

(*e*) "electronically" means any information maintained, submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;

(*f*) "Form" means a Form appended to these rules;

(*g*) "Government" means the Government of Goa;

(*h*) "member" means a member of the Board;

(*i*) "nominations" means nomination made under section 55;

(*j*) "section" means a section of the Code; and

(*k*) "specified" means specified by the Government by an order published in the Official Gazette.

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

3. *Term of office of members*.— (*1*) A member, other than an ex-officio member, shall hold office for a period of three years from the date of his nomination, however, when a vacancy is filled in the membership of the Board under rule 7, he shall hold office only for the remainder of the term of office of the member in whose place he is so nominated:

Provided that a member nominated under sub-clause (*iii*) of clause (*d*) of sub-section (*10*) of section 6 shall cease to be a member of the Board if he ceases to be a member of the Legislative Assembly of Goa:

Provided further that the member nominated under sub-clauses (*i*), (*ii*) and (*iv*) of clause (*d*) of sub-section (*10*) of 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.

(*2*) Out of seven persons nominated under sub-clause (*i*), of clause (*d*) of sub-section (*10*) of section 6, one member each shall be from the Scheduled Castes, the Scheduled Tribes, the Minorities and the Women shall be represented.

(*3*) A member shall be eligible for re-nomination.

4. *Resignation*.— (*1*) A member of the Board, not being an ex-officio member, may resign his office by a letter in writing addressed to the Chairperson.

(*2*) 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.

(*3*) The power to accept the resignation of a member shall vest in the Chairperson, who, on accepting the resignation, shall report to the Board at its next meeting.

5. *Removal of member*.— The Government may remove from office, any member of the Board, if, in its opinion, such a member has ceased to represent the interest which he purports to represent on the Board:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making any representation against the proposed action.

6. *Address of the members*.— (*1*) Every Member shall furnish his or her address to the Member-Secretary of the Board who shall thereupon enter his address in the official record.

(2) If a member changes his address, he shall furnish his new address to the Member-Secretary of the Board who shall thereupon enter his new address in the official record:

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

7. *Manner of filling vacancies*.— When a vacancy occurs or is likely to occur in the membership of the Board, the Chairperson shall immediately submit a report to the Government and on receipt of such report, the Government may, by notification in the Official Gazette nominate a person to fill the vacancy 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:

Provided that when a vacancy occurs or is likely to occur due to removal or resignation of a member, the Member-Secretary shall submit a report to the Government and on receipt of such report, the Government may, by notification in the Official Gazette nominate a person to fill the vacancy and the person so nominated shall hold office for the remaining term of office of the member in whose place he is nominated.

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

(2) The non-official members of the Board shall be entitled to the payment of travelling and daily allowance for attending the meetings of the Board at such rates as are admissible to Group 'A' Officers of the Government.

9. *Disposal of business*.— Every matter which the Board is required to take into consideration shall be considered at a meeting of the Board, or if the Chairperson so directs, by sending the necessary papers to every member for opinion, and the matter shall be disposed of in accordance with that decision of the majority:

Provided that where there is no opinion of majority on a matter and the members of the Board are equally divided, the Chairperson shall have a second or a casting vote.

Explanation.— The expression "Chairperson" for the purpose of the above proviso shall include a member nominated or chosen under sub-rule (*2*) of rule 10 to preside over a meeting.

10. *Meetings*.— (*1*) The Board shall meet at such places and at such times as may be decided by the Chairperson and it shall meet at least once in a quarter of the year.

(*2*) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence, he may nominate a member of the Board to preside over such meeting in his place and in the absence of such nomination by the Chairperson, the members of the Board present in such meeting, may choose one member from amongst themselves to preside over the meeting.

11. *Notice of meetings and list of business*.— (*1*) Ordinarily, atleast twenty one days notice shall be given to the members of the Board of a proposed meeting alongwith the copy of the agenda.

(*2*) No business except which is included in the list of business for a meeting of the Board shall be considered at the meeting without the permission of the Chairperson.

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

12. *Quorum*.— (*1*) No business shall be transacted at any meeting of the Board unless at least ten members are present in that meeting which shall include at least one non-official member.

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

(*2*) A member, other than ex-officio member, shall cease to be a member of the Board if he remains absent for three consecutive meetings of the Board without the leave of absence from the Chairperson.

13. *Terms and conditions of appointment of the Chairperson and other members of the Board*.— (*1*) The term of office of Chairperson and other members of the Board other than the Official members shall be three years from the date of their appointment:

Provided that the members may continue in office till their successors are appointed:

Provided further that in no case the members shall continue in office beyond the period of three and half years from the date of their appointment.

(*2*) The Chairperson and every non-official member of the Board shall be paid a sitting fee and allowances, as may be determined by the Government from time to time, for attending the meeting of the Board.

(*3*) A member, nominated to fill a casual vacancy, shall hold office for the remaining period of the term of office of the member in whose place, he is nominated.

14. *Appointment of Secretary and the other officers and employees*.— The Board shall appoint a secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions and shall be paid such salary and allowances, as may be determined by the Board from time to time with the approval of the Government.

15. *Bank or other financial institution in which the gratuity shall be invested for the benefit of minor*.— In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or any other 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 (Central Act 5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act 40 of 1980).

16. *Application for nomination by an employee under section 55.*— (*1*) A nomination under sub-section (1) of section 55 shall be in Form-I hereto 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-I shall be accepted by the employer after the specified period, if filed and no nomination so accepted shall be invalid merely because it was filed after the specified period.

(*2*) Within thirty days of the receipt of nomination 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 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, in duplicate in Form-I to the employer and thereafter the provisions of sub-rule (*2*) shall apply mutatis mutandis as if it was made under sub-rule (*1*).

(*4*) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in Form-I to the employer in the manner 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.

17. *Application for payment of gratuity under section 56.*— (*1*) An employee who is eligible for payment of gratuity under sub-section (*1*) of section 56, or any person authorized, in writing, to act on his behalf, shall apply, ordinarily within thirty days from the date the gratuity became payable, in Form-II hereto 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.

