Reg. No. RNP/GOA/32/2024-2026

RNI No. GOAENG/2002/6410

Panaji, 12th November, 2026 (Kartika 21, 1948)

SERIES I No. 33

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

SUPPLEMENT

No. 2

GOVERNMENT OF GOA

Department of Labour

Notification

24/19/2021/LAB/VOL-I/489 Date: 26-Oct-2026

Whereas, the draft Rules, namely, the Industrial Relations (Goa) Rules, 2026, which the Government of Goa proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (Central Act No. 35 of 2020) were pre-published as required by sub-section (1) of Section 99 of the said Code, vide Notification No. 24/19/2021/LAB/Part-I/208 dated 24th April, 2026 of the Labour Department in the Official Gazette (Supplement), Sr. I No.5 dated 30th April, 2026 inviting objections and suggestions from all persons likely to be affected thereby within a period of thirty days from the date of publication of the said Notification in the Official Gazette.

And whereas, the said Official Gazette was made available to the public on 30/04/2026;

And whereas, objections and suggestions received from the public on the said draft Rules have been considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (Central Act No.35 of 2020), and all other powers enabling it in this behalf, the Government of Goa, hereby makes the following rules, namely:-

CHAPTER – I

Preliminary

1. *Short title and commencement.*— (1) These rules may be called the Industrial Relation (Goa) Rules, 2026.

(2) They shall extend to the whole of the State of Goa and to the industrial establishments and matters for which the Government of Goa is the appropriate Government.

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

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

(a) "Code" means the Industrial Relations Code, 2020 (Central Act 35 of 2020);

(b) "District Judge" shall have the same meaning as defined in article 236 of the Constitution of India;

(c) "Electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of code;

(d) "Form" means forms set forth in the schedule to these rules;

(e) "State Government" means Government of Goa;

(f) "Section" means the section of the Code.

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

3. *Memorandum of Settlement*.— (1) The settlement arrived at in the course of conciliation proceedings or a written agreement between the employer and worker arrived otherwise than in the course of conciliation proceedings shall be in Form I.

(2) The settlement shall be signed,—

(a) by the employer or by his authorised agent, or where the employer is an incorporated company or other body corporate, by the agent, manager or other principal officer of such company or such other body corporate; and

(b) on behalf of workers, by any of the following office bearers of Trade Union, namely:—

(i) the President; or

(ii) the Vice-President; or

(iii) the Secretary (including the General Secretary); or

(iv) the Joint Secretary; or

(v) any other office bearer of the Trade Union authorised in this behalf by the President and Secretary of the Union; or

(vi) five representatives of workers duly authorised in this behalf at the meeting of the workers held for the purpose.

(3) In case of an industrial dispute between individual worker and employer, the settlement shall be signed by the employer and the worker concerned.

(4) Where the settlement is arrived at in the course of conciliation proceedings, the conciliation officer shall send a report thereof to the State Government, together with a copy of the memorandum of settlement signed by the parties to the dispute.

(5) Where a settlement is arrived at between an employer and his worker otherwise than in the course of conciliation proceedings, the parties to the settlement shall jointly send a copy thereof electronically or by speed post to the Commissioner, Labour and Employment, and to the conciliation officers of the area having jurisdiction of the establishment.

(6) The conciliation officer shall file all settlements effected under this rule in respect of industrial disputes in the area within his jurisdiction in the register maintained electronically or otherwise.

(7) The register referred to in sub-rule (6), shall contain the details including serial number, name of the industry, parties to the settlement, date of settlement, remarks and whether settlement was arrived at after the intervention of conciliation officer or by mutual negotiation:

Provided that signature of the conciliation officer on the agreement shall not be necessary where the agreement for settlement is arrived at outside conciliation:

Provided further that nothing in this rule shall prohibit a settlement between a worker or workers or Trade Union and an employer on mutually agreed terms and such settlement may be in a format other than in Form I.

CHAPTER – II

Bi-Partite Forums

4. *Works Committee and its constitution*.— (1) Every employer to whom an order made under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee (hereinafter in this Chapter referred to as the "Committee) to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of common interest or concern, as is specified in these rules.

(2) (i) The number of members constituting the Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the sections, shops or departments of the establishment;

(ii) The total number of members of the Works Committee shall not exceed twenty;

(iii) The number of representatives of the worker in the Committee shall not be less than the number of representatives of the employer therein:

Provided that the industrial establishment in which women workers are employed shall have adequate representation of women workers in the Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.

(3) The representatives of the employer in the Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.

(4) Where the workers of the industrial establishment are members of a registered Trade Union or Trade Unions, the employer shall request such registered Trade Union or Trade Unions to inform him in writing as to—

(a) number of workers who are members of such registered Trade Union or Trade Unions; and

(b) if the employer has reason to believe that the information furnished to him by the registered Trade Union or Trade Unions is false, he may, after informing such Trade Union or Trade Unions, refer the matter to the Commissioner, Labour and Employment, who shall, after hearing the parties, decide the matter and his decision shall be final.

(5) On receipt of the information under sub-rule (4), the employer shall provide for the choosing of the worker's representative of the Committee in the following manner, namely:—

(a) in the case of a negotiating union under sub-section (2) or sub-section (3) of section 14 of the Code, such negotiating union shall nominate the worker's representatives of the Committee;

(b) in the case of the negotiating council under sub-section (4) of section 14 of the Code, every registered Trade Union representing in the negotiating council shall be nominated in the Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;

(c) where there is no recognized negotiating union or negotiating council referred to in clauses (a) and (b), the workers of the industrial establishment shall elect amongst themselves the worker's representatives of the Committee:

Provided that the employer may, deploy an electronic platform for conducting the election process over an information technology application, online platform or such other platform to enable the election of the representatives of workers to the Committee under this clause:

Provided further that where a registered Trade Union fails to furnish the information under sub-rule (4) within one month of the date on which it is so called for, then, such Trade Union shall for the purpose of this rule be treated as if it did not exist:

Provided also, that where any reference has been made by the employer under sub-rule (4), the process of choosing the worker's representative relating thereto shall be held on receipt of the decision of the Commissioner, Labour and Employment.

(6) The employer may, if he thinks fit, direct that the workers shall vote either by groups, sections, shops or departments.

(7) Any worker, of not less than nineteen years of age and with a service of not less than one year in the industrial establishment may, if nominated as provided in this rule, be a candidate for election as a worker's representative of the Committee:

Provided that such service qualification shall not apply to the first election in an industrial establishment which has been in existence for less than a year.

Explanation.— For the purposes of this sub-rule, a worker who has put in continuous service for not less than one year in two or more industrial establishments belonging to the same employer shall be deemed to have satisfied the service qualification specified therein.

(8) All workers who are not less than eighteen years of age and who have put in not less than six months' continuous service in the industrial establishment shall be entitled to vote in the election of worker's representative of the Committee.

Explanation.— For the purposes of this sub-rule, a worker who has put in continuous service of not less than six months in two or more industrial establishments belonging to the same employer shall be deemed to have satisfied the service qualification specified therein.

(9) (i) The employer shall give a minimum time period of three working days for filing of nomination along with other requisite details while fixing a date as the closing date for receiving nominations from candidates for election as worker's representatives of the Committee.

(ii) The date fixed by the employer for holding the election referred to in clause (i) shall not be earlier than three days and not later than fifteen days after the closing date for receiving nominations.

(iii) The date of election fixed under clause (i) shall be notified seven days in advance and such notice shall specify the number of seats to be elected and shall be affixed on the notice board or electronic notice board of the industrial establishment and given adequate publicity amongst the workers.

(10) (i) Every nomination for election as worker's representative of the Committee shall be made on a nomination paper to be provided by employer and the copies thereof shall be supplied by the employer to the workers requiring them.

(ii) Each nomination paper referred to in clause (i) shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the group, section, shop or department, which the candidate seeking election shall represent, and shall be delivered to the employer.

(11) (i) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinized by the employer in the presence of the candidates and the attesting persons and those nominations which are not valid shall be rejected.

(ii) A nomination paper shall be held to be not valid under clause (i), if—

(a) the candidate nominated is ineligible for being a candidate under sub-rule (7); or

(b) the requirements of sub-rule (10) have not been complied with:

Provided that where a candidate or an attesting person is not able to be present at the time of scrutiny, the candidate may send a duly authorised nominee for this purpose.

(12) Any candidate whose nomination for election has been accepted may withdraw his candidature within forty-eight hours of the completion of scrutiny of the nomination papers.

(13) (i) In case the number of candidates who have been validly nominated for election as worker's representative of the Committee is equal to the number of seats, the candidates as such shall be forthwith declared as duly elected.

(ii) Where, in any industrial establishment, the number of candidates validly nominated for election as worker's representative of the Committee is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

(14) (a) The Committee shall have among its office-bearers a Chairman, a Vice- Chairman, a Secretary and a Joint-Secretary.

(b) The Chairman of the Committee shall be nominated by the employer from amongst the employer's representatives on the Works Committee and he shall, as far as possible, be the head of the industrial establishment;

(c) The Vice-Chairman shall be elected by the members on the Works Committee representing the workers from amongst themselves:

Provided that in the event of equality of votes in the election of the Vice-Chairperson, the matter shall be decided by a draw of lot.

