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NOTIFICATION

Dated Kohima, the 14th Dec. 2023.

NO.LAB-46/5/2015-16 (Vol-II):: The Draft **Code on Social Security (Nagaland) Rules, 2023** which the Government of Nagaland proposes to make in exercise of the powers conferred by Section 154 and 156 of the Code on Social Security, 2020 (Central Act No.36 of 2020) is hereby published as required by sub-section (1) of Section 154, sub-section (1) of 156 for the information of all persons likely to be affected, thereby this notice is given that the said draft will be taken into consideration after 45 (forty-five) days from the date of publication in the Official Gazette.

Any objection or suggestion, which may be received by the State Government from any person or organisation with respect to the said draft before expiry of the period specified above, will be reviewed for consideration by the State Government and the objections and suggestions may be addressed to the Labour Commissioner, on labcomm-ngl@nic.in or Office of the Labour Commissioner, New Secretariat Complex, Nagaland, Kohima-797001.

Sd/-

BENDANGLILA

Joint Secretary to the Govt. of Nagaland.

The Nagaland Code on Social Security Rules, 2023**CHAPTER 1
PRELIMINARY****1. Short title, extent and commencement:-**

- (a) These rules may be called the Nagaland Code on Social Security Rules, 2023.
- (b) They shall extend to the whole of the State of Nagaland.
- (c) They shall come into force from the date of notification.

2. Definitions:- In these rules, unless the subject or context otherwise requires,

- (a) "appellate authority" means the Government of Nagaland or the authority specified by the Government of Nagaland under sub-section (8) of Section 56 or an officer, senior in rank to the Assessing Officer for the purposes of section 105 of the Code, appointed by the State Government, as the case may be;
- (b) "authority" means the Government of Nagaland or the authority specified by the Government of Nagaland under sub-section (3) of Section 72, for making appeal against the order of the Inspector-cum-Facilitator;
- (c) "chairperson" means the Chairperson of the Social Security Board or, as the case may be, the Chairperson of the Welfare Board;
- (d) "Code" means the Code on Social Security, 2020 (36 of 2020);
- (e) "electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of Code;
- (f) "Fund" means Social Security Fund;
- (g) "Form" means a form appended to these rules;
- (h) "member" means member of the Board;
- (i) "nomination" means nomination made under Section 55 of the code;
- (j) "register of women employees" means a register of women employees maintained under rule 47;
- (k) "section" means a section of the Code;
- (l) "Social Security Board" means the Nagaland Unorganised Workers' Social Security Board constituted under sub-section (9) of Section 6 of the Code;
- (m) "specified" means specified by an order of the Government of Nagaland or any officer so authorised by the Government, of Nagaland;
- (i) "Welfare Board" means the Nagaland Building and other Construction Workers' Welfare Board constituted under Section 7 of the Code.
- (n) "year" shall mean the financial year, that is to say, beginning from the 1st of April and ending with the 31st of March of the year following;

Words and expressions used in these rules and not defined herein, but are defined in the Code shall have the same meanings as are respectively assigned to them under the Code.

**CHAPTER-2
NAGALAND UNORGANISED WORKERS' SOCIAL SECURITY BOARD
PART-I**

3. Manner for nomination of the Members of Nagaland Unorganized Workers' Social Security Board under Section 6 of the code:-

- (a) The Board constituted under sub-section (9) of Section 6 shall be called as the Nagaland Unorganised Worker's Social Security Board.
- (b) The Nagaland Unorganised Workers' Welfare Board shall consist of the following members, namely: -
 - (i) Minister/Advisor of Labour Department shall be the Chairperson and Ex-Officio of the Board and shall hold office till he ceases to be the Minister/ Advisor of the Labour Department.
 - (ii) The Principal Secretary/Commissioner Secretary/Secretary of the Labour Department shall be the Vice-Chairperson of the Board.
 - (iii) The State Government shall seek one member representing the Central Government in the Ministry of Labour and Employment, Government of India under clause (c) of sub-section (10) of Section 6.
 - (iv) The State Government shall seek seven nominations from amongst the representatives of associations of unorganised sector workers and seven nominations from employers' associations of unorganised sector, on the Social Security Board, under sub-clauses (i) and (ii) of clause (d) of sub-section (10) of Section 6 in manner, as decided by the State Government. The State Government shall nominate two members representing the Legislative Assembly under sub-clause (iii) of clause (d) of sub-section (10) of Section 6. The State Government shall nominate five members under sub-clause (iv) of clause (d) of sub-section (10) of section 6 from amongst persons of eminence in the field of labour welfare, management, finance, law and administration. The State Government shall nominate ten members under sub-clause (v) of clause (d) of sub-section (10) of Section 6 representing various Departments of State Government, concerned with matters relating to the welfare of the unorganized workers.
- (c) The State Government shall nominate a person as the Member-Secretary of the Social Security Board.

Provided that, adequate representation shall be given to person belonging to the minorities and women.
- (d) No person shall be chosen as, or continue to be, a member of the Board, if such person incurs any of the disqualifications under Section 8.

4. Term of the office:-

- (a) The term of the Board shall be three years from the date of its constitution, but it shall continue till the reconstitution and its decision shall not be deemed invalid on the ground that term of the Board has been expired.
- (b) The term of the members of the Board shall co-exist with the term of the Board.
- (c) Members nominated under sub-clause (iii) of clause (d) of sub-section (10) of Section 6 of the Code shall cease to be member of the Board when they cease to be elected member of the State Legislative Assembly.
- (d) The members nominated under sub-clause (i), (ii) and (iv) of clause (d) of sub-section (10) of Section 6 of the Code shall be removed from the Board if they cease to represent the interest for which they were nominated.
- (e) All nominated members shall not be eligible for re-nomination for more than total of two terms.

5. Resignation:- Any member other than an Ex-Officio member may resign by a letter addressed to the Chairperson of the Board.

6. Change of Address:- If any change occurs in the address of nominated members, the same shall be communicated in writing within fifteen days to the Member Secretary of the Board who shall make a record accordingly.

7. Filling of the Vacancies:- When a Vacancy occurs for any reason or is likely to occur in the membership of the Board, the Member Secretary shall submit a report to the State Government who shall take steps to fill the vacancy from amongst the category of persons, to which the person vacating membership belongs and the person so nominated shall hold office for the remainder of the term of the office of the member in whose place he is appointed.

8. Meetings of the Board:-

- (a) The Board shall meet at such places and at such times as may be decided by the Chairperson.
- (b) The Board shall meet at least once in four months.
- (c) In case of any matter of urgency special meetings may be called by the Chairperson after informing the members in advance about the subject-matter of discussion and the reasons of urgency.
- (d) In case of any matter of urgency, meeting by circulation or by other mode may be held.
- (e) The Chairperson shall preside over every meeting of the Board in which he is present and in his absence the Vice- Chairperson of the Board shall preside over such a meeting in his place and in the absence of both, the members of the Board present in such meeting may choose from amongst themselves a member to preside over the meeting.

9. Notice of meeting and list of business:-

- (a) Ordinarily fifteen days notice shall be given to the members of the Board of a proposed meeting.
Provided that the Chairperson, if he is satisfied that it is expedient so to do, may give notice of shorter period.
- (b) 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.

10. Disposal of the Business:-

- (a) 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, the matter shall be disposed of in accordance with the 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.
- (b) Every decision taken at the meeting of the Board shall be recorded in writing.

11. Allowances of Members:- Non-Official Members of the Board shall be paid travelling allowance and daily allowance for attending meetings of the Board at such rates as are admissible to lowest of Group "A" Officer of the State Government.

12. Quorum:-

- (a) No business shall be transacted at any meeting of the Board unless at least 10 members are present in that meeting.

Provided that if at a meeting, less than 10 members are present, the Chairperson may adjourn the meeting to another date informing the members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is prescribed quorum or not, and it shall thereupon be lawful for him to dispose of the business at the adjourned meeting irrespective of the number of members attending.

- (b) The Chairperson may debar any member, other than ex-officio members, from taking part in the meeting of the Board if-
- (i) he absents himself from three consecutive meetings of the Board without written information to and consent of the Chairperson, or
 - (ii) in the view of the Chairperson, such member has ceased to represent the interest which he purports to represent on the Board.