(*2*) 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 II hereto 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.

(*3*) 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-II hereto to the employer.

(*4*) Where gratuity becomes payable under the Code before the commencement of these rules, the periods of limitation specified in clauses (*1*), (*2*) and (*3*) of sub-rule (*1*) shall be deemed to be operative from the date of such commencement.

(*5*) 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.

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

18. *Notice for payment of gratuity*.— (*1*) Within fifteen days of the receipt of an application for payment of gratuity, the employer shall,—

(*a*) if the claim is found admissible on verification, issue a notice in Form-III hereto 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

(*b*) if the claim for gratuity is not found admissible, issue a notice in Form-III hereto 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.

(*2*) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice under sub-clause (*a*) of sub-rule (*1*) 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.

(*3*) 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 sub-rule (*1*) 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.

(*4*) A notice shall be served on the applicant either by personal service after taking receipt or by registered post with acknowledgement due or electronically.

(*5*) As soon as the gratuity becomes payable, the employer shall, whether an application has been made or not, determine the amount of gratuity and give a notice under sub-section (2) of section 56 in Form-III hereto.

19. *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.

20. *Application to competent authority for direction under clause (b) of sub-section (5) of section 56.*— (*1*) If an employer,—

(*a*) refuses to accept a nomination or to entertain an application sought to be filed under rule 17, or

(*b*) issues a notice under sub-rule (*1*) of rule 18, 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

(*c*) having received an application under rule 17, fails to issue notice as required under rule 18 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-IV, hereto to the competent authority for issuing a direction under clause (*c*) of sub-section (*5*) of section 56:

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.

(*2*) Application under sub-rule (*1*) and other documents relevant to such an application shall be presented in person to the competent authority or shall be sent by registered post acknowledgement due or electronically.

21. *Procedure for dealing with application for direction.*— (*1*) On receipt of an application in Form IV the competent authority shall, issue a notice in Form-V hereto 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 authorized representative together with all relevant documents and witnesses, if any.

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

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

(*4*) After completion of hearing on the date fixed under sub-rule (*1*), or after such further evidence, examination of documents, witnesses, hearing and inquiry, as may be deemed necessary, the competent authority shall record his finding as to whether any amount is payable to the applicant under the Code. A copy of the finding shall be given to each of the parties.

(*5*) If the employer concerned fails to appear on the specified date of hearing after due service of notice without sufficient cause, the competent authority may proceed to hear and determine the application ex parte. If the applicant fails to appear on the specified date of hearing without sufficient cause, the competent authority may dismiss the application:

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

Provided further that the time limit for disposal of application for direction shall not exceed ninety days from the date of filing of the application before the Competent authority. In case of non-appearance by either

of the parties, a maximum of three opportunities may be given before disposal of the application.

22. *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.

23. *Administration of oath*.— The competent authority may authorize a clerk of his office to administer oaths for the purpose of making affidavits.

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

25. *Service of summons or notice*.— (*1*) 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 (Central Act 5 of 1908).

(*2*) 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 authorized person shall be deemed to be service on such persons.

26. *Maintenance of records of cases by the competent authority*.— (*1*) 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.

(*2*) 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.

(*3*) 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.

27. *Direction for payment of gratuity*.— If a finding is recorded that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form-VI hereto electronically or registered post acknowledgment due or in person specifying the amount payable (including interest due, if any, under sub-section (*4*) of section 56 of the Code) 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.

28. *Appeal*.— (*1*) The Memorandum of appeal under sub-section (*8*) of section 56 of the Code shall be submitted to the appellate authority with a copy thereof to the opposite party and the competent authority either through delivery in person or under registered post acknowledgement due or electronically.

(*2*) The Memorandum of appeal shall contain the facts of the case, the decision of the competent authority, the grounds of appeal and the relief sought.

(*3*) There shall be appended to the Memorandum of appeal a certified copy of the finding of the competent authority and direction for payment of gratuity.

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

(*5*) Within fourteen days of the receipt of the copy of the Memorandum of appeal, the opposite party shall submit his comments of each paragraph of the memorandum with additional pleas, if any, to the appellate authority with a copy to the appellant.

(*6*) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal 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.

(*7*) The competent authority shall, on receipt of the decision of the appellate authority, make necessary entry in the records of the case maintained by him.

(*8*) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in Form-VI hereto 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.

29. *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 rule 27 or rule 28(*8*), 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-VII hereto for recovery thereof under section 129 of the Code.

30. *Qualification and experience of the Officer appointed as the Competent Authority under sub-section (1) of section 58*.— The person to be appointed as a competent authority for the purposes of chapter V of the Code shall be an officer not below the rank of Deputy Labour Commissioner of the Labour Department, having degree in law or diploma in labour laws of a university established by law in any part of India and at least seven years experience as conciliation officer in the department.

31. *Complaint*.— (*1*) A claim under section 63 or a complaint under sub-section (*1*) of section 72 shall be made to the Inspector--cum-Facilitator in writing in Form-VIII hereto.

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

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

32. *Appeal*.— (*1*) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (*2*) of section 72, shall lie with the competent authority.

(*2*) The aggrieved person shall prefer an appeal in writing to the competent authority in Form-IX hereto and file other supporting documents.

(*3*) When an appeal is received, the competent authority shall call from the Inspector-cum-Facilitator before a fixed date, the record of the case. The competent authority shall, if necessary, also record the statements of the aggrieved person and of

the Inspector-cum-Facilitator and seek clarification if any is required.

(*4*) Taking into account the documents, the evidence produced before him and the facts presented to him or ascertained by him, the competent authority shall give his decision.

33. *Amount to be deposited towards the expenditure of the funeral of the employee with the competent authority by the employer*.— If the injury of employee results in death, the employer shall in addition to compensation to be given under the code shall deposit with the competent authority a sum of fifteen thousand rupees or such amount as may be notified by the Government by notification in the Official Gazette, for payment of the same to the eldest surviving dependents of the employee towards the expenditure of the funeral of such employee or where the employee does not have any dependent or was not living with his dependent at the time of his death to the person who actually incurred such expenditure.