(d) The Secretary and Joint-Secretary of the Committee shall be elected every year.

(e) The Committee shall elect the Secretary and the Joint Secretary and where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the worker and vice versa:

Provided that, the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the worker for three consecutive years:

Provided further that, the representatives of the employer shall not take part in the election of the Secretary or Joint Secretary, as the case may be, and the representatives of the worker shall be entitled to vote in such elections for the post of Secretary or Joint Secretary:

Provided also that in the event of equality of votes in an election under this sub-rule, the matter shall be decided by a draw of lot.

(15) (a) The term of office of the member of the Committee other than a member chosen to fill a casual vacancy, shall be three years.

(b) Every member chosen to fill a casual vacancy shall hold office for the remaining period of the term of his predecessor.

(c) In case any member, who, without obtaining leave from the Committee, fails to attend three consecutive meetings of the Committee shall forfeit his membership.

(16) In the event of workers representative ceasing to be a member under clause (c) of sub- rule (15) or ceasing to be employed in the industrial establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule for the remaining period of the Committee from the same group to which the member vacating the seat belonged.

(17) The Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted

member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee.

(18) (a) The Committee may meet as often as necessary but not less often than once in three months.

(b) The Committee shall at its first meeting regulate its own procedure.

(19) (a) The employer shall provide accommodation for holding meetings of the Committee and provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Works Committee.

(b) The Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representative of the worker shall be deemed to be on duty while attending the meeting;

(c) The Secretary of the Committee may with the prior concurrence of the Chairman, put up notice regarding the work of the Works Committee on the notice board of the industrial establishment.

(20) The employer shall submit the details of the constitution and functioning of the Committee as a part of unified annual return provided in the rules made in this behalf under the Occupational Safety, Health and Working Conditions Code 2020 (37 of 2020).

(21) The State Government, or the officer authorised in its behalf, may after making such inquiry as it or he may deem fit, dissolve any committee at any time, by an order for reasons to be recorded in writing, on being satisfied that the committee has not been constituted in accordance with the provisions of this rule or that not less than two third of the number or representatives of the workers have without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason ceased to function:

Provided that where the Committee is dissolved under this sub-rule, the employer, may, and if so required by the State Government or, as the case may be, by such officer, shall take steps to re-constitute the Committee in accordance with these rules.

5. *Grievance Redressal Committee*.— (1) The Grievance Redressal Committee (hereinafter in this Chapter referred to as the "Grievance Committee") in an industrial establishment employing twenty or more workers, shall consist of equal number of members representing the employer and the workers, which shall not exceed ten members.

(2) The representatives of the employer in the Grievance Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with or associated with the working of the industrial establishment, preferably the heads of major departments of the industrial establishment.

(3) The representative of the workers of the Grievance Committee shall be chosen in the following manner, namely:—

(a) Where there is negotiating union under sub-section(2) or sub-section (3) of section 14 of the Code, such negotiating union shall nominate the worker's representatives of the Grievance Committee;

(b) In case of negotiating council under sub-section (4) of section 14 of the Code, every registered Trade union representing in the negotiating council shall be nominated in the Grievance Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Unions;

(c) Where there is no recognized negotiating union or negotiating council referred to in the clauses (a) and (b), the workers of the industrial establishment shall choose amongst themselves the worker's representatives of the Grievance Committee:

Provided that the employer may, deploy an electronic platform for choosing worker's representatives under this clause, over an information technology application, online platform or such other like platform:

Provided further that, there shall be adequate representation of women workers in the Grievance Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.

(4) The term of the members of the Grievance Committee shall be three years.

(5) Where there is no recognized negotiating union or negotiating council and if any dispute arises regarding choosing of workers' representative to the Grievance Committee, the matter may be referred to the Commissioner, Labour and Employment, who shall after hearing the parties, decide the matter, whose decision shall be final.

6. *Application to Grievance Committee*.— (1) Any aggrieved worker may file an application stating his grievance before the Grievance Committee along with name, designation, employee Code or token number, department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought therefor.

(2) The application referred to in sub-rule (1) may be sent electronically or by speed post or otherwise.

(3) The application referred in sub-rule (1) may be filed within one year from the date on which the cause of action arose.

7. *Application to Conciliation Officer*.— Any worker who is aggrieved by the decision of the Grievance Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application electronically or by speed post or in person within the period of sixty days from the date of the decision of the Grievance Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer on his motion in case of discharge, dismissal or retrenchment of an individual worker by the employer or through the Trade Union, of which he is a member:

Provided that in case the online portal is not available, the manual receipt of such application through speed post or in person, the conciliation officer shall get the same digitalized and enter the particulars of the application in the online mechanism under intimation to the concerned Trade Union and worker.

CHAPTER – III

Trade Union

8. *Payment of subscription by members of the Trade Union under clause (f) of section 7 and sub-section (4) of section 15*.— (1) A Registered Trade Union may collect the subscription from its members, officers bearers or from others, as provided under the rules of Trade Union approved by the Registrar on monthly, quarterly, half yearly or yearly basis which shall not be less than one thousand per annum.

9. *Manner of audit under clause (j) of section 7*.— (1) Save as provided in sub-rule (2), (3), (4) and (5) of this rule, the annual audit of the accounts of any registered Trade Union shall be conducted by an auditor authorized to audit the accounts of companies under section 141 of the Companies Act, 2013 (Central Act No. 18 of 2013).

(2) Where the membership of a Trade Union did not at any time during the year financial year exceed five lakh rupees, the annual audit of the accounts may be conducted:-

(a) by any examiner of local fund accounts; or

(b) by any local fund auditor appointed by the State Government; or

(c) by any person, who, having held an appointment under State Government in any auditor accounts department, is in receipt of a pension of not less than fifty thousand rupees in a month.

(3) Where the total receipt of any Trade Union did not, at any time during the year during the financial year exceeds one lakh rupees, the annual audit of the accounts may be conducted:—

(a) by any two persons holding office as magistrates or judges or as members of any municipal council, district board, or legislative body; or

(b) by any person who, having held an appointment under State Government in any audit or accounts department, is in receipt of a pension from State Government of not less than thirty thousand rupees in a month; or

(c) by any auditor appointed to conduct the audit of any co-operative societies by State Government or by the Registrar of Co-operative Societies or by any Co-operative organization recognized by State Government for this purpose.

(4) Where the total receipt of any Trade Union did not any time during the financial year exceed fifty thousand rupees the annual audit of the accounts may be conducted by any two members of the Union who were not on the executive during the period to which the accounts pertain.

(5) Where the Trade Union is a federation of Unions, the audits of accounts of federation shall be conducted in the same manner as prescribed in sub-rules (2), (3) and (4) for audit of trade unions.

10. *Disqualification of auditors*.— Notwithstanding anything contained in these rules, no person who, at any time during the year was entrusted with fund or any part thereof or securities belonging to a Trade Union shall be eligible to audit the accounts of that Union.

11. *Accessibility to the books of accounts*.— The auditor or auditors appointed in accordance with these rules shall be given access to all the books of the registered Trade Union concerned and shall verify the general statement with the accounts and vouchers relating t and shall thereafter sign the auditors declaration in Form II indicating separately on that form under his signature or their signatures a statement showing in what respect he or they find the returns to be incorrect, not supported by vouchers or not in accordance with the Industrial Relations Code, 2020. The particulars given in the statement shall indicate,—

(a) Every payment which appears to be unauthorized by the rules of the registered Trade Union concerned, or contrary to the provisions of the Industrial Relations Code, 2020.

(b) The amount of any deficit or loss which appears to have been incurred by the negligence or misconduct of any person;

(c) The amount of any sum which ought to have been but is not brought to account by any person.

12. *Manner of amendment and variation in rules of Trade Unions and dissolution of Trade Unions under clause (k) and (l) of section 7*.— (1) When a registered Trade Union is dissolved, notice of the dissolution and any amendment or variation in rules shall be sent to the Registrar in Form III.

(2) On receiving the notice under sub-rule (1) any amendment or variation made in the rules of a Trade Union under clause (k) of section 7,the Registrar shall, unless he has reasons to believe that the amendment or variation in the rules has not been made in the manner provided by the rules of the Trade Union or unless the amendment or variation in the rules is not in accordance with the provisions of the Act, register the amendment or variation in the rule in a register to be maintained for this purpose and shall notify the fact that he has done so to the Secretary of the Trade Union.

(3) On receiving the notice under sub-rule (1) of rule 12 for dissolution of a Trade Union the Registrar shall enter the details in the register maintained in respect of the registered trade unions.

13. *Registration of Trade Union and cancellation thereof under section 8 and 9*.— (1) Every application for registration of a Trade Union shall be made to the Registrar in Form IV electronically or otherwise along-with the documents as required under the provisions of the Industrial Relations Code 2020.

(2) Every such application shall be accompanied by an affidavit of the applicant as required under clause (a) of sub-section (1) of section 8 in Form V.