13. Reconstitution of the Board:-

- (a) The State Government shall initiate the process for reconstitution of the Board, six months prior to the expiry of the term of the Board.
- (b) If the new Board is not reconstituted after completion of the term of the Board or due to other reason, the administration of the Board may be taken up by the State Government for the period till the new Board is constituted, by way of a notification in this behalf.
- (c) The decision taken by the State Government under sub-rule (b) shall have the same effect as if it has been carried out by the Board itself.

14. Headquarter of the Board:- The Headquarter of the Board shall be at the place as may be notified by the State Government.

15. Constitution of Fund under clause (i) of sub-section (5) of Section 141:- In addition to source of fund mentioned in clause (i) of sub-section (5) of Section 141, the amount received from the following sources shall be credited to the Fund which shall be called as Nagaland Unorganised Workers' Social Security Fund:

- (a) Lump sum amount given by the State Government for the establishment of the fund.
- (b) The amount of grant given by the Central Government, the State Government and other authorities and statutory bodies.
- (c) Amount received for registration/ renewal of beneficiaries and their contribution.
- (d) Amount received for implementation of the scheme notified by the Central Government.
- (e) Amount received for implementation of the scheme notified by the State Government, and
- (f) Contribution or donation or any other financial support from employer, their association or from Corporate Social Responsibility (CSR) Fund as determined by the State Government by general or special order.

16. Administration of the Nagaland Social Security Fund:-

- (a) All the fund received under clauses (i) and (ii) of sub-section (5) of Section 141 shall be kept in a separate Bank Account in a Scheduled Bank.
- (b) The Fund shall be administered and transacted by the Board.

- (c) The Bank Account of the Fund shall be operated in such a manner as determined by the State Government by general or special order.
- (d) The fund of the Social Security Board shall be utilized/ expended for the implementation of the welfare schemes for unorganized workers of the State and for meeting out administrative expenses of the Board. The administrative expenses of the Board shall not be more than ten percent of the total expenditure on schemes. The accounts of the Fund shall be audited in accordance with the instructions issued by the State Government from time to time.

PART-II

NAGALAND BUILDING AND OTHERS CONSTRUCTION WORKERS' WELFARE BOARD

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

17. The Name of the Board:- Nagaland Building and Others Construction Workers' Welfare Board.

- (a) *Constitution of the Board:* The Board shall consist of-
 - (i) A Chairperson, to be appointed by the State Government.
 - (ii) A member to be nominated by the Central Government.
 - (iii) Five members, to be appointed by the State Government representing from the Government Departments, of whom one each shall be from Labour, Finance, Law and two shall be of a department engaged in building or other construction works.
 - (iv) Not more than three persons representing the building and other construction workers to be nominated by the State Government
 - (v) Not more than three persons from among the employers of building and other construction workers to be nominated by the State Government
 - (vi) There shall be at least one woman member.
- (b) *Term of Chairperson and Members:* The term of office of the Chairperson and the Members of the Board other than the Official Members shall be five years from the date of their appointment.
Provided further that in no case the non official members can continue in the office beyond the period of five years from the date of their appointment.
- (c) *Conditions for appointment of members of Welfare Board under sub-section (4) of Section 7:* No person shall be appointed or continue to be a member of the Welfare Board, who:
 - (i) is or at any time has been adjudged insolvent; or
 - (ii) is found to be lunatic or become of unsound mind; or
 - (iii) is or has been convicted of any offence involving moral turpitude.
- (d) *Removal of members:*

- (i) The State Government may remove from office any member, who is or has become subject to any of the disqualifications mentioned in Rule 17 clause (c) (1) or is absent without leave of the Board for more than three consecutive meetings of the Board.
 - (ii) the member representing the employer or the building workers ceases to represent the employer, or as the case may be, the building workers; or
 - (iii) having regard to the exigencies of circumstances or service in the State Government, a member cannot continue to represent the State Government, the Government may remove such member from the Board.
- (e) *Filling up of casual vacancies:* A Member nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.
- (f) *Meeting of the Board:* The Board shall ordinarily meet once in three months. Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the board call a meeting thereof.
- (g) *Notice of meeting and list of business:* Notice intimating the date, time and venue of every meeting together with a list of business to be transacted at the meeting shall be sent electronically or otherwise, to each member at least ten days prior to the meeting of the Board.
Provided that when the Chairperson calls a meeting for considering any matter which in his opinion is urgent, notice of not less than three days in advance shall be deemed sufficient.
- (h) *Quorum for the meeting:* No business shall be transacted at any meeting of the Board unless at least six members are present.
- (i) *Absence of any member from the Government:* If any Member leaves the Government for a period exceeding six months without intimation to the Chairperson, he shall be deemed to have resigned from the Board and he shall cease to be a member on the expiry of the said period of six months.
- (j) *Transaction of business:* Every question considered at a meeting of the Board shall be decided by a majority of the votes of the Members present and voting and in the event of tie, the Chairperson shall have a right to exercise his vote which shall be a casting vote.
- (k) *Minutes of the Meetings:* Every decision taken in a meeting of the Board shall be recorded and the decisions taken shall be issued in the shape of minutes by the Secretary after confirmation of the Board.
- (l) *Fees and Allowances:*
- (i) Every non-official member of the Board shall be paid by the Board a sitting allowance as may be fixed by the Board from time to time for attending a meeting of the Board.
 - (ii) The Chairperson shall be paid an honorarium as deemed fit and proper by the State Government.
- (m) *Sub-committees of the Board:*

- (i) The Board may appoint such sub-committees, as it may deem fit for the proper discharge of its duties.
 - (ii) Each sub-committee will be headed by the Chairman of the Board and will have an equal number of workers, employers and members of the board representing the State Government.
 - (iii) In the absence of the Chairman, the members present of the sub-committee shall elect one of their own to preside over the meeting.
 - (iv) No work shall be performed at a meeting of the sub-committee unless at least one-third of its members are present, of which there shall be one representing the members and at least one worker must be among the members representing.
 - (v) The term of any sub-committee except the sub-committee constituted for the short-term purpose shall be one year from the date of its constitution, but the sub-committee shall continue to function until a new sub-committee is formed, but in any case no sub-committee shall function beyond the period of two years from the date of its original formation. The recommendations of each sub-committee shall be placed before the Board for its decision.
- (n) *Duties and functions of the Board:*
- (1) *Under sub-section (6) of Section of 7 of the Code, the Board shall be responsible for:*
 - (i) all matters related to the administration of the fund, including setting policies for the allocation of funds in it,
 - (ii) submission of annual budget, annual report and audited accounts to the government under the Code;
 - (iii) proper maintenance of accounts as per the provisions of the Code and its annual audit;
 - (iv) collection of contribution and other charges in the fund;
 - (v) performing the functions specified in and under the Code;
 - (vi) the Board shall, from time to time, give such information to the Government as deem fit.
 - (2) *Notification of schemes by the Board stipulating procedural and other residual matters related to the facilities:* The Board shall formulate schemes as per provisions in the code and these rules, laying down the procedure formats and all other residual matters regarding each facility or group of facilities specified, and by notification of the scheme with prior approval of the State Government under which will happen:
 - (i) rates at which various facilities will be payable;
 - (ii) application Procedure and format;
 - (iii) procedure for sanctioning and competent authority for grant of approval;
 - (iv) procedure for disbursement; and
 - (v) any other incidental matters.
- (o) *Appointment of Secretary, other officers and Staff:*
- (i) The Board shall, with prior concurrence of the State Government, appoint an officer not below the rank of an Assistant Labour Commissioner as Secretary of the Board.
 - (ii) The Board, with the prior approval of State Government, shall appoint other staff for disposal of functions of the Board.
- (p) *Administrative and financial powers of the Secretary:*

- (i) The Secretary of the Board may without reference to the Board, sanction expenditure and fund for contingencies, supplies and services and purchase of articles, refund for administering the fund subject to the limits up to which he may be authorized to sanction expenditure on any single item from time to time by the Board.
 - (ii) The Secretary may also exercise such other administrative and financial powers other than those specified in sub-rule (i) as may be delegated to him from time to time by the Board.
 - (iii) The board may from time to time delegate subject to such conditions as it may deem fit administrative and financial powers to any other officer under its control and supervision to the extent considered necessary for its efficient functioning.
- (q) *Recruitment Procedure and Service Conditions of Officers and Staff of the Board:*
Classification, pay scales, allowances, recruitment procedure, and terms and conditions of service of officers and employees of the Board, may be determined by the Board with the prior approval of the State Government;
If in any specific case, any dispute or difficulty arises regarding the interpretation or enforcement of a provision, the matter shall be referred to the State Government, whose decision shall be final thereon.