34. *Conditions when application for review is made without certificate of a medical practitioner*.— Application for review of half-monthly payment under section 79, may be made without being accompanied by a medical certificate,—

(*a*) by the employer, on the ground that since the right to compensation was determined, the employee's wages have increased;

(*b*) by the employee, on the ground that since the right to compensation was determined, his wages have diminished;

(*c*) by the employee, on the ground that the employer, having commenced to pay compensation, has ceased to pay the same, notwithstanding the fact that there has been no change in the employee's condition such as to warrant such cessation;

(*d*) either by the employer or by the employee, on the ground that the determination of the rate of compensation for the time being in force was obtained by fraud or undue influence or other improper means;

(*e*) either by the employer or by the employee on the ground that in the determination of compensation, there is a mistake or error apparent on the face of the record.

35. *Procedure on application for review*.— If, on examining an application for review by an employer in which the reduction or discontinuance of half-monthly payments is sought it appears to the Competent Authority that there is reasonable ground for believing that the employer has a right to such reduction or discontinuance, he may at any time issue an order withholding the half-monthly payments in whole or in part pending his decision on the application.

36. *Procedure on application for communication*.— (*1*) Where application is made to the Competent Authority under section 80 for redemption of a right to receive half-monthly payments by the payment of a lump sum, the Competent Authority shall from an estimate of the probable duration of the disablement, and shall award a sum equivalent to the total of the half-monthly payments which would be payable for the period during which he estimates that the disablement will continue, less one-half per cent of that total for each month comprised in that period:

Provided that fraction of a rupee included in the sum so computed shall be disregarded.

(*2*) When, in any case to which sub-rule (*1*) applies, the Competent Authority is unable to form an approximate estimate of the probable duration of the disablement, he may from time to time postpone a decision on the application for a period not exceeding two months at any one time.

37. *Class of employers and the form of notice-book*.— Every employer to which the Code applies, shall maintain a notice book in accordance with sub-section (*4*) of section

82 in Form-X hereto which shall be readily accessible at all reasonable time to any injured employee employed on the premises.

38. *The frequent for medical examination under the proviso to sub-section (1) of section 84.*— (*1*) *Employee not to be required to submit to medical examination save in accordance with these rules.*— A employee who is required by sub-section (*1*) of section 84 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part and not otherwise.

(*2*) *Examination when employee and medical practitioner both on premises.*— When such employee is present at the employer's premises, and the employer offers to have him examined free of charge by a qualified medical practitioner who is so present the employee shall submit himself for examination forthwith.

(*3*) *Examination in other cases.*— In cases to which rule 20(*2*) does not apply, the employer may—

(*a*) Send the medical practitioner to the place where the employee is residing for the time being in which case the employee shall submit himself for medical examination on being requested to do so by the medical practitioner, or

(*b*) Send to the employee an offer in writing to have him examined free of charge by a qualified medical practitioner, in which case the employee shall submit himself for medical examination at the employer's premises or at such other place in the vicinity as is specified in such offer and at such time as is so specified:

Provided that—

(*i*) the time so specified shall not, save with the express consent of the employee be between the hours of 7.00 p.m. and 6.00 a.m.; and

(*ii*) in case where the employees' condition renders it impossible or inadvisable that he should leave the place where he is residing for the time being, he shall not be required to submit himself for medical examination save at such place.

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

(*5*) *Examination after suspension of right to compensation.*— If a employee whose right to compensation has been suspended under sub-section (*2*) or sub-section (*3*) of section 84 subsequently offers himself for medical examination, his examination shall take place on the employer's premises or at such other place in the vicinity as may be fixed by the employer, and at a time to be fixed by the employer not being save with the express consent of the employee, more than 72 hours after the workman has so offered himself.

(*6*) *Examination of women.*— (*1*) No woman shall without her consent be medically examined by a male practitioner, save in the presence of another woman.

(*2*) No woman shall be required to be medically examined by a male practitioner if she deposits a sum sufficient to cover the expenses of examination by a female practitioner.

39. *Form of statement to be submitted by the employer.*— The statement for fatal accident required under sub-section (*1*) of section 88, shall, be in Form-XI hereto.

40. *Record of Memorandum of Agreement.*— (*1*) Form of Memorandum— Memorandum of agreement sent to the competent authority under sub-section (*1*) of section 89 shall unless the competent authority otherwise directs, be in duplicate, and shall be in as close conformity as the circumstances of the case admit with, in Form-XII or Form-XIII or Form-XVI hereto as the case may be.

(2) *Procedure where Competent Authority does not consider that he should refuse to record memorandum.*— (*a*) On receiving a memorandum of agreement, the competent authority shall, for taking decision to record memorandum or refusing to record, shall issue notice to parties to agreement in Form-XV hereto fixing date and place of hearing and in default of objections, he proposes to record the memorandum on the date so fixed. The notice may be sent personally or through registered post or speed post or electronically:

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

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

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

(*c*) If on such date the competent authority decides that the memorandum ought not to be recorded, he shall inform the parties present of his decision and of the reasons thereof and if any party desiring the memorandum to be recorded is not present, he shall send information to that party in Form XVI hereto.

(3) *Procedure where Competent Authority considers, he should refuse to record memorandum.*— (*a*) If, on receiving a memorandum of agreement, the Competent Authority considers that there are grounds for refusing to record the same he shall fix a date for hearing the party or parties desiring the memorandum to be recorded, and shall inform such party or parties and, if he thinks fit, any other party concerned, of the date so fixed and of the ground on which he considers that the memorandum should not be recorded.

(*b*) If the parties to be informed are not present a written notice shall be sent to them in Form-XVI hereto or Form-XVII hereto, as the case may be and the date fixed in such notice shall be not less than seven days after the date of the issue of the same.