(3) If a Trade Union has been in existence for more than one year before making an application for registration than, a general statement of the assets and liabilities of the Trade Union in Form XV shall also be attached with the application.

(4) Upon receipt of an application for registration of a trade union, the Registrar may require from the applicants such evidence, as may seem to be necessary to show that the applicants have been duly authorized to make the application on behalf of the Trade Union and that the other particulars in Form VI.

(5) The fee payable for registration of a Trade Union shall be Rs. 1000/- (Rupees One thousand only) or as may be fixed by the State Government from time to time and shall be paid electronically or otherwise.

(6) The register of Trade Union referred to in sub-section (1) of section 9 to be maintained by the Registrar shall be in Form VII.

(7) The Certificate of Registration issued by the Registrar under sub-section (2) of section 9 shall be in Form VIII after due verification of information and particulars submitted with the application, either by himself or through any other officer authorized by him and found proper.

(8) The certificate of registration shall be issued electronically or otherwise. If no decision is taken and communicated electronically or otherwise on such application by the Registrar within 30 days, the registration shall be deemed to be issued.

(9) Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent electronically or otherwise to the Registrar through speed post or speed post or hand delivery to the Registrar in Form IX.

(10) The Registrar, on receiving an application for registration, withdrawal or cancellation of registration, shall, before granting the application, verify and satisfy himself that the application was approved by the general meeting of the Trade Union, or if it was not so approved, that it has the approval of the majority of the members of the Trade Union. For this purpose, he may call for such further particulars as he may deem necessary and may examine any office bearer of the union.

14. *Appeal against non-registration or cancellation of registration under section 10*.— Any appeal against the order of the Registrar for refusal to grant registration to the Trade Union or cancellation of a certificate of registration shall be filed by any aggrieved person within thirty days from the date of receipt of the order to the Industrial Tribunal by filing an application mentioning the cause of the appeal accompanied with a certified copy of the order of the Registrar.

15. *Communication to trade union and change in its registration particulars by the Registrar and by Trade Union to Registrar under section 11*.— (1) All communication and notices to a registered Trade Union shall be sent by the Registrar to the address of the Trade Union as entered in the register maintained by the Registrar electronically or otherwise by speed post.

(2) All communication and notices to the Registrar by the registered Trade Union with respect to any change in any particulars of trade unions or its rules or office bearers or membership falling below 10 percent or one hundred, whichever is less under sub-section (2) and (3) of section 11 shall be sent electronically or otherwise by speed post or speed post or hand delivery within 30 days from such date of such change or event.

(3) On receipt of any communication under sub-rule (2), the Registrar shall, unless he has reason to believe that such communication has not been made in the manner provided by the rules of the Trade Union and is not in accordance with the provisions of the Code, register such alteration in the register to be maintained for this purpose and he shall inform the fact to the Secretary/General Secretary of the Trade Union in the manner specified under sub-rule (1).

(4) The fees payable for such communication or alteration of rules shall be one hundred rupees or as may be fixed by the State Government, from time to time, by notification and be paid electronically or otherwise for each set of alteration made at one time.

(5) The notice of any change in the name of the Trade Union shall be sent electronically or otherwise to the Registrar in Form X.

(6) When the Registrar registers a change in name or any other particulars, he shall certify under his signature at the foot of the certificate issued that the new name and the change in particulars has been registered and communicated the same electronically or otherwise.

16. *Matters on which negotiating union or negotiating council may negotiate under sub-section (1) and criteria to be followed to by employer under sub-section (2) of section 14*.— (1) The matters pertaining to workers which the negotiating union or negotiating council shall negotiate with the employer of the industrial establishment under sub-section (1) and sub-section(2) of section 14 as below, namely:-

(i) the classification of grades and categories of workers;

(ii) order passed by an employer under the standing orders applicable in the industrial establishment;

(iii) the wages of the workers including their wage period, dearness allowance, bonus, increment, customary concession or privileges, compensatory and other allowances;

(iv) hours of work of the workers their rest days, number of working days in a week, rest intervals, working in shifts;

(v) leave with wage and holidays;

(vi) promotion and transfer policy and disciplinary procedures;

(vii) quarter allotment policy for workers;

(viii) safety, health and working conditions related standards;

(ix) the matters pertaining to conditions of service, terms of employment of the workers which are not covered in the foregoing clauses; and

(x) any other matter which is agreed between employer of the industrial establishment and negotiating union or negotiating council as the case may be.

(2) Where there is only one registered Trade Union of the worker which is registered and operating in an industrial establishment, having its membership not less than thirty percent of the total workers employed in the industrial establishment, the employer of such industrial establishment shall recognize such Trade Union as the Sole negotiating union of the workers.

17. *Manner of verification of membership of Trade Unions in an industrial establishment under sub-sections (3) and (4) of section 14*.— (1)(a) The State Government or the Commissioner, Labour and Employment shall appoint a verification officer (hereinafter in this rule, referred to as " verification officer") for the purpose of verification of membership of the Trade Unions in the industrial establishment who shall not have any interest with any of the Trade Unions in the industrial establishment, whose membership verification is to be carried out by him:

Provided that the process for recognition of the negotiating union or the negotiating council, as the case may be, shall commence three months before the expiry of the tenure of the existing recognition period of the negotiating union or the negotiating council, as the case may be, recognized by the employer under the Code.

(b) The verification officer may utilize the services of other officers to assist him depending upon the quantum of work of membership verification.

(c) The verification officer shall carry out the work of membership verification in the industrial establishment within the time as determined by the State Government or Commissioner, Labour and Employment.

(2) The employer of the industrial establishment shall bear all expenses and make arrangements in connection with the verification of membership of trade unions under sub-rule (1).

(3) The Trade Unions which satisfy the following conditions may submit an application to the employer of the industrial establishment to accord status of negotiating union or the representatives of negotiating council of the workers, as the case may be, on fulfillment of the following conditions namely:-

(i) such Trade Union has a valid registration under the Trade Unions Act, 1926 (16 of1926) and continuing as such or has the registration under the Industrial Relations Code, 2020 (No.35 of 2020) as the case may be; and

(ii) the application for recognition made by Trade Union shall be accompanied with a copy of the registration certificate, a copy of list of members, details of the membership subscription and a copy of latest annual return of the trade union submitted to the Registrar of Trade Unions.

(4) (a) In case the negotiating union or negotiating council, as the case may be, has been constituted under the Code, the employer of the industrial establishment shall initiate action before expiry of the tenure of negotiating union or negotiating council, as the case may be, sufficiently in advance but not later than three months before the expiry of the tenure of negotiating union or negotiating council, as the case may be;

(b) The date of reckoning shall be fixed by the verification officer for the industrial establishment for the purpose of verification of membership of the trade unions;

(c) The employer of the establishment shall forward the documents and records submitted by trade unions to the verification officer;

(d) On receipt of the documents and records, the verification officer shall scrutinize the records and documents submitted by the trade union to ascertain the status of registration of trade unions and related matters;

(e) The verification officer shall hold meeting with representatives of employer of industrial establishment and all participating Trade Unions to decide about the process of verification of the membership of Trade Unions through secret ballot.

(f) The employer may in consultation with the verification officer deploy an electronic process for conducting the election over an information technology application, online platform or like other platform.

(5) The list of Negotiating Unions and members of Negotiating Council referred to in section 14 and verified under sub-rule (2), (3) and (4), shall be maintained by the Registrar in Form XI.

(6) The verification officer shall convene meeting of representatives of all registered Trade Unions functioning in the industrial establishment at least sixty days before the date of actual voting, to decide—

(a) publication of voters list;

(b) date, time, mode of voting, place of voting;

(c) date, time and place of counting; and

(d) other modalities relating to secret ballot.

(7) The verification officer shall cause the minutes of the meeting to be prepared and signed by all participating Trade Unions. All participating Trade Unions shall be allotted symbols in the same meeting. If no decision could be taken regarding date, time, mode of voting, place of voting, allotment of symbols, date, time and place of counting and like other matters in the meeting, then, the decision of the verification officer shall be final and he shall publish the schedule, programme and procedure of such secret ballot election.

(8) All workers whose names are borne on the muster roll of the industrial establishment on the date of reckoning shall be eligible to cast their vote.

(9) The voters list shall be prepared by the employer of the industrial establishment on the basis of names of the workers borne on the muster roll referred to in sub-rule (3) and the voters list shall contain the name,

father's name, designation, employee number/identity card number issued by the employer and place of posting of the worker. The final voter list shall be published by the employer after obtaining the approval of verification officer and shall be displayed at notice board at the main entrance and website, if any, of the industrial establishment. A copy of such voters list shall also be sent to the participating Trade Unions by hand or by speed post or through electronic mode.

(10) The verification officer shall display the list of the name of the participating Trade Unions with the symbol allotted to them on the notice board at the main entrance and website, if any, of the industrial establishment within two days of finalization of the list.

(11) The voting and counting of votes shall be held on the date, time and place fixed by the verification officer under the supervision of the verification officer and during the counting, agents of all participating Trade Unions shall be allowed to remain present.