18. Information to the Government:- The Board shall furnish information to the Government on such matters as the Government may refer to it, from time to time.

19. Social Security schemes and welfare measures under sub-section (6) of Section 7:-

- (i) The board with prior approval of state Government shall notify social security schemes and welfare measures as prescribed in clause (a) to (f) of sub-section (6) of Section 7.
- (ii) The notification at sub rule (i) shall contain details of eligibility limit, rate of various benefits, application form and procedure and the competent authority for sanction of benefit and manner of payment and other incidental matters.

20. Utilization of the Fund:- The fund shall not without the prior approval of the Government be expended for any purpose other than those mentioned in the code and the rules, or as prescribed by the Central Government from time to time.

21. Report regarding the functioning of the Board:- A report on the functioning of the Board during every financial year shall be approved by the Board before the 15 days of June next and be submitted to the Government before the 15 day of July of that year.

22. Copies of the registers and reports to be furnished:- The Secretary of the Board shall furnish copies of the registers and annual report of the fund to any employer or member of the fund on written application with the prior approval of the Board.

23. Bank or other financial institution in which the gratuity shall be invested for the benefit of minor under the third proviso to sub-section (1) of Section 53.

In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him for the benefit of such minor in term deposit with the State Bank of India or Nationalised Bank or any other bank as prescribed by the appropriate government

Explanation:- "Nationalised Bank" means a corresponding new bank specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) or a corresponding new bank specified in the First Schedule of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1980 (40 of 1980).

24. Nomination under sub-section (1) of section 55:-

(a) A nomination shall be made in the manner prescribed in **Form-I** and be submitted in duplicate by the employee by personal service or registered post within one month from the date when he completes one year of continuous service to the employer:

Provided that in case of fixed term employee, the nomination shall be submitted within one month from the date he joins the service:

Provided further that the nomination shall be accepted by the employer after the said period if the same is supported by reasonable grounds for delay, and no nomination so accepted shall be invalid on the ground that it was filed after the specified period and within thirty days of receipt of the nomination as mentioned above, the employer shall get the service particulars of the employee as mentioned in the Form of the nomination, verified with reference to the record of the establishment and return the duplicate copy of the nomination form duly attested either by employer or an officer authorized in this behalf to employee and shall keep the other copy for record.

(b) Within thirty days of the receipt of nomination in Form-I under sub-rule (a), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in Form-I duly attested 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.

(c) 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 (a), a fresh nomination as required under sub-section (4) of Section 55, in duplicate in **Form-II** to the employer and thereafter provision of sub-rule (b) shall apply mutatis mutandis if it was made under sub-rule (a).

(d) A notice of modification of a nomination including cases where a nominee predeceases an employee shall be submitted in duplicate in **Form-III** to the employer specified in sub-rule (a) and thereafter provision of sub-rule (b) shall apply mutatis mutandis as if it was made under sub-rule (a).

(e) A nomination or a fresh nomination or a notice of modification of nomination shall be signed by the employee, or if the employee is illiterate, the said nomination shall bear his thumb-impression in the presence of two witnesses who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of modification of nomination, as the case may

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

25. Application for gratuity under Section 56:-

- (a) An employee or his nominee or his heirs who are eligible for payment of gratuity under the Code or any person authorized, in writing, to act on his behalf, shall apply, for gratuity personally or by registered post or electronically or otherwise, ordinarily within thirty days from the date on which the gratuity became payable in **Form-IV** to the employer.

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

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

Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of one year and he shall be paid gratuity at the rate of fifteen days' wages, based on the rate of wages last drawn by him, for every completed year of service or part thereof in excess of six months.

- (b) An application for payment of gratuity filed after the expiry of the period 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. An application under the rule shall be presented to the employer either by electronically or personal service or by registered post acknowledgement due.

26. Application to Competent Authority for direction under clause (b) of sub-section (5) of Section 56:

- (a) Where there is a dispute with regard to any matter or matters specified in clause (a) of sub-section (5) of Section 56, the employer or employee or any other person raising the dispute may make an application to the Competent Authority in **Form-V** within one year from the date on which the gratuity becomes due.

Provided that the Competent Authority may entertain the application even after one year if he is satisfied with the reason given by applicant.

- (b) The application shall be accompanied by such documents as are necessary to be filed as evidence by the applicant.
- (c) Application for claim of gratuity may be submitted personally or by registered post/speed post or such other medium as fixed by State Government.
- (d) If the Competent Authority is prima-facie satisfied with the application for claim and if he thinks that the application shall be inquired, he may, after registering the claim and fixing the date and time for inquiry, summon parties for inquiry.
- (e) Any application shall not be rejected merely on the ground that it is not in the prescribed Form.

27. The manner of registration of an establishment of the employer under sub-section (3) and the manner of composition of Board of Trustees of the approved Gratuity Fund and the manner in which the competent authority may recover the amount of the gratuity payable to an employee from the insurer under sub-section (4) of Section 57:-

- (a) *Obtaining Insurance for payment of Gratuity:* Every employer other than an employer of an establishment belonging to, or under the control of, the Central Government or a State

- Government, shall, subject to provisions of clause (i) of sub-section (1) under Section 57, obtain an insurance in the manner prescribed for his liability (or payment towards the gratuity under this Act. from any Insurance Company regulated by the authority as defined under clause (b) of sub-section (1) of Section 2 of the Insurance Regulatory and Development Authority Act, 1999.
- (b) *Recovery of the amount of Gratuity:* The Competent authority appointed under sub-section (4) of Section 57 is authorized to recover the amount of Gratuity payable to an employee, from the insurer with whom an insurance has been taken under sub-section (1) of Section 57 or as the case may be, the Board of Trustees of the approved Gratuity Fund as defined in sub-section (5) of Section 2 of the Income Tax Act, 1961. Such Board of Trustees should include equal number of representatives of the employer and the employees of the establishment.
- (c) *Registration of Establishment:*
- (i) Every employer or an establishment covered by the Code shall get his establishment registered electronically with the Competent Authority of the area in **Form-VIII**, within 30 days from the notification of the compulsory insurance provided under sub-section (1) of Section 57 of the Code, along with details of employees of the establishment, to be furnished in **Form-VI**.
- (ii) The certificate of registration shall be issued electronically immediately if the application is complete in all respects but not later than seven days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated.
- (iii) Every employer shall furnish the details of the employees insured, to the competent authority in **Form-VI** at the time of registration of the establishment with the competent authority and thereafter whenever there is a change in the employees insured.
- (d) *Continuing approved Gratuity Fund:* Every employer of an establishment covered under the Code, who had already established an Approved Gratuity Fund in respect of his employees and who desires to continue such arrangement, and every employer employing 500 or more persons who establishes an Approved Gratuity Fund in accordance with sub-section (5) of Section 2 of the Income Tax Act, 1961 may opt to continue/adopt such arrangement by submitting an option in **Form-IX**, provided such existing Approved Gratuity Fund covers the entire liability of all the employees of the establishment, under the Act.

CHAPTER-4 MATERNITY BENEFIT

28. Appellate Authority:-

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

29. Appeal under sub-section (1) of Section 72:-

- (i) An appeal against the decision of the Inspector-cum-Facilitator under sub-section (2) of Section 72, shall lie to the Competent Authority.
- (ii) The aggrieved person shall prefer an appeal in writing to the Competent Authority in **Form-VII** and file other supporting documents.
- (iii) 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.
- (iv) 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.

CHAPTER-5
EMPLOYEE'S COMPENSATION

30. The amount to be deposited towards expenditure of the funeral of the employee with the Competent Authority by the employer under sub-section (7) of Section 76:-

If the injury of the employee results in his death, the employer shall, in addition to the compensation under sub-section (1), deposit with the competent authority a sum of rupees fifteen thousand for payment of the same to the eldest surviving dependent of the employee towards the expenditure on funeral of such employee or where the employee did not have the dependent or was not living with his dependent at the time of his death, to the person who actually incurred such expenditure.

31. Conditions when application for review is made without certificate of a medical Practitioner under sub-section (1) of Section 79:-

- (a) *Application for review of a half monthly payment under sub-section (1) of Section 79 may be made without being accompanied by a medical certificate:*
 - (i) by the employer on the ground that since the right to compensation was determined, the employee's wages have increased
 - (ii) by the employee on the ground that since the right to compensation was determined his wages have diminished;
 - (iii) by the employee's, on the ground that 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;
 - (iv) 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;
 - (v) 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 fact of the record.
- (b) *Procedure on application for review:* If, on examining an application for review by an employer in which the reduction or discontinuation 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.