(*c*) If, on the date fixed under sub-clause (*a*), the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the Competent Authority may, if information has already been given to all the parties concerned, record the agreement. If information has not been given to all such parties, he shall proceed in accordance with provisions of sub-rule (*2*) of rule 41.

(*d*) If, on the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in Form-XVIII hereto to any party who did not receive information under sub-clause (*a*).

(*4*) *Procedure on refusal to record memorandum.*— (*a*) If in any case the Competent Authority refuses to record a memorandum of agreement, he shall briefly record his reason for such refusal.

(*b*) If the Competent Authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above the sum specified in the agreement, unless opportunity has been given to the party liable to pay such sum to show cause why it should not be paid.

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

(5) Registration of memorandum accepted for record.— *I*n recording a memorandum of agreement, the competent authority shall cause the same to be entered in a register in

Form-XIX hereto and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following terms, namely:—

"The memorandum of agreement bearing Serial No. _____of _____20 in the register has been recorded this _____day _____of.

41. *Manner in which matters may be dealt with by or before a competent authority*.—

(*1*) *Introductory*.— Save as otherwise provided in these rules the procedure to be followed by the Competent Authority in the disposal of cases under these rules shall be regulated as follows:—

(*2*) *Application*.— (*a*) Any application of the nature referred to in section 93 may be sent to the competent authority electronically or by registered post or may be presented to him or to any of his subordinates authorized by him in this behalf, and, if so sent or presented, shall, unless the Competent Authority otherwise directs, be made in duplicate in appropriate Form, if any, and shall be signed by the applicant.

(*b*) There shall be appended to every such application a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and belief and is accurate.

(*3*) *Production of documents*.— (*a*) When the application for relief is based upon a document, the document shall be appended to the application.

(*b*) Any other document which any party desires to tender in evidence shall be produced at or before the first hearing.

(*c*) Any document which is not produced shall not, without the sanction of the Competent Authority, be admissible in evidence on behalf of the party who should have produced it.

(*d*) Nothing in this sub-rules applies to any document which is produced for the purpose of cross-examining a witness or is handed to a witness to refresh his memory.

(*4*) *Application presented to wrong Competent Authority*.— (*a*) If it appears to the Competent Authority on receiving application that it should be presented to another Competent Authority he shall return it to the applicant after endorsing upon it the date of the presentation and return the reasons for returning it and designation of the Competent Authority to whom it should be presented.

(*b*) If it appears to the Competent Authority at any subsequent stage that an application should have been presented to another Competent Authority, he shall send the application to the Competent Authority empowered to deal with it and shall inform the applicant (and the opposite party, if he has received a copy of the application), accordingly.

(*c*) The Competent Authority to whom an application is transferred under sub-clause (*b*) may continue the proceedings as if the previous proceedings or any part of them has been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudice.

(*5*) *Examination of applicant*.— (*a*) On receiving application of the nature referred to in section 93, the Competent Authority may examine the applicant on oath, or may send the application to any officer authorized by the Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority.

(*b*) The substance of any examination made under clause (*a*), shall be recorded in the manner provided for the recording of evidence in section 97.

(*6*) *Summary dismissal of application*.— (*a*) The Competent Authority may, after considering application and the result of any examination of the applicant, summarily

dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon.

(*b*) The dismissal of the application under clause (*a*) shall not be itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

(*7*) *Preliminary inquiry into application*.— I the application is not dismissed under sub-rule (6), the Competent Authority may for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon any other party, and, if upon considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

(*8*) *Notice to opposite party*.— If the Competent Authority does not dismiss the application under sub-rule (*6*) or sub-rule (*7*), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender.

(*9*) *Appearance and examination of opposite party*.— (*a*) The opposite party may, and if so required by the Competent Authority, at or before the first hearing or within such time as the Competent Authority may permit, file a written statement dealing with the claim, raised in the application, and any such written statement shall form part of the record.

(*b*) If the opposite party contests the claim, the Competent Authority may, and, if no written statement has been filed, shall proceed to examine him upon the claim and shall reduce the result of examination to writing.

(*10*) *Framing of issues*.— (*a*) After considering any written statement and the result of any examination of the parties, the Competent Authority shall ascertain upon what material propositions of fact or of law the parties are at variance and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend.

(*b*) In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion concern point of facts and those which concern point of law.

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

(*12*) *Diary*.— The Competent Authority shall maintain under his hand a brief diary of the proceedings on an application.

(*13*) *Reason for postponement to be recorded*.— If the competent Authority finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.

(*14*) *Judgment*.— (*a*) The Competent Authority, in passing orders, shall record concisely a judgment, his finding on each of the issues framed and his reasons for such finding.

(*b*) The Competent Authority, at the time of signing and dating his judgment, shall pronounce, his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

(*15*) *Summoning of witnesses*.— If an application is presented to any party to the

proceedings for the citation of witnesses, the Competent Authority shall, on payment of the prescribed expenses, and fees, issue summonses for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

(*16*) *Right of entry for local inspection*.— A Competent Authority before whom any proceeding relating to injury by accident is pending may at any time enter the place where the workman was injured, or where the workman ordinarily performed his work, for the purpose of making a local inspection or of examining any person likely to be able to give information relevant to the proceedings;

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

(*17*) *Procedure in connection with local inspection*.— (*a*) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention of conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable.

(*b*) Such notice may be given orally or in writing and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (*2*) of section 88, or the representative of any such person.

(*c*) Any party, or the representative of any party, may accompany the Competent Authority at a local inspection.

(*d*) The Competent Authority, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the fee of Rs. 50/-, shall supply any party with a copy thereof.

(*e*) The memorandum shall form part of the record.

(*18*) *Power of summary examination*.— (*a*) The Competent Authority during a local inspection or at any other time, save at a formal hearing of a case pending before him, may examine summarily any person likely to be able to give information relative to such case, whether such person has been or is to be called as a witness in the case or not, and whether any or all the parties are present or not.