(12) After final counting of votes, the result shall be declared by the verification officer. The result sheet shall contain the name of all Trade Unions participated in election, total number of votes polled and the number of votes cast in favour of each of the trade unions which participated in the election.

(13) The verification officer shall submit verification report along with the result sheet to the employer of industrial establishment.

(14) On the basis of verification report submitted by verification officer, the employer of the industrial establishment shall grant recognition to a Trade Union as a negotiating union or a constituent of negotiating council as per provisions of sub-section (3) or sub-section (4) of section 14 of the Code, as the case may be.

(15) Any recognition either as negotiating union or the negotiating council shall be valid for three years from the date of recognition or constitution or such further period not exceeding five years, in total, as may be mutually decided by the employer and the Trade Union, as the case may be.

18. *Facilities provided by Industrial establishment to a negotiating union or negotiating councils under sub-section (7) of section 14*.— In an industrial establishment, where there is a negotiating union or negotiating council, as the case may be, the employer of such industrial establishment shall provide the following facilities to the negotiating union or negotiating council, as the case may be, namely:—

(i) notice board for the purpose of displaying information relating to activities; of negotiating union or negotiating council, as the case may be;

(ii) venue and necessary facilities for holding discussions by the negotiating union or negotiating council, as the case may be, as per schedule and agenda to be settled between employer of the industrial establishment and the negotiating union or negotiating council, as the case may be;

(iii) venue and necessary facilities for holding discussions amongst the members of the negotiating union or constituents of negotiating council, as the case may be;

(iv) facility for entrance of the office bearers of the negotiating union or negotiating council, as the case may be, in the industrial establishment for the purposes of ascertaining the matters which are relating to working conditions of the workers;

(v) employer of an industrial establishment shall deduct subscription of the members of the Trade Union on the basis of the written consent of the worker;

(vi) The office bearers of the negotiating union or negotiating council shall be treated on duty while holding meetings with the employer;

(vii) the employer of an industrial establishment, having three hundred or more workers, shall provide suitable office accommodation with necessary facilities to the negotiating union or negotiating council, as the case may be.

19. *Objects of funds under sub-section (1) and (2) and subscription under sub-section (4) of section 15.*— (1) The general funds of a registered Trade Union shall not be spend on any other objects other than that of the following, namely:—

(a) the payment of salaries, allowances and expenses to office bearers of the Trade Union;

(b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;

(c) the prosecution of defense of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution of defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such any rights arising out of the relations of any members with his employer or with a person whom the member employs;

(d) the conduct of Trade dispute on behalf of the Trade Union or any member thereof;

(e) the compensation of members for loss arising out of trade disputes;

(f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;

(g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness accident or unemployment;

(h) the provisions of educational, social or religious benefits for the members (including the payments of the expenses or funeral or religious ceremonies for deceased members) or for the dependents of members;

(i) the upkeep of a periodical published mainly for the purpose of discussing questions affecting employers or workmen as such;

(j) the payment in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contribution to any cause intended to benefit workmen in general, provided that the expenditure in respect of such contribution in any financial year shall not at anytime during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and

(k) subject to any conditions contained in the notification, any other object notified by the State Government in the Official Gazette.

(2) The funds constituted under sub-section (2) of section 15 shall not be spend on any object other than:—

(a) the payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the Constitution or of any local authority, before, during, or after the election in connection with his candidature or election; or

(b) the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or

(c) the maintenance of any person who is a member of any legislative body constituted under the Constitution or for any local authority; or

(d) the registration of electors or the selection of a candidate for any legislative body constituted under the Constitution for any local authority; or

(e) the holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

(3) The subscription to the fund created for civic or political interests shall be desperately levied on members of the trade union and shall not be more than twice of the annual subscription of the member to general fund.

(4) Audit of such funds shall be done in the same manner as specified under the Code and these rules.

(5) Any complaint of misappropriation of any funds of the registered Trade Union shall be entertained by the Registrar and the Registrar shall enquire and pass an appropriate order to the trade Union, if any misappropriation is proved and such order shall be binding upon the trade Union.

20. *Application for adjudication before Tribunal*.— Where any dispute arises between,—

(a) one Trade Union and another; or

(b) one or more workers who are members of Trade Union and the Trade Union regarding registration, administration or management or election of office bearers of the Trade Union; or

(c) one or more workers who are refused admission as members and the Trade Union; or

(d) where the dispute is in respect of a Trade Union which is a federation of Trade Unions and office bearer authorized in this behalf by the Trade Union, then, the aggrieved workers may make application to the Tribunal having jurisdiction in Form XII within a period of one year from the date on which the dispute arises, electronically or by speed post or by speed post or in person.

21. *Amalgamation and change of name of trade union under sub-sections (2) and (3) of section 24*.— (1) Any two or more registered Trade Unions may become amalgamated together as one Trade Union with or without dissolution or division of the funds of such trade Unions or either any of them, provided that, votes of at least two third of the members of each or every such Trade Union entitled to votes are recorded, and that at least two third of the votes recorded are in favour of the proposal.

(2) Notice of every amalgamation shall be sent to the Registrar electronically or otherwise by the speed post or speed post in duplicate in Form XIII by the applicant trade union.

(3) When the Registrar registers the amalgamation, he shall certify under his signature of such amalgamation and issue the certificate electronically or otherwise by speed post or by speed post to all the concerned trade unions and shall make entry in the records of such amalgamation.

(4) The notice of any change of the name of the Trade Union shall be sent to the Registrar electronically or otherwise by speed post or by speed post in Form X.

(5) When the Registrar registers the change of name, he shall certify under his signature of such change and issue the certificate electronically or otherwise by speed post or by speed post to all the concerned trade unions and shall make entry in the records of such amalgamation.

22. *Dissolution of Trade Union and distribution of funds under sub-section (1) and (2) of section 25*.— (1) When a registered trade union is dissolved, notice of dissolution shall be sent, electronically or otherwise by speed post or speed post to the Registrar in Form XIV.

(2) Where it is necessary for the Registrar under sub-section (2) of section 25 to distribute the funds of a Trade Union which has been dissolved, he shall divide the funds in proportion to the amounts contributed by the members by way of subscription during their membership.

23. *Annual Returns of Trade Union*.— (1) The annual return to be furnished under section 26 (1) (a) shall be submitted to the Registrar by the 31st day of March in each year and shall be in Form XV.

(2) For the purpose of satisfying himself that the information containing in the general statement furnished under sub-rule (1) is correct, the Registrar may require any registered Trade Union to produce before him any documents or to furnish such information or may make or may authorize any person to make such investigation as he thinks necessary.

24. *Recognition of Trade Union at State Level under sub-section (2) of section 27*.— (1) For the purpose of recognition as a State Trade Union at State Level, a trade union or federation of trade unions having presence in at least sixty percent of the industries in the State shall make an application signed by the Secretary of the trade union or federation of trade unions accompanied by the resolution of trade union or federation of trade unions to the Officer notified by the State Government in FORM XVI.

(2) On receipt of the application under sub rule (1), the Officer notified by the State Government may, after conducting such enquiry as he considers necessary, issue a general or special order for the purpose of recognition as State Trade Union as specified therein and send the copy of the decision to the applicant and State Government.

(3) If any dispute arises in relation to such recognition, the Officer Notified by the State Government shall refer the dispute to the Tribunal. The Tribunal shall, after giving opportunity of hearing to the applicant and going through the relevant records of the case, decide the appeal within sixty days and the order of the Tribunal shall be binding upon the parties.

25. *Parties bound by acts of representative*.— A party appearing through a representative shall be bound by the acts of that representative.

CHAPTER – IV

Standing Orders

26. *Manner of forwarding information to certifying office*.— (1) If the employer adopts the model standing order of the Central Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically or in person or by speed post or otherwise, the specific date from which the provisions of the model standing order which are relevant to his establishment have been adopted.

(2) The Model Standing Orders adopted under sub-rule (1) shall apply to the industrial establishment and to all its units.

(3) On receipt of the information under sub-rule (1), the certifying officer shall enter the detail of the industrial establishment which has adopted the Model Standing Order in the register specified in rule 32.

(4) Where the certifying officer observes that the industrial establishment, which has informed adoption of Model Standing Orders is engaged in activities other than for which Model Standing Orders have been adopted, he may within a period of thirty days from such receipt of information of Model Standing Orders so adopted, direct such employer to include or adopt certain provisions which are relevant to his industrial establishment and indicate those relevant provisions to comply the same within a period of thirty days from the date of the receipt of such direction and send a compliance report only in respect of those provisions which the certifying officer has so directed to get included.

(5) If no observation is made by certifying officer within a period of thirty days of the receipt of the information as specified in sub-rules (1), then, the Model standing order shall be deemed to have been certified by the certifying officer.

(6) The provisions of the Model Standing Orders adopted in accordance with the provisions of these rules shall come in force with effect from the date specified in sub-rule (1).

(7) The certifying officer shall not raise any observation, if the industrial establishment is engaged in activities which are wholly covered by the activities of the industrial establishment to which the standing orders apply.