32. Procedure on application for commutation:-

- (a) Where application is made to the Competent Authority under Section 80 for the redemption of a right to receive half monthly payments, the payment of a lump sum, Competent Authority shall form 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 the estimates that the disablement will continue less than one half percent of the total for each month comprised in that period:

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

- (b) When, any case to which sub-rule (1) applies the Competent Authority is enabled 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.

33. Class of employers and the form of notice book under sub-section (4) of Section 82:- Every employer of an establishment dealing with hazardous nature of work shall maintain at his premises where employees are employed a notice book in **Form-VIII**.

34. Medical Examination under sub-section (1) of Section 84 and the frequent interval for medical examination under the proviso to sub-section (1) of Section 84:-

- (a) *Employee not to be required to submit a medical examination other than in accordance with rules:* An 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.
- (b) *Examination when employee and medical practitioner both on premise:* 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.
- (c) *Examination in other cases:* In cases to which sub-rule (b) does not apply the employer may:
- (i) Send the medical practitioner to the place where the employee is residing for the time being in which case the workman shall submit himself for medical examination on being requested to do so by the medical practitioner: or
 - (ii) Send to the employee and offer in writing to have him examined free of charge by a Qualified medical practitioner, in which case the employee shall submit for medical examination at the employer 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
 - (1) The time so specified shall not, save with the express consent of the employee, be between the hours of 7 P.M. and 6 A.M.; and
 - (2) In case where (the employee's 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.
- (d) *Restriction on Number of Examinations:* An employee who is in receipt of half monthly payment shall not be required to submit 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.

- (e) *Examination after suspension of right to compensation:* If an employee whose right to compensation has been suspended or sub-section (3) of Section 84 subsequently offers himself for his examination shall take place on the employer's premises or at such other places in the vicinity as may be fixed by the employer and at a time to be fixed by the employer not being save with the express consent of the employees more than 2 hours after the employee has so offered himself.
- (f) *Examination of Women:*
- (i) Female employee shall be medically examined by a female practitioner.
 - (ii) In absence of a registered female practitioner, a female shall with her consent be medically examined by a male practitioner in presence of another female.

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

36. The manner of recording the memorandum in a register by the competent authority under sub-section (1) of Section 89:-

- (a) *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 circumstance of the case admitted with **Form X(A)** or **Form-X(B)** or **Form X(C)** or as the case may be.
- (b) *Procedure where competent authority does not consider that he should refuse to record memorandum:*
- (i) On receiving a memorandum of agreement, the competent authority shall unless he consider that there are grounds for refusing to record the memorandum, fix a date for recording the same, and shall issue a notice in writing in **Form-XI** to the parties concerned that in default of objection he proposed to record the memorandum on the date so fixed
Provided that the notice is communicated orally to any parties who are present at the place of recording when notice in writing would otherwise be issued;
 - (ii) On the date so fixed, the competent authority shall record the memorandum unless, after hearing any of the parties who appear and desire to be heard, he considers that it ought not to be recorded:
Provided that the issue of notice under clause (i) shall not be deemed to prevent the competent authority from refusing to record the memorandum on the date so fixed even if no objection be made by any party concerned,
 - (iii) 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 reason therefore and if any party desiring the memorandum to be recorded, if not present, he shall send information to that party in **Form XII**.
- (c) *Procedure when competent authority considers that he should refuse to record memorandum:*
- (i) 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 a 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 grounds on which he considers that the memorandum should not be recorded;
- (ii) If, the parties to be informed are not present, a written notice shall be sent to them in **Form-XIII(A)** or **Form-XIII(B)** as the case may be, and the date fixed in such notice shall be not less than 7 days after the date of the issue of the same;
 - (iii) If, on the date so fixed under clause (i) the party or parties desiring the memorandum to be recorded show adequate cause for proceeding to record the same, the competent authority may if information has already 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 the sub-rule (b) of this rule;
 - (iv) If, on the date so fixed the competent authority refuses to record the memorandum he shall send notice in **Form-XI** to any party who did not receive information under clause (i).
- (d) *Procedure on refusal to record memorandum:*
- (i) If, in any case the competent authority refuses to record a memorandum of agreement, he shall briefly record his reasons for such refusal;
 - (ii) If, the competent authority refuses to record a memorandum of agreement, he shall not pass any order directing the payment of any sum or amount over and above 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. Where the agreement is for the redemption of half monthly payments by the payment of a lump sum, and the competent authority considers that the memorandum of agreement should not be recorded by reasons of inadequacy of the amount of such sum fixed in the agreement, he shall record his estimates of the probable duration of the disablement of the employee.

37. Such other experience and qualifications for appointment as a competent authority under sub-section (1) of Section 91:- The State Government may by notification appoint competent authority from the officers of the Government not below the rank of Assistant Labour Commissioner for the purposes of Chapter-5.

38. The manner in which matters may be dealt with by or before a competent authority under sub-section (1) of Section 92:- A competent authority under Section 92 (1) (b) or (c) may initiate proceeding afresh or he may continue the previous proceeding initiated under Section 92 (1) (a) as if the same or any of its part had been taken before him if he is satisfied that the interest of the parties shall not thereby be prejudiced.

39. Time limit for disposal of application and costs incidental to the proceedings under sub-section (4) of Section 93:- The time limit for the disposal of application under Section 93 shall not be more than six months. Provided that in the cases where disability is required to be proved in such cases the time limit of "not more than six months" can exceed with the consent of both the parties but for not more than one year.

40. The manner of authentication of memorandum under Section 97:- In recording a memorandum of agreement, the competent authority shall cause the same to be entered in a register in **Form-XVIII** and shall cause an endorsement to be entered under his signature on a copy of the memorandum to be retained by him in the following term, namely:

“This memorandum of agreement, bearing Serial No..... of 20..... in the register has been recorded this.....Day of

CHAPTER-6

SOCIAL SECURITY FOR UNORGANISED WORKERS, GIG WORKERS AND PLATFORM WORKERS.

41. Eligible age for registration under clause (a) and form and manner of information under clause (b), of sub-section (1) and the form of application, documents for registration and manner of self registration under sub- section (2), of Section 113:-

- (1) *Registration of unorganised worker or any category or sub-category of unorganised workers:*
 - (a) Every eligible unorganised worker, or any category or sub-category of unorganised worker under Section 113 shall be required to be registered with Aadhaar, on self-declaration basis in the form on the portal, as specified by the State Government.
 - (b) In order to be eligible for any benefit under any scheme(s) framed under the Code for any unorganised worker or any category or sub-category of unorganised worker, the appropriate Government may notify specific condition(s) for eligibility, as deemed fit.
 - (c) The eligible unorganised worker, or any category or sub-category of unorganised worker shall submit application form, electronically, with Aadhaar on self-declaration basis for registration to such authority on the specified portal of State Government.
 - (d) On completion of registration, such worker shall be issued an acknowledgement, electronically or otherwise, bearing his Unique Registration Number.
- (2) *Registration of gig worker and platform worker and any other such worker:*
 - (a) Every eligible gig worker or platform worker, under Section 113 shall be required to be registered with Aadhaar, on self-declaration basis in the form on the portal, as specified by the State Government
 - (b) For identification and smooth registration of eligible gig workers and platform workers, each aggregator shall share monthly or such other periodicity in such form as specified, details of the information of their gig workers or platform workers electronically to generate Unique Registration Number or temporary registration number on the Portal, as specified by the State Government. Further, on issue of such number, each gig worker or platform worker shall authenticate himself through Aadhaar as per procedure specified by the State Government.
 - (c) Aggregator(s) shall link their database with the unique registration number issued under clause (d) of sub-rule (1), to facilitate registration of their gig and platform workers on the portal specified by the state Government.
 - (d) A gig worker or platform worker, who has completed the age of sixteen years, but not attained the age of sixty years, shall be eligible for registration as mentioned in clause (a) above.

Provided such worker has been engaged as gig worker or platform worker, for not less than ninety days during the preceding twelve months.