(*b*) No oath shall be administered to a person examined under clause (*a*).

(*c*) Statements made by persons examined under clause (*a*), if reduced to writing, shall not be signed by the person making the statement, nor shall they, except as hereinafter provided, be incorporated in the record or utilized by the Competent Authority for the purpose of arriving at a decision in the case.

(*d*) If a witness who has been examined under clause (*a*) makes in evidence any material statement contradicting any statement made by him in such examination and reduced to writing, the Competent Authority may call his attention to such statement, and shall in that case direct that the parties be furnished with the relevant part of such statement for the propose of cross examining the witness.

(*e*) Any statements or part of a statement which is furnished to the parties under clause (*d*) shall be incorporated in the record.

(*f*) Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under clause (*a*) and may utilize such statement for the purpose

of justifying his acceptance of or refusal to accept the agreement reached.

(*19*) *Agreement to abide by Competent Authorities' decision*.— (*a*) If a party states in writing his willingness to abide by the decision of the Competent Authority, the Competent Authority shall inquire whether the other party is willing to abide by his decision.

(*b*) If the other party agrees to abide by the Competent Authorities' decision, the fact of his agreement shall be recorded in writing and signed by him.

(*c*) If the other party does not agree to abide by the Competent Authorities decision the first party shall not remain under an obligation so to abide.

(*20*) *Procedure where indemnity claimed under section 85(2)*.— (*a*) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (*2*) of section 85 to be indemnified by a person not being a party to the case, he shall, when first called upon answer the application, present a notice of such claim to the Competent Authority accompanied by the fee of rupees one hundred and the Competent Authority shall thereupon issue notice to such person in Form-XX hereto.

(*b*) If any person served with a notice under clause (*a*) desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified, he shall appear before the Competent Authority on the date fixed for the hearing of the case or on any date to which the case may be adjourned and, if he so appears, shall have all the rights of a party to the proceedings, in default of so appearing he shall be deemed to admit the validity of any award made against the opposite party and to admit his own liability to indemnify the opposite party for any compensation recovered from him:

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

(*c*) If any person served with a notice under clause (*a*) whether or not he desires to contest the applicant's claim for compensation or the opposite party's claim to be indemnified by a person standing to him in the relation of a contractor from whom the workman could have recovered compensation, he shall on or before the date fixed in the notice under clause (*a*) present a notice of such claim to the Competent Authority accompanied by the fee or rupees one hundred and the Competent Authority shall thereupon issue notice to such person in Form XXI hereto.

(*d*) If any person served with a notice under clause (*c*) desires to contest the applicant's claim for compensation, or the claim under clause (*c*) to be indemnified, he shall appear before the Competent Authority on the date fixed in the notice in Form-XXI or on any date to which the case may be adjourned and, if he so appears, shall have all the right of a party to the proceedings in default of so appearing he shall be deemed to admit the validity of any award made against the original opposite party or the person served with a notice under clause (*a*) and to admit his own liability to indemnify the party against whom such award is made for any compensation recovered from him:

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

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

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

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

(*22*) *Certain provisions of Code of Civil Procedure, 1908 (Act No. 5 of 1908), to apply*.— Save as otherwise expressly provided in the Code or these Rules the following provision of the First Schedule to the Code of Civil Procedure, 1908, namely those contained in Order V, rules 9 to 13 and 15 to 30; Order IX; Order XIII rules 3 to 10; Order XVI rules 2 to 21; Order XVII; and Order XXIII rules 1 and 2; shall apply to proceedings before Competent Authority, in so far as they may be applicable thereto:

Provided that—

(*a*) For the purpose of facilitating the application of the said provisions, the Competent Authority may construe them with such alterations not affecting the substance as may be necessary or propose to adapt them to the matter before him;

(*b*) The Competent Authority may for sufficient reasons, proceed otherwise than in accordance with the said provisions if he is satisfied that the interests of the parties will not thereby be prejudiced.

(*23*) *Provision regarding signature of forms*.— Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

(*24*) *Apportionment of compensation among dependants*.— The provisions of this Part, except those contained in sub-rules (*8*), (*9*) and (*20*) shall, a far as may be, apply in the case of any proceedings relating to the apportionment of compensation among the dependants of a deceased workman.

42. *Time-limit for disposal of application and cost incidental to the proceedings*.— The competent authority shall dispose the application within six months from the date of receiving the application.

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

(*a*) the cost for a copy of any document or record or statement or order or decree shall be rupees hundred per copy.

(*b*) the cost of service or summons or notices or expenses of witnesses or the cost payable in respect of any of the matter not referred above shall be such amount as may be ordered in each case by the competent authority.

(*c*) the competent authority may, whenever it finds either on application of applicant or otherwise that the applicant is unable to pay the costs, it

may exempt the applicant from the payment of cost.

(*ii*) Any person who is not a party to dispute, may get the certified copy of decision, decree or other document except the confidential document, on payment of fee as specified above.

43. *Time limit to pay the amount of cess.*— (*1*) The cess levied under sub-section (*1*) of section 100 shall be paid by an employer, within thirty days of the completion of the construction project or within thirty days of the date on which assessment of cess payable is finished; whichever is earlier, to the cess collector.

(*2*) where the duration of the project or construction work exceeds one year, cess shall be paid within thirty days of completion of one year from the date of commencement of work and every year thereafter at the notified rates on the cost of construction incurred during the relevant period.

(*3*) 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 rate from the bill paid for such works.

(*4*) where the approval of the construction work by a local authority is required, every application for such approval shall be accompanied by a cross demand draft in favour of the Board and payable at the station at which the Board is located for an amount of cess payable at the notified rate on the estimated cost of construction:

Provided that if the duration of the project is likely to exceed one year, the demand draft may be for the amount of cess payable on cost of construction estimated to be incurred during one year from the date of commencement and further payment of cess due shall be made as per the provisions of sub-rule (*2*).