27. *Manner of choosing of representatives of workers for issuing notice where there is no Trade Union*.— Where there is no Trade Union or negotiating union or negotiating council operating then, the certifying officer shall call a meeting of the workers or shall direct the workers to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the standing order requiring

objections, if any, which the workers may desire to make to the draft standing order to be submitted within fifteen days from the receipt of the notice.

(2) The Trade Union or negotiating union or constituent of negotiating council shall be given a copy of the draft standing orders or modification, as the case may be, in English, as well as the translation thereof in the language known by the majority of the workers, for seeking their comments or suggestions, if any, within fifteen days from the date of the receipt of the notice in this rule.

28. *Authentication of certified standing orders*.— The certified standing orders or the modifications in the standing orders certified in pursuance of sub-section (8) of section 30 shall be authenticated by the certifying officer and shall be sent electronically, and a hard copy thereof by speed post or speed post, within seven days from the date of such authentication to all concerned, that is to say, the employer and all the registered Trade Unions or chosen representative of workers:

Provided that there shall not be any requirement of authentication under this rule in cases of deemed certification under sub-section (3) of section 30 and in cases where the employer has certified adoption of model standing orders.

29. *Statement to accompany draft standing orders*.— (1) The draft standing order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of Trade union to which such workers belong.

(2) The draft modification in the existing standing orders, shall contain the particulars of such standing orders which are proposed to be modified along with tabular statement containing details of each of the relevant provision of standing order in force and proposed modification therein and reasons thereof.

(3) The statement referred to in sub-rules (1) and (2) shall be signed by a person authorised by the industrial establishment or undertaking.

(4) The Model Standing Orders, if modified, shall also apply to all the units of the industrial establishment or undertaking in the State.

30. *Conditions for submission of draft standing order in similar establishment*.— In cases of group of employers engaged in similar industrial establishments, they may, submit a joint draft standing order under section 30 and the provisions of these rules shall apply.

Provided that, the joint draft standing order, in case of the group of employers engage in similar establishment, shall be drafted and submitted to the Deputy Labour Commissioner of the area, who shall certify or refuse to certify the said joint draft standing orders, after recording reasons therefor:

Provided further that certifying officer shall give notice to the concerned parties, and ensure reasonable opportunity of being heard before certifying the standing orders.

31. *Manner of disposal of appeal*.— (1) An employer or Trade Union or the negotiating union or negotiating council, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the worker of the industrial establishment or undertaking, may prefer an appeal against the order of the certifying officer made under sub-section (5) of section 30 of the Code, within sixty days of the receipt of such order, and for that purpose draw up a memorandum of appeal in a tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added alongwith the reasons thereof and shall be filed electronically or otherwise to the appellate authority.

(2) The appellate authority shall fix a date for the hearing of the appeal and direct notice thereof to be given,—

(a) where the appeal is filed by the employer, to Trade Union or the negotiating union or negotiating council, as the case may be or where there is no negotiating union or negotiating council in an industrial

establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking;

(b) where the appeal is filed by a Trade Union, or the negotiating union or negotiating council, to the employer and the negotiating union or the negotiating council or all other Trade Unions of the workers of the industrial establishment as the case may be, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking ;

(c) where the appeal is filed by the representative body of the workers, to the employer and other Trade Unions of the workers of the industrial establishment, or where there is no trade union of the workers in an industrial establishment or undertaking, any other worker joins as a party to the appeal.

(3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal referred to in sub-rule (1).

(4) The appellate authority may, at any stage of the proceeding call for any evidence, if it considers necessary for the disposal of the appeal.

(5) On the date fixed under sub-rule (2) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant, if produced and after hearing the parties dispose of the appeal.

32. *Serving of orders and text of standing orders*.— (1) The order of the appellate authority shall be served electronically or otherwise within three days of the disposal of appeal to the employer or Trade Union or the negotiating union or negotiating council or any union or representative body of the workers so the case may be by whom the appeal has been filed.

(2) The text of the standing order as finally certified or deemed to have been certified or adopted model standing order shall be maintained by the employer in Hindi or in English or Local language.

(3) The certified standing orders shall be displayed in legible condition by the employer on the special board to be maintained for the purpose at the entrance or near the entrance of the industrial establishment through which majority of workers enter and may also be posted on the designated portal/website, if any, of such industrial establishment.

33. *Register for final certified copy of Standing Order under section 34*.— (1) The certifying officer shall maintain electronically or otherwise, a register in Form XVII of all standing orders certified or deemed to have been certified or adopted model standing orders of all the concerned industrial establishments, inter-alia, containing the details of—

(a) the unique number assigned to each standing order;

(b) the name of industrial establishment;

(c) the nature of industrial establishment;

(d) the date of certification or deemed certification or date of adoption of model standing order by each establishment or undertaking;

(e) the areas of the operation of the industrial establishment; and

(f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of all such standing orders.

(2) The certifying officer shall furnish a copy of the certified standing order(s) or deemed certified order(s) to any person applying there for on payment of two rupees per page of the certified standing order(s) or deemed certified standing order(s), as the case may be. The payment for such purpose can also be made through electronic mode or otherwise.

34. *Application for modification of Standing Orders*.— The application for modification of an existing standing order shall be submitted electronically or otherwise by speed post or speed post or hand delivery and contain the particulars of such standing orders which are proposed to be modified alongwith a tabular statement containing details of each of the relevant provisions of standing order in force, and proposed modifications therein, reasons thereof and the details of registered Trade union(s) operating therein, and such statement shall be signed by a person authorized by the industrial establishment or undertaking or workers or a Trade Union or other representative body of the workers as the case may be, who has submitted such application for modification.

35. *Notice for change*.— (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in Form XVIII electronically or by speed post or in person, to such workers likely to be affected by such change.

(2) The notice referred in sub-rule (1) shall be displayed conspicuously by the employer on the notice board at the main entrance of the industrial establishment and the office of the concerned Manager of the industrial establishment:

Provided that where there is a registered Trade Union or registered Trade Unions or a negotiating union or negotiating council relating to the industrial establishment, a copy of such notice shall also be served in the manner specified in sub-rule (1) on the secretary of such Trade Union or each of the secretaries of such Trade Unions or secretary of the negotiating union or constituent of negotiating council, as the case may be.

CHAPTER – V

Voluntary Reference of Disputes to Arbitration

36. *Form of arbitration agreement and the manner thereof under sub-section (3) of section 42*.— (1) The employer and workers may agree to refer any industrial dispute to arbitration by entering into an arbitration agreement as provided in Form XIX.

(2) The arbitration agreement referred to in sub-rule (1) shall be signed by the parties to the said agreement and it shall be accompanied by the consent, either in writing or electronically, of arbitrator or arbitrators.

(3) The arbitration agreement referred to in sub-rule (1) shall be signed,—

(i) in case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the company or corporation authorised for such purpose;

(ii) in the case of workers, by the officer of the registered Trade Union authorised in this behalf or by five representatives of the workers duly authorised in this behalf at a meeting of the concerned workers held for such purpose; and

(iii) in the case of an individual worker, by such worker himself or by an officer of the registered Trade Union, of which the worker is a member, or by another worker in the same establishment duly authorised by him in this behalf.

Explanation.— For the purposes of this rule, the term "officer",—

(a) in case of an association of the employers, means any officer of such association of the employers authorised for such purpose; and

(b) in case of a registered Trade Union, means any of the following officers of such Trade Union authorised for such purpose, namely:–

(i) President; or

(ii) Vice-President; or

(iii) Secretary (including the General Secretary); or

(iv) a Joint Secretary; or

(v) any other officer of such Trade Union authorised in this behalf by the President and Secretary of such Trade Union.

37. *Manner of issue of notification under sub-section (5) of section 42*.— Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette, upload it on the website of the Labour Department and also submit electronically or otherwise for the information of the employers and workers who are not parties to the arbitration agreement but are concerned in the dispute and they may present their case before the arbitrator or arbitrators appointed for such purpose.

38. *Manner of choosing representatives of workers where there is no Trade Union under sub-section (5) of section 42*.— Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators in pursuance of clause (c) of the proviso to sub-section (5) of section 42, shall be chosen by a resolution passed by the majority of concerned workers in Form XX authorizing therein to represent the case. Such workers shall be bound by the acts of their representatives who have been so chosen to represent before the arbitrator or arbitrators, as the case may be.

CHAPTER – VI

Mechanism for Resolution of Industrial Dispute

39. *Manner of appointment, term of office, salaries and allowances, resignation and other terms of conditions of service of Judicial and Administrative Members of the Industrial Tribunal under sub-section (5) of section 44 of the Code*.— (1) (a) The Judicial and Administrative members of the (1) Industrial tribunal shall be appointed by the State Government on the recommendation of the search-cum-selection committee.

(b) The Judicial members of the Industrial Tribunal shall be appointed from serving and retired Judges of High Court, members of higher Judicial services and members of State Judicial Services, who have been a District Judge or Additional District Judge for not less than three years.