- (e) The registration of the gig worker or platform worker or any other such worker, shall be done in the same manner and procedure(s) as prescribed for the registration of unorganised worker, or any category or sub- category of worker, under sub-rule (1).
- (f) In order to be eligible for any benefit under any scheme(s) framed under the Code for gig workers and platform workers, the State Government may notify specific condition(s) for eligibility, as deemed fit.
- (g) For availing any benefit under any of the social security scheme(s) framed under the Code, a gig worker or platform worker shall be required to be registered on the portal with such details as may be specified by the State Government.
- (h) Every eligible gig worker or platform worker, under Section 113 shall be required to be registered with Aadhaar, on self-declaration basis in the form on the portal, as specified by the State Government.
- (i) For identification and smooth registration of eligible gig workers and platform workers, each aggregator shall share monthly or such other periodicity in such form as specified, details of the information of their gig workers or platform workers electronically to generate Unique Registration Number or temporary registration number on the Portal, as specified by the State Government. Further, on issue of such number, each gig worker or platform worker shall authenticate himself through Aadhaar as per procedure specified by the State Government.
- (j) Aggregator(s) shall link their database with the unique registration number issued under clause (d) of sub-rule (1) to facilitate registration of their gig and platform workers on the portal specified by the state Government.
- (k) A gig worker or platform worker, who has completed the age of sixteen years, but not attained the age of sixty years, shall be eligible for registration as mentioned in clause (a) above:

Provided such worker has been engaged as gig worker or platform worker, for not less than ninety days during the preceding twelve months.
- (l) The registration of the gig worker or platform worker or any other such worker, shall be done in the same manner and procedure(s) as prescribed for the registration of unorganised worker, or any category or sub- category of worker, under sub-rule (1).
- (m) In order to be eligible for any benefit under any scheme(s) framed under the Code for gig workers and platform workers, the State Government may notify specific condition(s) for eligibility, as deemed fit.
- (n) For availing any benefit under any of the social security scheme(s) framed under the Code, a gig worker or platform worker shall be required to be registered on the portal with such details as may be specified by the State Government.
- (o) The unorganised worker, gig worker, platform worker shall be required to update his particulars such, as current address, current occupation, period of engagement with the concerned platform(s) or aggregator(s), mobile number, skill, or any other particulars from time to time, on the portal specified by the State Government. In the absence of such updation, a gig worker or platform worker may not remain eligible to avail benefit(s) of the social security scheme(s) notified under the Code.
- (p) The charges, if any, for registration or updation of particulars on the specified portal of the gig worker and platform worker, may be borne by the Central Government or aggregators or gig worker or platform worker, either partly or fully as may be specified by the State

Government

CHAPTER-7
SOCIAL SECURITY AND CESS IN RESPECT OF BUILDING AND OTHER
CONSTRUCTION WORKERS

42. Time limit to pay the amount of cess and the rate of interest in case of delayed payment of cess under Section 101:-

If any employer fails to pay any amount of cess payable under Section 100 of the Code, within such time as may be specified in the assessment order or 30 days from the date of issue of the assessment order, whichever is earlier, such employer shall be liable to pay interest on the amount of cess, to be paid, at the rate of one per cent for every month or part of a month comprised in the period from the date on which such payment was due, till such amount is actually paid

43. Fees for appeal under sub-section (2) Of Section 105:-

Such appeal, inter-alia, shall be accompanied with a non-refundable fee equivalent to half percent, but not exceeding rupees twenty five thousand of the amount in dispute or penalty or both, as the case may be, under such appeal which will be deposited in Bank Account in the name of Secretary, Nagaland Building and Other Construction Workers Welfare Board.

CHAPTER-7
FINANCE AND ACCOUNTS

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

The State Government in this regard and in consultation with Nagaland Unorganized Social Security Board and the Nagaland Building and Other Construction Workers Welfare Board will act as per rules framed by the Finance Department, Government of Nagaland from time to time.

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

- (a) Where the Nagaland Unorganised Social Security Board and the Nagaland Building and other Construction Workers Welfare Board is of the opinion that the amount of contribution, cess, interest and damages due to these boards has become irrecoverable, the said Boards or any other officer authorized by them in this behalf may sanction the writing off of the said amounts subject to the following conditions, namely:-
- (i) Establishment has been closed for more than five years and the whereabouts of the employer cannot be ascertained, despite all possible efforts;
 - (ii) Decree obtained by the said Boards could not be executed successfully for want of sufficient assets of the defaulting employer; or
 - (iii) Claim for contribution is not fully met by—

1. The Official Liquidator in the event of factories/establishments having gone into liquidation: or
2. The Competent Authority of payments in the event of unit being nationalized or taken over by the Government.

CHAPTER-8

Authorities, Assessment, Compliance and Recovery

46. Other powers of Inspector-cum-Facilitator under clause (c) of sub-section (6) of Section 122:-

The Inspector-cum-facilitator shall also exercise other powers as prescribed by the State Government as may deem fit and proper from time to time.

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

(a) Register of women Employees:

- (i) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in **Form XV** electronically or in hard copy and shall enter therein particulars of all women workers in the establishment.

Further, it shall always be available for inspection under notified inspection scheme for the Inspector-cum facilitator.

- (ii) The employer may enter in the register of women employees such other particulars as may be required for any other purpose the Code.

(b) Records:

Records kept under the provisions of the Code and the rules framed there under shall be preserved for a period of two years from the date of their preparation.

(c) Annual returns:

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

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

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

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

CHAPTER-9
OFFENCES AND PENALTIES

48. Forms and manner of application for compounding of offences under sub-section (4) of Section 138:-

- (a) If the officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of Section 138 (hereinafter referred to as the compounding officer, notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed for the first time, punishable under this chapter, being an offence is punishable with fine only and shall send a notice manually or electronically to the employer in **Form XVII**.
- (b) The employer if so desires shall make an application to Compounding Officer in **Form XVIII** manually or electronically and shall deposit the amount manually or electronically in major head as per notification issued by the State Government. The compounded amount should be deposited within fifteen days from the date of receipt of notice.
- (c) If the accused with the requirement of sub- rule (2), the Compounding Officer shall compound the offence for the amount of money deposited by the accused.
- (d) If a person so noticed fails to deposit the compounded amount within the prescribed time, then prosecution shall be instituted before the competent court or the offence in respect of which the compounding notice was issued against such person.
- (e) The Compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the State Government.

Chapter-10
Employment Information and Monitoring

49. Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned Career Centre under sub-section (2) of Section 139:-

(1) Reporting of Vacancies to Career Centers:

- (a) After the commencement of this Code in the State or any area thereof, the employer in every establishment in public sector in the State or area thereof may, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such career center as may be specified in the notification by the State Government.
- (b) The employer in establishment in private sector or every establishment pertaining to any class or category of establishments in private sector may, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported to such Career Centre (Regional) from such date as may be specified in the notification by the State Government.
- (c) State Government shall provide for mechanism (including digital) for receipt of vacancies reported by the employers. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than three working days from the date of receipt of reporting of vacancies.
- (d) The employer, if any vacancy is advertised in any media or makes recruitment through any agency or any other mode, should invariably quote that unique vacancy reporting number in that advertisement or recruitment process.

Explanation:

- (i) Establishment in "public sector" means an establishment owned, controlled or managed by – the Government or a Department of the Government, a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (Act No. 18 of 2013); a corporation (including a co-operative society) or an autonomous organization or an authority or body established by or under a Central or State Act, which is owned, controlled or managed by the Government; and a local authority.
- (ii) "Establishment in private sector" means an establishment which is not an establishment in public sector and with ordinarily 50 or more employees or such number of employees as may be notified by the Central Government.

(2) Career Centers to which the vacancies, may be reported:**(a) The following vacancies, namely:**

- (i) all vacancies in posts of technical and scientific nature carrying a minimum pay or pay level or both as notified by the State Government, occurring in establishments in respect of which the State Government is the appropriate Government under the Code; and
- (ii) vacancies which an employer may desire to circulate to the Career Centers outside the State be reported to such Career Centre as may be specified by the State Government by notification.

(b) Vacancies other than those specified in clause (a) sub-rule (2) above may be reported to the career Centre (Regional) concerned

(c) All vacancies mentioned in sub-rule (1) & (2) above may be reported to the specified career centre or uploaded at Digital Portal as per the guidelines issued by appropriate Government.

(3) Form and manner of reporting of vacancies:

(a) The vacancies may be reported in writing or through valid official email or digitally to the Career Centre specified by the State Government.

(b) The vacancies should be reported in the format given at **Form XIX**, furnishing as many details as practicable, separately in respect of each type of vacancy.