(*5*) An employer may pay in advance an amount of cess calculated on the basis of the estimated cost of construction alongwith the notice of the commencement of the work by a crossed demand draft in favour of the Board and payable at the station at which the Board is located:

Provided that if the duration of the project is likely to exceed one year, the demand draft may be for the amount of cess payable on cost of construction estimated to be incurred during one year from the date of such commencement and further payment of cess due shall be made as per the provisions of sub-rule (*2*).

(*6*) Advance cess paid under sub-rule (*3*), (*4*) and (*5*), shall be adjusted in the final assessment made by the Assessing officer.

44. Fees for appeal.— An appeal preferred under sub-section (1) of section 105 shall be accompanied by 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.

45. *Conditions and manner of writing off irrecoverable dues.*— Where the Goa Unorganized Workers Social Security Board or The Goa Building and other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to the Board has become irrecoverable, the Board or any other officer authorised by it in this behalf, may sanction the writing off of the said amount, subject to the following conditions, namely:—

(*1*) if the establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts; or

(*2*) decree obtained by the Board could not be executed successfully for want of sufficient assets of the defaulting employer; or

(*3*) claim for contribution is not fully complied with by—

(*a*) the Official Liquidator in the event of factories or establishments having gone into liquidation; or

(*b*) in the event of factories or establishment being Nationalised or taken over by the Government.

46. Maintenance of records, registers, returns, etc.— (*1*)(*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 and the same shall always be available for inspection by the authority notified or by 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*) (*a*) *Records.*— The records to be maintained for the purposes of Chapters of the Code and the rules framed thereunder shall be preserved for a period of three years from the date of their preparation.

(*b*) The employer of every establishment in which employees are employed, shall prepare and maintain record and registers as per the record and registers to be maintained under the Code on Wages, 2019 (Central Act 29 of 2019) and the rules framed thereunder.

(*3*) *Annual returns.*— (*a*) The employer to which the provisions of the Code applies, on or before the 1st day of February in each year, upload a unified annual return in Form XXIII hereto online on the web portal of the Labour Department of the Government of Goa, 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 records, register and other documents maintained in electronic form or otherwise.

Explanation.— (*a*) 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 (Central Act 21 of 2000).

(*b*) If the employer to which the Code applies, sells, abandons or discontinues the working of the establishment, 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 Labour Department of the Government of Goa, a further unified return in Form XXIII hereto in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

47. *Form and manner of application for compounding of an offence.*— (*1*) The officer authorized by the Government by notification for the purposes of compounding of offence under sub-section (*1*) of section 138 shall issue electronically or otherwise by Registered Post a compounding notice in Form XXIV hereto for the offences which are compoundable under section 138.

(*2*) The person so noticed may apply in Part III of Form XXIV hereto to the officer electronically or otherwise 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 time, the prosecution shall be instituted before the competent court for the offence in respect of which the compounding notice was issued, against such person.

(*5*) The court may compound any compoundable offence at any time after filing of a complaint under section 138 of the Code.

(*6*) The provisions of section 320 of the Code of Criminal Procedure, 1973 (Central Act, 20 of 1974) shall apply to such compositions.

FORM-I

[(*See* rule 16(*1*), (*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 persons(s) mentioned below/have acquired a family within the meaning of clause (*33*) of section 2 of the Code on Social Security, 2020 (Central Act No. 36 of 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 persons(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 (Central Act No. 36 of 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)

Sr. 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.	1.			
2.	2.			
3.	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 ……

Place:

Date: Signature/Thumb-impression of 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 authorized/designation
Name and address of the Establishment or rubber stamp thereof.

Acknowledgement by the Employee

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

Date : Signature of the Employee

———

FORM-II

[(*See* rule 17(*1*), (*2*) (*3*)]

Application for Gratuity by an Employee/Nominee/Legal Heir

(Strike out the words not applicable)

To ……

…….

(Give here name or description of the establishment will 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 (Central Act No. 36 of 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 which in service/superannuation on ……. (date) without making any nomination after completion of

…….. years of service/total disablement of the said 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 the 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 roof 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 demand draft/credit in my bank account No. ……..

Yours faithfully,

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

Place:

Date:

———

FORM-III

[(*See* rule 18 (*1*) (*a*), (*b*) and (*5*)]

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 clause (*b*) of sub-rule (*1*) of rule 22 of the Code on Social Security (Goa) Rules, 2021, that your claim for payments of gratuity as indicated on your application in Form-II under the said rules is not admissible for the reasons stated below:

Reasons (Here specify the reasons); or

(*b*) * as required under clause (*a*) of sub-rule (*1*) of rule 22 the Code on Social Security (Goa) Rules, 2021 that a sum of Rs. …….. (Rupees …….) is payable to you as gratuity/as your share of gratuity in terms of nomination made by …….. on …….. and …….. recorded in this …….. as a legal heir of …….. an employee of this establishment.

2. * Please call at …….. on ……. (Here specify place) …….. (date) at …….. (time) for collecting your payment of gratuity demand draft.

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/
Authorized officer

Name or description of establishment or
rubber stamp thereof.

Copy to: The Competent Authority in case of denial of gratuity.

———

FORM-IV

[(*See* rule 20(*1*)(*c*)]

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 abovementioned employer, and is entitled to payment of gratuity under section 53 of the Code on Social Security, 2020 (Central Act, 36 of 2020) on account of his own/aforesaid employee' 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 (Goa) Rules, 2021 on the …….. but the above-mentioned employer refused to entertain it/issued a notice dated the ……. under clause …….. of sub-rule of rule …….. offering an amount of gratuity which is less than my due/issued a notice dated …… the under clause ……. of sub-rule …….. of rule ……. rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

3. The applicant submits that there is a dispute on the matter (specify the dispute).

4. The applicant furnishes the necessary particulars in the annexure hereto and prays that the Competent Authority may be pleased to determine the amount of gratuity payable to the petitioner and direct the above-mentioned employer to pay the same to the petitioner.