Provided that in case of appointment on deputation of serving Judge as Judicial Member, the normal period of appointment on deputation shall be for a period of five years and in case of retired Judges, the appointment shall be till the age of 67 years.

(c) The Administrative members of the Industrial Tribunal shall be appointed from the serving and retired members, who has held a post not below the rank of Joint Secretary to the Central Government or an equivalent rank in the State Government, of:

(i) Indian Administrative Services who have served at least three years in this service having experience in labour laws; or

(ii) Goa Civil Service who have served atleast five years in this service having Law Degree, Knowledge and experience in labour laws; or

(iii) Departmental service who have served at least for seven years in the Department as Conciliation Officer having Law Degree or Diploma in Labour Laws:

Provided that in case of appointment on deputation of serving Officer as Administrative Member, the normal period of appointment on deputation shall be for a period of three years and in case of retired Officers, the appointment shall be till the age of 67 years.

(2) For the purpose of appointment of Judicial and Administrative members of Industrial Tribunal, the State Government shall prepare a list of suitable persons after due consideration of applications received in which the qualifications of all persons, their past performance and experience shall be clearly stated.

(3) The Search-cum-Selection Committee shall comprise of the following members, namely,—

(i) Chief Justice of High Court at Bombay or a Judge of High Court at Bombay nominated by him— Chairperson;

(ii) Retired judge or judge of High Court nominated by the Chief Justice of High Court of Bombay at Goa— Member;

(iii) Chief Secretary, Government of Goa— Member:

(iv) Secretary to the Government of Goa in the Law Department— Member;

(v) Secretary, to the Government of Goa in the Labour Department— Member,

(vi) Commissioner, Labour & Employment— (Convener)

Explanation: The role of the Member (convener) is merely to ensure co-ordination among the members of Search-cum-Selection Committee. He shall have no formal say in the selection and functioning of the Committee in any manner whatsoever.

(4) The Search-cum-Selection Committee shall determine its procedure for making its recommendation and after taking into account qualification, suitability, record of past performance, integrity as well as experience in view of the requirement of the Industrial Tribunal, shall recommend a panel of one along with one in waiting, as it deems fit, for appointment to each vacant post. In this matter, the decision of the Chairperson shall be final.

(5) A Judicial/Administrative Member shall hold office for a term of Five years from the date on which he enters upon his office or till he attains the age of sixty seven years, whichever is earlier.

(6) The salary and allowances of the Judicial and Administrative members of the Tribunal shall be at the rate as admissible under the applicable Service Rules or as decided by the State Government from time to time, as case may be:

Provided that in case of an appointment of a person as a Judicial or Administrative Member, who has retired from service and who is in receipt of or has received or has become entitled to receive any retirement benefit by way of pension, shall be treated as re-employed and will be entitled to receive the salary at the rate of last pay drawn minus the total amount of pension.

(7) A retired person appointed as Judicial/ Administrative Member shall be entitled for rent free accommodation or house rent allowance at the rate as admissible under the applicable Service Rules or as decided by the State Government from time to time, as case may be.

(8) A retired person appointed on the post of Judicial member or administrative member shall not be entitled to any temporary or ad-hoc increase in pension.

(9) If retired person appointed as Judicial or Administrative member does not join within a period of one month from the date of appointment, then the State Government may cancel his appointment and thereafter the vacant post shall be filled from the person in waiting list.

(10) (a) If a written and verifiable complaint is received by the State Government, alleging any definite charge of misbehavior or incapacity to perform the functions as Judicial/Administrative Member, it shall make a preliminary scrutiny of such complaint.

(b) If on preliminary scrutiny, the State Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehavior or incapacity of a Judicial/Administrative Member, it shall set up an inquiry which shall be headed by a person nominated by the Chairperson of the search cum selection committee:

Provided that in case of inquiry against judicial member, the Chief Justice of High Court shall be consulted.

(c) The inquiry officer shall complete the inquiry within a time of six months or such further time as may be specified by the Chairperson of the Selection Committee.

(d) After conclusion of the inquiry, the inquiry Officer shall submit its report to the State Government stating its findings and the reasons therefore on each of the charges separately with such observations on the whole case as it may think fit.

(e) The selection committee shall not be bound by the procedure laid down by the Code of Civil Procedure.1908 (Act No. 5 of 1908), but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

(11) The State Government after affording the principles of natural justice, may remove any Judicial/Administrative member from Industrial Tribunal.

(12) A retired person appointed as Judicial/Administrative Member may resign from his office at any time by giving notice to this effect in writing under his hand addressed to the State Government.

(13) The State Government shall, on the recommendation of Search-cum-Selection Committee, remove from office any Judicial/Administrative Member, who—

(a) has been adjudged as an insolvent; or

(b) has been convicted of an offence which, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as such a Judicial Member or Administrative member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Judicial Member or Administrative Member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest:

Provided that where a Judicial/Administrative Member is proposed to be removed on any ground specified in clauses (b) to (e), he shall be informed of the charges against him and given an opportunity of being heard in respect of those charges:

Provided further that in case of removal of Judicial member, the Chief Justice of High Court shall be consulted.

(14) Matter relating to the terms and conditions of services with respect to which no express provisions have been made in these Rules, shall be decided by the State Government after consulting the Chairperson of the selection committee.

(15) In case of retired Judicial/Government Officer, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible under the applicable Service Rules or as decided by the State Government from time to time, as case may be.

(16) The State Government shall have power to relax the provision of any of these rules in respect of appointment, salary and allowances, resignation and other terms and conditions of service of Judicial/Administrative member of Industrial Tribunal.

(17) Every person appointed as Judicial Member or Administrative Member, as the case may be, shall before entering upon his office, make and subscribe an oath of office and secrecy in Form XXI.

(18) A person appointed to the post under these Rules after retirement from State Government Service on reaching the age of superannuation, will be entitled to all kind of leave admissible to a temporary State Government servant or as decided by the State Government from time to time, as case may be.

40. *Manner of filling up the vacancy under sub-section (9) of section 44*.— (1) If for any reason any vacancy occurs in Industrial Tribunal it shall be filled in the manner prescribed in rule 38 of these rules of these rules.

41. *Matters in respect of which a conciliation officer and Tribunal shall have powers of a Civil Court under clause (d) of sub-section (3) of section 49*.— The Conciliation officer and the Tribunal shall have the powers of a Civil Court as are vested in a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), when trying a suit in respect of the following matters, namely:—

(a) inspection of premises of establishment and documents;

(b) receiving evidence on affidavit;

(c) discovery of the documents;

(d) investigation and enquiry.

42. *Manner of holding conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub- section (6) of section 53*.— (1) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the Conciliation Officer shall if he finds that the dispute pertains to the jurisdiction of Central Government, transfer the dispute to the Concerned authority. In other cases, he will issue notice to the parties concerned declaring his intention to commence conciliation proceedings.

(2) The employer's representative and the worker's representative shall on receipt of the notice referred to in sub-rule (1), in the first meeting of the conciliation proceedings shall submit their respective statement in the matter of said dispute.

(3) The Conciliation Officer shall without delay, ascertain the facts and circumstances relating to the dispute and enquire into all matters affecting the merits and right settlement thereof and hold conciliation proceedings between the parties to the dispute for the purpose of bringing about a settlement of the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(4) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (3), the conciliation officer shall submit a report to the State Government electronically or otherwise within seven days from the date on which the conciliation proceedings are concluded, upload a report on the designated portal of the Department and forward a copy thereof electronically or by speed post or in person to the parties to the dispute and to the State Government.

(5) The report shall also be made accessible to the parties concerned on the designated portal if any.

(6) The report referred to in sub-rule (4) shall contain inter-alia the submissions of the employer, worker or Trade union, as the case may be, involved in the dispute and it shall also contain the efforts made by the conciliation officer to bring the parties to the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion arrive at by the Conciliation Officer.

(7) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in Form XXII before the Tribunal electronically or otherwise within ninety days from the date of the report under sub-rule (2).

(8) In case of an industrial dispute which has not been settled during the conciliation proceedings, a claim with complete details may be made before the Tribunal by either of the parties concerned for adjudication. along with relevant documents, list of supporting documents and witnesses within thirty days. A copy of such claim may be sent electronically or speed post for service on each of the opposite parties in the dispute.

(9) The Tribunal after ascertaining the facts shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.

(10) Where the Tribunal finds that the party raising the dispute, despite its directions, did not forward the copy of the statement of claim and other documents to the opposite party or parties, it shall give directions to the concerned party to furnish the copy of the statement to the opposite party or parties, granting extension of fifteen days for filing the statement, if the Tribunal finds sufficient cause for not filing the statement of claim and other documents within time.

(11) Evidence shall be recorded either in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed. While recording the oral evidence the Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (5 of1908).

(12) On completion of evidence, arguments may be heard immediately or a date may be fixed for arguments, which shall not be beyond a period of fifteen days from the closure of evidence.

(13) The Tribunal shall not ordinarily grant an adjournment for a period exceeding a week at a time and in any case not more than three adjournments in all at the instance of the parties to the dispute shall be granted:

Provided that the Industrial Tribunal for reasons to be recorded in writing, grant an adjournment exceeding a week at a time more than three adjournments at the instance of any one of the parties to the dispute.