(c) Any change in the particulars already furnished to the Career Centre under clause (a) of sub-rule shall be reported in writing or through official email or details as the case may be, to the specified Career Centre.

(4) Time limit in the reporting of vacancies: Vacancies, required to be reported to the Career Centre, be reported at least fifteen days before the last date of receipt of the applications of the prospective candidates for purpose of appointment or taking interview or test against the vacancies reported.

(5) Maintenance of records:

(a) After commencement of this Code in the State or area thereof, the employers in every establishment in the public sector in the State or area thereof shall maintain records manually or electronically or digitally about

- (i) total number of employees (regular, contractual or in fixed term employment) as on 31st March of every year,
- (ii) persons recruited during the year ending on 31st March of every year;
- (iii) occupational details of its employees on 31st March of every year;
- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) approximate number of vacancies likely to occur during the next financial year.

(b) State Government may by notification, require that from such date as may be specified in the notification, the employer in every establishment in private sector or every establishment pertaining to any class or category of establishment in private sector shall maintain records manually or electronically or digitally about:-

- (i) total number of employees (regular, contractual or in fixed term employment) as on 31st March of every year.
- (ii) persons recruited during the year ending on 31st March of every year.
- (iii) occupational details of its employees on 31st March of every year.
- (iv) vacancies for which suitable candidates were not available during the year ending on 31st March; and
- (v) approximate number of vacancies likely to occur during the next financial year.

(6) **Submission of returns:** An employee may furnish to the concerned Career Centre yearly returns in Form EIR (Employment Information Return) as given in **FORM-XX**. Yearly returns may be furnished manually or electronically, or digitally, as the case may be, as specified by the respective State Governments by way of notification, within thirty days of the due date namely 31st March of the year.

(7) **Declaration of Executive Officer:** The Director of Employment or officer of his equivalent or above rank, controlling the work of career centres of the respective State Government, will declare in writing an officer looking after the work of career centres as "Executive Officer" for each district for the purpose of enforcement/implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall exercise the rights and perform duties referred to in Section 139 of the Code, or authorise any person in writing those rights and perform duties.

(8) **Levy of penalty under Chapter XIII of the code:** The Director of Employment or an officer of equivalent or above rank, controlling the work of Career Centres of the respective State shall be the competent authority to approve institution or sanction the institution of levy of penalty for an offence under the code as mentioned in Section 133.

(9) **Manner of establishment and maintenance of Career Centres and Career Services under Clause (w) of sub-section 2 of Section 154.-**

(a) The State Government may establish, run and maintain career centres or modify and declare its already established office or employment exchange or both or a portal or authorise other such centres as career centres by notification. Until such a notification is issued, the existing local Employment Exchanges would function as Career Centres.

(b) The State Government may also enter into an agreement with any institution, local authority, local body or private body for running a Career Centre.

(c) The Career Centres established under sub-rules (a) and (b) above shall inter-alia perform the following namely

- (i) collection and furnishing of information, either by the keeping of registers or otherwise, manually, digitally, virtually or through any other mode; relating to:
 - (1) persons who seek to employ employees;
 - (2) occurrence of vacancies; and
 - (3) persons who seek vocational guidance and career counselling or guidance to start self-employment;
- (ii) providing career counselling & vocational guidance;
- (iii) organizing job-fairs and job drives;
- (iv) employment related surveys and studies;
- (v) employability enhancement activities; and

(vi) other services as may be decided by the appropriate Government from time to time.

Chapter-11 MISCELLANEOUS

50. Forms, Registers etc:- Every employer to whom the Code applies shall maintain electronically or otherwise a register of employees, register of wage period, number of days and hours for which work performed by employees and deductions made from wages, register of leave wages and register of employment of employees, occupational details of employees, persons recruited during the particular period and vacancies for which suitable candidates were not available during the period in such forms as may be specified by the State Government by general or special order.

51. Display of Notices:- Every employer shall display all the notices required to be displayed, conspicuously at the notice board of the establishment.

52. Wage Slip:- Every employer shall issue wage slip to employees in such form as may be specified by the State Government by general or special order

53. Returns:- Every employer shall file such returns electronically or otherwise to such officer or authority as may be fixed by State Government by general or special order other powers of Inspector-cum-facilitator

54. In addition to powers in sub-section (6) of section 122:- Inspector-cum-facilitator may exercise such other powers and shall perform such other duties as may be assigned by the State Government by general or special order.

55. Collection of Labour Statistics:- For the purpose of any provision made under this rule the appropriate government shall mean the Office of the Director General Labour Bureau in the collection or extraction of annual statistical information on any matter under this code in the specified form electronically.

56. Repeal and Saving:- The Nagaland Maternity Benefit, Rule 1985, The Nagaland Workman's Compensation Rule, 1978, The Nagaland Building and other Construction Worker's Rules, 2010 are hereby repealed provided that such repeal shall not effect: -

- (i) The previous operation of the said Rule or anything duly done or suffered thereunder, or
- (ii) Any rights, privileges, obligation or liability acquired, accrued or incurred under the said Regulation, or
- (iii) Any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Rule, or
- (iv) Any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture of punishment as aforesaid.

Provided further that anything done of any action taken including any appointment or delegation made, rule, notification, instructing, or direction made, certificate or permission granted under the Rule hereby repealed shall be deemed to have been done or taken under the corresponding

provision of this Rule and shall continue to be in force accordingly unless and until superseded by anything done or by action taken under this Rules.

57. Misuse of benefits under Section 148:- In case any establishment or any other person is found to have misused any benefits provided to him/her under the Code or Rules, Regulation or Schemes made or framed there under, the State Government may by Notification specify the duration of time which such establishment or other person as the case maybe, shall be deprived from receiving such benefits:

Provided that no such order shall be passed unless an opportunity of being heard is given to such establishment or other persons, as the case maybe.

FORM-I

[See sub-rule (a) of Rule 24]

Nomination

To,

[Give the name or description of the establishment with full address]

I Shri/Smti.....[name in full here] whose particulars are given in the statement below hereby nominate the person(s) intentioned 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).

1. I hereby certify that the person(s) mentioned is are member(s) of my family within the meaning of clause (h) of Section 2 of the Payment of Gratuity Act, 1972
2. I hereby declare that I have no family within the meaning of sub-section (33) of Section 2 of the Code
3. (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.

Name in full with address of nominee(s)	Relationship with the employee	Age of nominee	Portion by which gratuity will be shared

STATEMENT

1. Name of the 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

Place

Date

Signature/thumb impression of the employee.

Declaration by witness Nomination signed thumb impressed before me:

Name in full and full address of witness

Signature of witness

1.

2.

Certificate by the Employer

Certified that the particulars that of the above nomination have been verified and recorded in the establishment. Employer's reference no., if any

Signature of the employer officer authorized

Date

Name and the address of the establishment with rubber stamp thereof

Acknowledgment by the Employee

Received the duplicate copy of nomination in Form I, filled by me and duly certified by the employer

Date

Signature of the employee

Form II

[See sub rule (c) of Rule 24]

Fresh Nomination

To,

[Give her name or description of the establishment with full address

I Shri/Smti.....[name in full here] whose particulars are given in the statement below have acquired a family within the meaning of clause (h) of Section 2 of the Payment of Gratuity Act, 1972, with effect from the.....[date here].....in the matter indicated below and therefore nominated fresh person() mentioned below to receive the gratuity payable after my death as also the gratuity standing on my credit in the event of my death before that amount has become payable or having become payable has not been paid, direct that the said amount of gratuity shall be paid in proportion indicated against the name() of the nominee(s)

1. I hereby certify the person(s) nominated is/are member(s) of my family within the meaning of clause (h) of Section 2 of the said Act.
2. (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.
3. I have excluded my husband from my family by a notice dated the..... to the controlling authority in terms of the proviso to clause (h) of Section 2 of the said Act.

Name in full with address of nominee(s)

Name in full with address of nominee(s)	Relationship with the employee	Age of nominee	Portion by which gratuity will be shared

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]

STATEMENT

1. Name of the employee.
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

Place

Date

Signature/Thumb impression of the employee

Declaration by Witnesses

Fresh nomination signed/thumb impressed before me:

Name in full and full address of witness

Signature of witnesses

- 1.
- 2.