5. The applicant declare that the particulars furnished in the annexure hereto are true to 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 service by the employee
11. Wages last down 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 of a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Place:

Date:

Signature/Thumb impression of the applicant.

FORM-V

[(*See* rule 21(*1*) and (*24*)]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

…….

(Name and address of the employer/applicant)

Whereas Shri ……..... an 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 (*1*) of rule 16 of the Code on Social Security (Goa) Rules, 2021 alleging that ……
(A copy of the said application is enclosed, if, summon is issued then copy of application is not required)

Now, therefore, you are hereby called upon/summoned to appear before the Competent Authority at …….. (place) either personally or through a person duly authorized in this behalf for the purpose of answering all material questions relating to the application on the …….. day of …….. 20 …… at …… 'O' clock in the forenoon/afternoon in support of/to answer the allegation; and as the day fixed for your appearance is appointed for final disposal of the application, you must be prepared to produce on that day all the witnesses upon whose evidence, and the documents upon which you intend to rely in support of your allegation/defence.

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

Whereas your attendance is required to give evidence/you are required to produce the documents mentioned in this list below, on behalf of …… in the case arising out of the claim for gratuity by …… Form ……. and referred to this Authority by an application under section 56 of the Code and Social Security, 2020 (Central Act 36 of 2020) you are hereby summoned to appear personally before this Authority on the ……. Day of ……20……. at 'O'clock in the forenoon/afternoon and to bring with you (or to send to this Authority) the said documents.

List of documents—

1.

2.

3. so on

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

Competent Authority

Under the Code on Social Security Code, 2020
(Central Act 36 of 2020)

Note:

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

FORM-VI

[(*See* rule 27 and 28(*8*)]

Notice of Order for payment of Gratuity as Determined by Competent/Appellate Authority

(Strike out the words not applicable)

To,

(Name and address of employer)

1. Whereas Shri/Smt./Kumari ..... of an employee ..... (address) under you/a nominee(s)/legal heir(s) of late ..... an employee under you, filed an application under section 56 of the Code on Social Security, 2020 (Central Act 36 of 2020), before me; or

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

2. And whereas the application was heard in your presence on ..... and after the hearing have come to the finding that the said Shri/Smt./Kumari ..... is entitled to a payment of Rs. ..... as gratuity under the Code on Social Security, 2020 (Central Act 36 of 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 (Central Act 36 of 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, this ..... day of ..... 20 .....

Competent Authority
Under the Code on Social Security Code, 2020
(Central Act 36 of 2020)

Copy to:

1. The Applicant- He is advised to contact the employer for collecting payment.

2. The Appellate Authority if applicable.

FORM-VII

[*See* rule 29]

Application for Recovery of Gratuity

Before the Competent Authority under the Social Security Code, 2020 (Central Act 36 of 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 late ..... and employee of the abovementioned employer, and you were pleased to direct the said employer in your notice dated the ..... under rule 26 or rule 27 of Social Security (Goa) Rules, 2021 for payment of a sum of Rs. ..... as gratuity payable under the Code on Social Security, 2020.

2. The applicant submits that the said employer failed to pay the said amount of gratuity to me as directed by you although I approached him for payment.

3. The applicant therefore prays that a certificate may be issued under section 129 of the Code for recovery of the said sum of Rs. …….. due to me as gratuity in terms of your direction.

Signature/Thumb-impression of applicant.

Place:

Date:

Note:- Strike out the words not applicable.

FORM-VIII
[*See* rule 31(*1*)]
Complaint to the Inspector-cum-Facilitator

To,
The Inspector-cum-Facilitator,
(Under the Code on Social Security, 2020 (Central Act 36 of 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 (Central Act 36 of 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 (Central Act 36 of 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-IX
Appeal
[*See* Rule 32(*2*)]

To,

The Authority

(Appointed under the Code on Social Security, 2020) (Central Act 36 of 2020)

…… (Address)

Sir,

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

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

*Shri ……, Inspector-cum-Facilitator, having directed under sub-section (*2*) of section 72 to pay the maternity benefit or other amount being ……. (Nature of amount) to which ……..(Name of woman) is said to be entitled/to set aside my discharge or dismissal during or on account of absence from work in accordance with the provisions of this Chapter VI of the Code on Social Security, 2020 (Central Act 36 of 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-X
[*See* rule 37]
(Notice Book of the Accidents)

(1) Name of the Establishment …….

(2) Address of the Establishment ……..

(3) Nature of Business …….

(4) Date of Opening …….

(5) Registration number if any …….

(6) Name of the Employer/Occupier ……

Serial Number	Date of accident	Short details of accident	Name of the injured person	Whether accident resulted in death	Whether accident resulted in total disablement	Whether accident resulted in impartial disablement	Whether accident resulted in temporary disablement	Amount of compen-sation paid to employee or his dependent	Amount of compen-sation depo-sited to Competent Authority	Date of payment or deposit of Compen-sation
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FORM-XI
[*See* rule 39]
Statement of Fatal Accidents

To,

Competent Authority,

.....

Sir,

1. I have the honor to submit the following statement of an accident which occurred in (date), at (here enter details of premises) and which resulted in the death of the employee/employees of whom particulars are given in the statement annexed.
2. The circumstances relating to the death of the employee/employees were as under:—
   a. Time of accident.
   b. Brief history of accident.
   c. Place where the accident occurred.
   d. Manner in which deceased was/were employed at the time.
   e. Cause of the accident.
   f. Any other relevant information.
3. I am responsible for payment of compensation.
4. Details of employee.
   a. Name of the employee …….
   b. Full postal address
   c. Sex ……..
   d. Age of the employee ……..
   e. Wages of the employee ……
5. I am not responsible for payment of compensation (Reason)

(Signature and designation of person making the statement)

Name:

Address:

Mobile No.

FORM-XII
[*See* rule 40(1)]
Memorandum of Agreement

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

…….

The said employee's monthly wages are estimated at Rs. …….