(14) In case any party defaults or fails to appear at any stage, the Industrial Tribunal may proceed with the case ex-parte, and decide the application in the absence of the defaulting party:

Provided that the Industrial Tribunal on the application of either party filed before the submission of the award, revoke the order that the case shall proceed ex-parte, if it is satisfied that the absence of the party was on justifiable grounds, and proceed further to decide the matter as contested.

(15) The Tribunal shall communicate its Award electronically or otherwise to the parties concerned and the State Government within one month from the date of the pronouncement of the award.

(16) The Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a Civil court within the meaning of sections 384, 385 and 387 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No.46 of 2023).

(17) Where assessors are appointed to advise a Tribunal under sub- section (5) of section 49 in relation to proceeding before it, the Tribunal shall obtain the advice of such assessors, but such advice shall not be binding on such Tribunals.

(18) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically or otherwise in the Tribunal in the following manner, namely:—

(a) Fee for obtaining a copy of an award or the document filed in any proceedings of Tribunal at the rate of rupees two per page shall be payable.

(b) For certifying a copy of any such award or order or document, a fee of rupees two per page shall be payable.

(c) Where a party applies for immediate delivery of a copy of any such award or document, an additional fee equal to one-half of the fee livable under this rule shall be payable.

(19) The representatives of the parties appearing before a Tribunal shall have the right of examination, cross-examination and of addressing the Tribunal when evidence has been called.

(20) The proceedings before Industrial Tribunal shall be held in open court:

Provided that, the Tribunal may direct any proceeding before it to be held by video conferencing:

Provided further that, the Tribunal may at any stage direct that any witness shall be examined or its proceedings be held in-camera.

(21) A conciliation officer, Judicial Member or an Administrative Member of the Tribunal or any person authorized in writing by the Conciliation Officer, Tribunal in this behalf may, for the purposes of any conciliation or adjudication under the Code at any time between the hours of sunrise and sunset and in the case of person so authorised, after giving reasonable notice in writing, may enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or enquire any person therein in respect of anything situated therein or any matter relevant to the subject matter of conciliation or adjudication, as the case may be.

(22) A Tribunal may, in the interest of justice and after recording reasons thereof, admit or accept any evidence at any stage of the proceeding before it.

43. *Application for recovery of dues*.— (1) Where any money is due from an employer to a worker or a group of workers under a settlement or an award or under the provisions of Chapter IX or Chapter X of the Code, the worker or the group of workers, as the case may be, may apply in Form XXIII for the recovery of such money due:

Provided that in the case of a person authorised in writing by the worker, or in the case of the death of the worker, the assignee or heir of the deceased worker shall make the application in Form XXIV.

(2) Where any worker or a group of workers is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the worker or the group of workers, as the case may be, may apply to the Tribunal having jurisdiction in Form XXV for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed and such Tribunal shall decide the application within a period not exceeding three months from the date on which the application is filed:

Provided that in the case of the death of a worker referred to in this sub-rule, the application shall be made in Form XXVI by the assignee or heir of the deceased worker.

CHAPTER – VII

Strikes and Lock-Outs

44. *Manner of giving notice of strike under sub-section (4) of section 62*.— (1) The notice of strike referred to in sub-section (1) of section 62 of the Code shall be given to the employer of an industrial establishment in Form XXVII which shall be duly signed by the President or General Secretary of the concerned registered Trade Union or where there is no registered Trade Union, by five elected representatives of the workers giving the notice relating to such industrial establishment endorsing the copy thereof electronically or otherwise to the concerned Conciliation Officer of the area and Office of the Commissioner, Labour and Employment and the State Government.

(2) The date of receipt of the notice referred to in sub-rule (1) shall be the date of receiving the notice for the purposes of clause (a) of sub-section (1) of section 62 of the Code.

(3) If the employer of an industrial establishment receives from any person employed by him any notice of strike as referred to in sub-section (1) of section 62 then the employer shall within five days from the date of receiving of such notice, intimate the same electronically or otherwise to the concerned Conciliation Officer of the area and to the Commissioner, Labour and Employment.

45. *Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62*.— (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in Form XXVIII to the President or General Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the concerned Conciliation Officer of the area, the Commissioner, Labour and Employment and the State Government electronically or otherwise.

(2) The notice referred to in sub-rule (1) shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment and a copy of the said notice may also be posted on the designated portal, if any, of such industrial establishment and the date of receipt of such notice by the Conciliation Officer shall be the date of receiving the notice for the purposes of clause (a) of sub-rule (1) of rule 41.

(3) If the employer gives to any person employed by him a notice of lock-out, then he shall within five days from the date of such notice, intimate electronically or otherwise the same to the concerned conciliation officer and to the Commissioner, Labour and Employment.

CHAPTER – VIII

Lay-Off, Retrenchment and Closure

46. *Manner of serving notice before retrenchment of the worker under clause (c) of section 70*.— If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of retrenchment in Form XXIX to the State Government, the Commissioner, Labour and Employment and the concerned Conciliation officer of the area having jurisdiction, through e-mail or, by registered or speed post or hand delivery in the following manner namely,—

(a) Where prior notice is given to a worker under clause (a) of section 70 of the Code, notice of such retrenchment shall be served within three days from the date on which such notice is served on the worker.

(b) where no prior notice is given to the workers under clause (a) of section 70 of the Code, and he is paid one month's wages in lieu thereof, notice of such retrenchment shall be sent within three days from the date on which such wages are paid; and

(c) where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of such retrenchment shall be sent so as to reach the State Government and the copy thereof to the Commissioner, Labour and Employment and the Conciliation officer of the Area having jurisdiction of said industrial establishment at least one month before such date.

Provided that if the date of termination of service agreed upon is within thirty days of the agreement the notice of retrenchment shall be sent to the State Government and the copy thereof to the Commissioner, Labour and Employment and the Conciliation Officer of the Area having jurisdiction of said industrial establishment within three days of the agreement.

47. *Manner of giving an opportunity for re-employment to the retrenched workers under section 72*.— (1) The employer shall prepare a list of all workers in the particular category from which retrenchment is contemplated, arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

(2) When any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling such vacancies, then, the employer of such industrial establishment shall, if such workers are citizens of India and have given their willingness for employment, give them preference over other on the basis of their service seniority.

(3) The employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment the details of vacancies at least fifteen days before the date on which such vacancies are to be filled and shall also give intimation of those vacancies by speed post or speed post or through e-mail to every one of all the retrenched workers eligible to be considered thereof, to the latest address or e-mail, given by each of them at the time of retrenchment or at any time thereafter:

Provided that when the number of such vacancies is less than the number of retrenched workers, it shall be sufficient if the intimation is given by the employer individually to the senior most retrenched workers in the list referred to in sub-rule (1) and the number of such senior-most workers being double the number of such vacancies:

Provided further that where the vacancy is of duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workers:

Provided also that if a retrenched worker, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.

(4) Immediately after complying with the provisions of sub-rule (3), the employer shall also inform the negotiating union or the constituent of negotiating council or Trade Unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workers to whom intimation has been sent under that sub-rule:

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where intimation is sent to every worker mentioned in the list prepared under sub-rule (1).

48. *Manner of serving notice by the employer for intended closure under sub-section (1) of section 74*.— If an employer intends to close down an industrial establishment he shall give notice of such closure in Form XXIX at least sixty days before the date of intended closure to the State Government and a copy forwarded to the Commissioner, Labour and Employment and the concerned Conciliation Officer of the area having jurisdiction, by e-mail or speed post or speed post or hand delivery.

(2) A copy of the notice referred to in sub-rule (1) shall also be sent to the registered Trade Unions or authorised representatives of workers, as the case may be, operating in the Industrial establishments.

CHAPTER – IX

Special Provision Relating to Lay-Off, Retrenchement and Closure In Certain Establishments

49. *Manner of making application for lay off and serving copy of such application to workers under sub-section (2) of section 78*.— An application for permission under sub-section (1) of section 78 shall be made by the employer in Form XXX stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned electronically or by speed post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

50. *Manner of making application for the intended retrenchment and manner of serving copy of such application under sub-section (2) of section 79*.— An application for permission referred to in sub-section (2) of section 79 shall be made by the employer in Form XXX stating clearly therein the reasons for the intended retrenchment electronically or otherwise and a copy of such application shall also be sent to workers electronically and by speed post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

51. *Time-limit for review under sub-section (6) of section 79*.— (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79.

(2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application within thirty days from the date on which such order is made, to the State Government for reviewing that order and that State Government shall within a period of two months from the date on which such application is made, dispose of the application after providing the concerned parties an opportunity of being heard.

(3) Where the State Government decides to review the order referred to in sub-rule (1), on its own motion, it may take necessary steps within one month from the date on which such order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

52. *Manner of making application for intended closing down and serving copy of such application under sub-section (1) of section 80.*— An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or otherwise in Form XXX to the State Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically or speed post with a copy to the concerned conciliation officer of the area having jurisdiction of the establishment.