Certificate by the Employer

Certified that the particulars of the above nomination have been verified and recorded in this establishment. Employers reference No. if any

Signature of the employer/officer authorised

Name and address of the establishment with rubber stamp thereof.

Acknowledgment by the Employee

Received the duplicate copy of the nomination in Form II filed by me duly certified by the employer.

Date

Signature of the employee

Form III
See sub-rule (d) of rule 24
Modification of Nomination

To,

[Give here name or description of the establishment with full address]

I Shri/Smti/Kumari [name in full here] whose particulars are given in the statement below, hereby give notice that the nomination filed by me on [date] and recorded under your reference No. dated shall stand modified in the following manner [here give details of modifications intended].

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 or Serial No., if any
- 7 Date of appointment
- 8 Address in full

Place :

Date :

Signature /Thumb impression of the employer

Declaration by the Witnesses

Modification of nomination signed/thumb impressed before me:

Name in full and full address of witness:

Signature of witnesses

Certificate by the employer

Certified that the above modification has been recorded. Employer's reference No. if any.

Signature of the employer officer authorised

Name and address of the establishment with rubber stamp thereof.

Acknowledgment by the employee

Received the duplicate copy of the notice for modification in Form – III, filed by me, certified by the employer

Date

Signature of the employee

FORM IV

See sub rule (a) of Rule 25

Application of Gratuity by an employee/nominee/legal heir

[Strike out the words not applicable]

To [Give name or description of the establishment with full address]

Sir/Madam, I[name of employee/nominee/legal heir] nominee of late [name of the employee] as legal heir of Lt.[name of the employee], beg to apply for payment of gratuity to which I am entitled under sub-section (1) of Section 53 of the Code on Social Security, 2020, on account of:

- (a) my superannuation retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/diseases on termination of contract period under fixed term employment with effect from
- (b) death of the aforesaid employee while in service/superannuation on after completion of years/total disablement of aforesaid employee due to accident or disease while in service with effect from
- (c) death of the aforesaid employee of your establishment while in service/superannuation on[date] without making any nomination after completion of 1 year of service/total disablement or the employee accident or disease while in service with effect from

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

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

Yours faithfully,

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

Date:

Place

FORM- V
[See sub-rule (a) of Rule 26]

Application for Direction

Before the Competent Authority under the Code on Social Security, 2020, Date.....
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/is a legal heir of late
..... an employee of the above-mentioned employer, and is entitled to
payment of gratuity under Section 53 of the Code on Social Security, 2020, on account of his own
aforesaid employee's superannuation on..... [date]/his own retirement on
[date]/aforesaid employee's resignation on..... [date] after completion ofyears
of continuous service/his own aforesaid employee's total disablement with effect from
[date] due to accident/disease death of the aforesaid employee on

1. The applicant submitted an application under rule of the Code on Social Security,
2020, on the but above-mentioned employer refused to entertain it/issued a notice
dated the offering amount of gratuity which is less than my due/ issued a notice
dated the rejecting eligibility to payment of gratuity. The copy of the said notice
is enclosed.
2. The applicant submits that there is a dispute on the matter. [Specify the dispute]
3. "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.
4. The applicant declares that the particulars furnished in the annexure hereto are true and correct
to the best of his knowledge and belief.

Date:-

Signature of the applicant/
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].
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 employed [if known].
7. Post held by the employee ticket or Serial 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]
10. Total period of service by the employee.
11. Wages last drawn by the employee.
12. If the employee is dead, date and cause thereof.
13. Evidence witness in support of death of the employee.
14. If a nominee, No. and date of recording of nomination with the employer.
15. Evidence witness in support of being a legal heir, if a legal heir,
16. Total gratuity payable to the employee [if known].
17. Percentage of gratuity payable to the applicant as a nominee/legal heir.
18. Amount of gratuity claimed by the applicant.

Place
Date

Signature of the applicant
Thumb impression of the applicant

FORM-VI
[See Rule 27(c)(i)]

**Application for Registration of an Establishment with the Controlling Authority
Under Section 57**

1. Name of the Establishment
2. Address of the Establishment
3. Name of the Employer
4. Address of the Employer
5. No. of Employees Insured
6. Details of the Insurance Company:
 - (a) No. of insurance policy;
 - (b) Date of commencement of insurance policy;
 - (c) Terms of insurance policy (copy of the insurance policy to be enclosed)
7. If the employer had already established an approved gratuity fund before notification of the Rules, details of board of trustees of the gratuity fund may be furnished:
 - (a) Date of constitution of the Board or Trustees;
 - (b) Name and address of the Board of Trustees.

Place:-

Date:-

Signature of the Employer
Name
Designation and Address

FORM-VII
[See Rule 28]

Appeal

[Appointed under the Code on Social Security, 2020]..... [Address]

Sir, I the undersigned, woman employee of [name and full address of the establishment], feel aggrieved by the order of Inspector-cum-Facilitator under sub-section (2) of Section 72 for the reasons attached hereto, 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 in this behalf is enclosed; or

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

Date:-

Signature of an Attester in case the woman is not able to sign and affix thumb impression.

Full address of the nominee/legal representative.

FORM-VIII
(See Rule 33)

Notice Book

1. Name of the Establishment:
2. Postal Address:
3. Name of the Employer/Manager/Occupier:

Sl. No.	Name of the employee	Employee Code. no.	Time/date of injury/accident	Place of injury	Cause of injury	Any other relevant information	Sign of employee / a person acting bonafide

**FORM-IX
(See Rule 35)
Report of Fatal Accidents**

To,
.....
.....

Sir,
I have the honour to submit the following report of an accident which occurred [date], at [here enter details of the premises] and which resulted in the death of the employee/employees of whose particulars are given in the statement annexed.

The circumstances attending the death of the employee/employees were as under:

- Time of the accident:
- Place where the accident occurred:
- Manner in which deceased was/were employed at the time:
- Cause of the accident:
- Any other relevant particulars if available:

Signature and designation of person making the report.

STATEMEN

Name	Sex	Age	Name of Full postal
------	-----	-----	---------------------

			employment	Address

FORM X(A)
See Rule 36 (a)

Memorandum of Agreement

It is hereby submitted that on the day of previous for period of months. The said employee has in receipt of half-monthly payments which have continued from the day of 20 until the day of 20 Until the day 20 amounting to Rs in all. The said employees' monthly wages are estimated at Rs The employee is over the age of 15 years/will reach the age of 15 years on

It is further submitted that the employer of the said employee, has agreed to pay in full the settlement of all and every said and the employee has agreed to accept the sum of Rs..... claim under Chapter VII of the Code on Social Security, 2020, in respect of all disablement of temporary nature arising out of the said accident, whether now or hereafter to become a manifest, it is therefore requested that this memorandum be duly recorded.

Date20.....

Signature of the employer

Witness

Signature of the employer

Witness

Note:-

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

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

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

Employee

Dated 20.....

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

Note:-

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

FORM -X(B)
See Rule 36 (b)

MEMORANDUM OF AGREEMENT

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

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

Rs	on	Rs	on
Rs	on	Rs	on
Rs	on	Rs	on

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

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

Signature of the employer.....

Witness.....

Signature of the employer

Witness

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

Receipt [will be filled in when the money has been actually paid]

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

Employee signature/thumb impression

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

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

Note :-

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

FORM-X(C)
See Rule 36 (c)

MEMORANDUM OF AGREEMENT

It is hereby submitted that on the day of 20..... personal injuries was caused to residing at..... by accident arising out of and in the course of his employment 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. The said employees' 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 [Name of employer] the employers of the employee, has agreed to pay the behalf or the said employee/has agreed to and accept half monthly payment(s) of Rs..... for the period of the said temporary disablement. This agreement is subject to the condition that the amount of the half monthly payments may be varied in accordance with the provision of Chapter VII of the Code on Social Security, 2020. On account of an alternation in the earning of the said employee during disablement, it is further stipulated that all rights under Section 80 of the code are unaffected by the agreement.

It is therefore requested that this memorandum be duly recorded. Dated..... 20.....

Signature of the employer.....

Signature of the employee

Witness.....

Note:-

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

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

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

Employee

Dated..... 20

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

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

FORM - XI
[See Rule 36(b) (i)]

Whereas an agreement to pay compensation is said to have been reached between..... andand whereas has/have applied for registration of the agreement under Section 89 of the Code on Social Security, 2020. Notice is hereby given that the said agreement will be taken into consideration on20..... and that any objection to the registration of the said agreement should be made on that date. In the absence of valid objections, it is a likely intension to proceed to the registration of the agreement.