The employee is over the age of 15 years/will reach the age of 15 years on ..... The said employee has, prior to the date of the agreement, received the following payments, namely:—

Rs. ..... on ..... Rs. ..... on .....

Rs. ..... on ..... Rs. ..... on .....

Rs. ..... on ..... Rs ..... on .....

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

Dated ..... 20 .....

Signature of employer .....

Witness .....

Signature or employee .....

Witness .....

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

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

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

Dated ..... 20 ..... Employee

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

Witness.....

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

FORM-XIII

[*See* rule 40(1)]

Memorandum of Agreement

It is hereby submitted that on the .....day of 20……. personal injury was caused to ..... residing at …….. by accident arising out of and in the course of employment in …….. The said injury has resulted in temporary disablement to the said employee, who is at present in receipt of wages amounting to Rs. ……. per month/no wages. The said employee's monthly wages prior to the accident are estimated at Rs..... The employee is subject to a legal disability by reason of …….

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

Dated ..... 20....

Signature of employer

Witness

Signature of employee

Witness

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

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

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

Dated ..... 20 Employee

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

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

FORM-XIV

[*See* rule 40(1)]

Memorandum of Agreement

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

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

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

Rs. ..... on .....……. Rs. ..... on .....

Rs. ..... on ..... Rs. ..... on .....

Rs. ..... on ..... Rs ..... on .....

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

Dated ..... 20..... Signature of employer

Witness ……..

Witness Signature of dependant(s)

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

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

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

Dated ..... 20....

Dependant(s)

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

Witness …….

FORM-XV

[*See* rule 40 clause (2)(a)]

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

Dated ..... 20 ……..

Competent Authority

FORM-XVI
[*See* rule 40 clause (*2*) (*c*)]

Take notice that registration of the agreement to pay compensation is said to have ben reached between you ……. and ……. on the …… 20 …….. has been refused for the following reasons, namely:—

.....

.....

Dated: …… 20 …….

Competent Authority.

———

FORM-XVII
[*See* rule 40 clause 3 (*b*)]

Whereas an agreement to pay compensation is said to have been reached between ……. and ……. and whereas …… has/have applied for registration of the agreement under 89 of the Code on Social Security, 2020 (Central Act 36 of 2020), and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:—

…….. an opportunity will be afforded to your showing of cause on …… 20 ……., why the said agreement should be registered. If no adequate cause is shown on that date registration of the agreement will be refused.

Dated……. 20 …….. Competent Authority.

———

FORM-XVIII
[*See* rule 40 clause 3(*d*)]

Whereas an agreement to pay compensation is said to have been reached between ……. and ……. and whereas …… has/have applied for registration of the agreement under 89 of the Code on Social Security, 2020 (Central Act 36 of 2020), and whereas it appears to me that the said agreement ought not to be registered for the following reasons, namely:—

…….. an opportunity will be afforded to your showing of cause on …… 20 ……., why the said agreement should be registered. Any representation which you have to make with regard to the said agreement should be made on that date. If adequate cause is then shown, the agreement may be registered.

Dated……. 20 …….. Competent Authority.

———

FORM-XIX
[*See* rule 40 clause (*5*)]
Register for Agreement for the year 20……..

Serial number	Date of agreement	Date of Registration	Employer	Employee	Initial of Competent Authority	Reference to order rectifying the register
(1)	(2)	(3)	(4)	(5)	(6)	(7)

FORM-XX
[*See* rule 41 clause (*20*)(*a*)]
Notice

Where a claim for compensation has been made by …….. applicant/employer against …….. and the said…….. has claimed that you are liable under section 85(*2*) of the Code on Social Security, 2020 (Central Act 36 of 2020), to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, you are hereby informed that you may appear before me on …….. and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of you appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Dated…….. 20…… Competent Authority

FORM-XXI
[*See* rule 41 clause (*20*)(*c*)]
Notice

Whereas a claim for compensation has been made by …….. applicant, against …….. and the said ……. has claimed that …….. is liable under section 85(*2*) of the Code on Social Security, 2020 (Central Act 36 of 2020), to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim, and whereas the said …….. on notice served has claimed that you ……. Stand to him in the relation of a contractor form whom the applicant …….. could have recovered compensation. You are hereby informed that you may appear before me on …….. on contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party …….. In default of your appearance you will be deemed to admit the validity of any award made against the opposite party ……. and your liability to indemnify the opposite party ……. for any compensation recovered from him.

Dated ……. 20……. Competent Authority.

FORM-XXII
[*See* rule 46 clause (*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	D

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 46 clause (*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 …….....

Email ID …… Telephone Number …….. Mobile No. …….....

(*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 …….....

Email ID …… Telephone Number …….. Mobile No. …….....

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

Sr. 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…… PinCode ……. E-mail ID ……..... Telephone Number …… Mobile Number …..……..

D. Working hours and weekly rest day:

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

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

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

F. Wage rates (Category Wise):

Category	Rates of wages	No. of workers							
		Regular				Contract			
		Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly Skilled									
Skilled									
Semi skilled									
Unskilled									
Clerical									

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:

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

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

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

I. Maternity Benefit under the Code on Social Security, 2020 (Central Act 36 of 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 (Central Act 36 of 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 all the provisions of Labour Laws applicable to my establishment.

Dated: Sign. here

Place:

FORM-XXIV
[*See* rule 47]

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 (Central Act 36 of 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/Rule/Regulations under which the offence is committed
6.	Compounding amount required to be paid towards composition of the offence
7.	Name and details

PART II

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

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

(Signature of the Compounding Officer)

Date:

Place:

———

PART III

Application under sub-section (*4*) of section 138 of the 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 or otherwise 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

Dated:

Place:

(Name and Designation)

———

PART VI

Composition Certificate

Ref.: Notice No. ..... Date:

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

(Signature)

Name and Designation of the Officer

Date:

Place:

By order and in the name of the Governor of Goa.

Sanjay Kumar, IAS, Secretary (Labour).

Porvorim, 16th November, 2021.