Dated 20.....
Competent Authority

FORM - XII
[See Rule 36(b)(iii)]

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

Dated.....20.....
Competent Authority

FORM - XII(A)
[See Rule 36(c) (ii)]

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

An opportunity will be afforded to you of showing cause on 20..... by which the said agreement should be registered. If no adequate cause is shown on that date, registration of the agreement will beret-used.
Competent Authority

FORM -XIII (B)
[See Rule 36(c) (ii)]

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

will be afforded to the said party of showing cause on 20..... why the said agreement should not be registered.

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

Dated:- 20

Competent Authority

FORM -XIV
(See Rule 40)

Sl.no.	Date of agreement	Date of registration	Employer	Employee	Initial Competent authority	Reference order rectifying register

FORM – XV
[See Rule 47(a)(i)]

Register of Women Employees

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

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

7. Date on which the woman gives notice under Section 62.
8. Date of discharge/dismissal, if any.
9. Date of production of proof or pregnancy under Section 62.

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

FORM-XVI
[See Rule 47(c)(i)]

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
- (c) Name of the manager or person responsible for supervision and control of establishment.....
Address: House No/ Flat No Street no./Plot No.....
PIN code..... Email Id.....
Telephone Number Mobile Number.....

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

Sl. No	Name	Registration	If yes (Registration No.)
1.	The Code on Occupational Safety Health and working condition, 2020.		
2.	The Code on Social Security 2020.		
3.	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 the contract labour was employed.	
05.	Total number of man-days worked by Contract Labour during the year.	
06.	Name of the Manager or Agent (in case of mines).	

07.	Address	House No./Flat No.
	Street/Plot No.	Town
	District	State
	PIN Code	
	E-mail ID	
	Telephone Number	Mobile Number

D. Working hours and weekly rest day:

01.	Number of days worked during the year.	
02.	Number of man days worked during the year.	
03.	Daily hours of work.	
	Weekly days of rest,	

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

	Males	Females	Adolescents (between the age of 14 to 18 years.)	Children (below 14 years of age).	Total
1.					
2.					

F. Wages rates (Category-Wise):

Category	No. of workers							
	Regular				Contract			
	Male	Female	Children	Adolescent	Male	Female	Children	Adolescent
Highly Skilled								
Semi Skilled								
Unskilled								

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

G. Number of workers who were granted leave with wages during the year:

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

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

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

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

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

1.	Date of opening of establishment	
2.	Date of closing, if closed	

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

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

1.	Total number of female employees in the establishment	
2.	Total number of days of leave granted	
3.	Number of employees granted maternity leave/benefited by ESI	

J. Declaration

This 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.

Place

Date

Sign here

From-XVII
[See rule-48(a)]

Notice for Offences and Penalties under Rule 48 (a)

To,
.....
.....

Your establishment has been inspected by Inspector-cum-Facilitator on the forenoon/afternoon of 20 In the said inspection you have been found violating Section of the Code.

As per provisions of sub-section (1) of Section 56, read with sub-rule (1) of Rule 38, you are hereby given notice to the effect that if you are willing to apply for composition of offence, you may apply for composition by submitting the application in Form XII along with deposit of Rs. through treasury-challan or electronically on the departmental portal of Labour Commissioner. The details of which are given below.

(i) Treasury Head

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

or

(ii) Flow chart of electronic payment. -

(Signature)
Name and designation of the Officer

.....

From-XVIII
[See rule- 48(b)]

Application Under sub-section (1) of Section 56 for Composition of Offence

To,

Kindly refer to your notice No..... Dated

I am/we are hereby applying for composition of offence and I/we have deposited Rs..... as the amount of Composition by depositing through Treasury Challan/Electronically through the portal of Labour Commissioner on.....[dd/mm/year].

So please, accept my application and close the proceeding under the Code.

Dated:

Enclosure: The Treasury Challan/Payment receipt of electronic Payment.

Name of the Applicant:

[Signature]

(1) Name of the establishment.....

(2) Address of Establishment.....

FORM-XIX
[See Rule 49(3) (b)]
Form for Reporting Vacancies to Career Centres
 (Separate forms to be used for each type of posts)

1.	Particulars of the employer: Name: Address with pin code: Telephone No. Mobile No.: Email address: Name & Type of Establishment: (Central Government, State Government, PSU, Autonomous, Private etc.) Registration No. of establishment under Code: Economic activity details:		
2.	Particulars of the indenting Officer: Name: Designation: Telephone No.: Mobile No.: Email address:		
3.	Particulars of vacancy(ies): (a) Designation/nomenclature of the vacancy(ies) to be filled (b) Description of duties of the post (job role/functional role)		
	(c) Qualifications/Skills required (educational, technical, experience)	Essential	Desirable/ Preferable
	(i) Educational Qualifications: (ii) Technical qualifications: (iii) Skills: (iv) Experience:		
	(d) Age Limits, if any: (Age as on last date of application)		
	(e) Preferences (such as Ex-servicemen, persons with disabilities, women, etc) if any		

	(f) Duration of employment (i) 3-6 months (ii) 6 -12 months (iii) 12 months and more	Number of post	
4.	Whether there is any obligation for arrangement for giving reservation/preference to any category of persons such as Scheduled Caste (SC), Scheduled Tribe (ST), Economically Weaker Section (EWS), Other Backward Classes (OBS), Ex-serviceman and persons with disabilities (PWD), etc, in filling up the vacancies: Yes/No. (If yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
5.	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons With Disabilities (PWD) (g) Women (h) Others (specify)	Total	*By priority candidates *(Applicable for Central Government Vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any. For others: Mention minimum total emoluments per month with other details, if any		
7.	Place of Work (Name of town/village and district, pin code, etc, in which it is situated)		
8.	Mode of application (email, online, in writing, etc.) and last date of receipt of applications		
9.	Particulars of officer to whom, the applications be sent/candidate should approach (Mention Name, designation, E-mail ID, address, telephone No., website address in case of online)		
10.	Mode of recruitment: [Through Career Centre, Placement Agency, self		

	management, any other mode (specify)]	
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No
12.	Any other relevant information	

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

(For official use – To be filled by Career Centre)

13.	Name, address, Email ID of the career centre	
14.	Date of receipt of vacancies	
15.	NIC code of establishment	
16.	NCO code of post	
17.	Unique Vacancy ID No.	

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

Note:

1. Career Centre to which the vacancies are reported, would provide a unique vacancy reporting number for the vacancy reported and convey it to the employer in writing, through email or digitally or through any other such media immediately but in any case not later than 3 working days from the date of receipt of reporting of vacancies.

2. An employer, if advertises that vacancy in any media or makes recruitment through any agency or any other mode, may invariably quote that unique vacancy reporting number in that advertisement or recruitment process.

3. Any change in the particulars already furnished to the Career Centre, shall be reported in writing or through valid official Email or digitally (including through a portal) as the case may be, to the appropriate Career Centre.

FORM-XX
[See Rule 49 (6)]

Form EIR (Employment Information Return)

Yearly Return to be submitted to the Career Centre (Regional) for the Year ended.....

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

Name & Address of the Employer		
Whether - Head Office/Branch Office		
Type of Establishment(Public/Private Sector)		
Nature of business/Principal activity		
Establishment Registration No. under the Code		
1. EMPLOYMENT		
Total number of <i>manpower of establishment</i> including working <i>proprietor partners contingent</i> paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary is paid).		
Category	On the last working day of the previous year	On the last working day of the year under report
Men		
Women		
Other (Transgender)		
Total:		
PWD (persons with disabilities) out of above total		
2. Number of vacancies* occurred and reported to Career Centre during the year and the number of vacancies filled during the year		

Occurred	Reported		Filled	Source (Career Centre/NCS Portal/Govt. Recruiting agencies/Private Placement Organisations/Others)
	Career Centre (Regional)	Career Centre (Central)		
1	2	3	4	5

*As per provisions of Code on Social Security, 2020, [Chapter XIII] and Rules made there under,

3. MANPOWER SHORTAGES:

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

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

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

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

Occupation	Number of employees				
	Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/expansion or re-organisation.				
Description	Men	Women	Others (trans-gender)	Total	PWD (persons with disabilities) out of total
1	2	3	4	5	6

Total:					

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

Signature,

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

To,

The Career Centre,

Note:-

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

2. The main purpose in obtaining the information from employers is to know:

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

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