53. *Time-limit for review under sub-section (5) of section 80.*— (1)The State Government may, either on its own motion or on an application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80.

(2) The employer or any worker concerned may make an application along with the order referred to in sub-rule (1), within thirty days from the date on which such order is made, to the State Government for reviewing of the order and that State Government shall, within two months from the date on which such application is made, dispose of that application after providing the concerned parties an opportunity of being heard.

(3) Where the State Government decides to review the order referred to in sub-rule (1) on its own motion, it may take necessary steps within one month from the date on which the order is made, and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

CHAPTER – X

Workers Re-Skilling Fund

54. *Contribution from such other sources to be made to worker re-skilling fund under clause (b) of sub-section (2) of section 83.*— In addition to contribution of employer under clause (a) of sub-section (2) of section 83, the workers re-skilling fund shall consist of,—

a. Corporate Social Responsibility fund of the Company;

b. Donations from Industrial or Employer or Builders Association;

c. Donation from Employees Associations;

d. Donation from Citizens of India;

e. Grants from State or Central Government;

d. Grants or donations from any institutions willing to Contribute.

55. *Manner of utilization of fund under sub-section (3) of section 83.*— (1) Every employer who has retrenched a worker or workers in industrial establishment, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account to be maintained by the State Government. The particulars of the Account shall be displayed on the Official Web Site of the Labour Department notified by the State Government. The fund so received shall be transferred by the State Government to each worker or workers account electronically within forty five days of receipt of funds from the employer.

(2) The employer shall also submit the list containing the name of each worker retrenched the amount equivalent to fifteen days of wages last drawn in respect of each worker along with their bank account details to enable the State Government to transfer the amount in their respective account.

CHAPTER – XI

Offences and Penalties

56. *Manner of composition of offence by a Gazetted Officer specified under sub-section (1) of section 89 and the manner of making application for the compounding of an offence specified under sub-section (4)*

of section 89.— (1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the "compounding officer") shall, send a notice to the accused in Form XXXI through the designated portal or by speed post of the Office of the Commissioner, Labour and Employment.

(2) The accused to whom the notice is served under sub-rule (1), may send the duly filled up application in Part III of Form XXXI to the compounding officer electronically and deposit the compounding amount electronically, within fifteen days of the receipt of the notice.

(3) Where the prosecution has already been instituted against the accused in the court of competent jurisdiction, the accused may make an application to such court to allow composition of the offence against him and that court may, after considering the application, allow composition of the offence by the compounding officer in accordance with the provisions of section 89 and procedure specified in this rule.

(4) In case the accused is willing to compound by submitting the application under sub-rule (2), the compounding officer shall compound the offence and—

(a) in case the offence is compounded before the institution of prosecution, no complaint for prosecution shall be instituted against the accused;

(b) in case the offence is compounded pending proceeding under section 85 of the Code, the compounding officer shall inform the composition to the officer referred to in that section, who shall, after such information, close the proceeding in respect of such offence against the accused; and

(c) in case the offence is compounded after the institution of prosecution with the permission of the court, the compounding officer shall treat the case as closed and inform the compounding of the offence to the competent court by which such composition was allowed and after receiving such information, the court shall discharge the accused.

CHAPTER – XII

Miscellaneous

57. *Protected workers under sub-section (3) of section 90*.— (1) Every registered Trade Union connected with an Industrial establishment, to which the Code applies shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of the union who are employed in that establishment and who, in the opinion of the Union should be recognized as "protected workers". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.

(2) The employer shall, subject to sub-section (3) and sub-section (4) of section 90, recognize such workers to be "protected workers" for the purposes of section 90 and communicate to the union, in writing within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workers recognized as protected workers for the period of twelve months from the date of such communication.

(3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment, under sub-section (4) of section (90), the employer shall recognize as protected workers only such maximum number of workers:

Provided that where there is more than one registered Trade Union in the industrial establishment, the maximum number shall be so distributed by the employer among the unions that the numbers of recognized protected workers in individual union bear practicable by the same proportion to one another as the membership figure of the union. The employer shall in that case intimate in writing to the President or the Secretary of the each concerned union the number of protected workers allotted to it:

Provided further that where the number of protected workers allotted to a Union under this sub-rule falls short of the number of officers of the Union seeking protection, the union shall be entitled to select the officers to be recognized as protected workers. Such selection shall be made by the Union and communicated to the employer within five days of the receipt of the employer's letter in this regard.

(4) Where a dispute arises between an employer and any registered trade union in any matter connected with the recognition of "protected workers", under this rule, the dispute shall be referred to the Commissioner, Labour and Employment, whose decision thereon shall be final.

58. *Manner of making complaint by an aggrieved worker under section 91*.— (1) Every complaint under section 91 of the Code shall be made electronically and by speed post or speed post or hand delivery in Form XXXII and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.

(2) Every complaint under sub-rule (1) shall be verified by the worker making the complaint or by authorized representative of the worker proved to the satisfaction of the conciliation officer, arbitrator, and the Industrial Tribunal, as the case may be, to be acquainted with the facts of the case.

59. *Manner of authorization of worker for representing in any proceeding under sub-section (1) of section 94*.— Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed may be authorized by such worker to represent him in any proceeding under the Code relating to a dispute in which the worker is a party in Form XXXIII.

60. *Manner of authorization of employer for representing in any proceeding under sub- section (2) of section 94*.— Where the employer, is not a member of any association of employers, may authorize in Form XXXIII, an officer of any association of employers connected with, or by any other employer engaged in the industry in which the employer is engaged to represent him in any proceeding under the Code relating to a dispute in which the employer is a party.

61. *Parties bound by acts of representative*.— A party appearing through a representative shall be bound by the acts of that representative.

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

Manesh Hari Kedar, Under Secretary (Labour).

Porvorim

FORM I

[*See* rule 3]

(Memorandum of settlement arrived at in the course of conciliation proceedings or otherwise)

Names of Parties:

…… Representing Employer(s);

…… Representing workers;

Short recital of the case

……

……

Terms of settlement

……

……

Signature of the parties

Witnesses:

(1)

(2)

*Signature of Conciliation Officer

In case the settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding the copy of the memorandum shall be marked to the concerned Conciliation Officer of the area and the Commissioner, Labour and Employment.

FORM II

[*See* rule 11]

Auditors' Declaration

The undersigned, having had access to all the books and accounts of the …… Union, and having examined the forgoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct duly vouchered and in accordance with the law, subject to the remarks, if any, appended hereto and also certify that the ……..…… Union had properly maintained its membership registered and its accounts and the members had paid their membership, subscription to the …… Union as shown in the forgoing statements of the general account of the Union, subject to the remarks, if any, appended hereto.

Dated……

Auditor.

Auditor.

FORM III

[*See* sub-rule (1) of rule 12]

Notice of the Dissolution and Amendment or variation in the rules of a Trade Union

Name of Trade Union ……..

Registration Number ……..

Address ……..……..

Dated the day of …….20…….……

To,

The Registrar of Trade Unions
Government of Goa,
Panaji-Goa.

Notice is hereby given that the following rules of the Trade Union given under Schedule I are proposed to be amended in pursuance of the Rules thereof on the …… day of ……. 20….

We have been duly authorized by the …….. Union to forward this notice on its behalf, such authorization consisting of a resolution passed at a general meeting on the ……..day of …….. 20……

(Signed) 1. Secretary

2.

3.

4.

5.

6.

7.

*here insert the date, or if there was no such resolution, state in what other way the authorization was given.

FORM IV

[*See* sub-rule (1) of rule 13]

Application for Registration of Trade Unions

Name of Trade Union…….……...

Address: ……...

Dated the ……. day of ……20 …….

1. This application is made by the persons whose names are subscribed at the foot hereof.
2. The name under which it is proposed that the Trade Union on behalf of which this application is made shall be registered is …… as set forth in Rule No. ……..…
3. The address of the Head Office of the Union to which all communication and notices may be addressed is ……..
4. The ……. Union came into existence on the ……. day of …….. 20…….
5. The Union is a union of employers/workers engaged in the ……. industry/or …… profession/or……. (Establishment), and has …….. members.
6. The particulars required by Section 8 of the Industrial Relations Code, 2020 are given in Schedule I.
7. The particulars given in Schedule II show the provision made in the rules for the matters detailed in Section 7 of the Industrial Relations Code, 2020.
8. (To be struck out in the case of Unions which have not been in existence for one year before the date of application). The particulars required by Section 8) of the Indian Industrial Relations Code, 2020 are given in Schedule III.
9. One copy of the Rules of the Union, is attached to this application.

10. We have been duly authorized by the Trade Union to make this application on its behalf, such authorization consisting of*…Members.

Signature	Occupation	Address

(Signed) 1. ……
2. ……...
3. ……
4. …….
5. …….
6. …….
7. …….

To
The Registrar of Trade Unions,
Government of Goa,
Panaji.

* State here whether the authority to make this application was made by a resolution of a general meeting of the Trade Union or if not, in what other way it was given.

SCHEDULE I

List of Officers

Name of Trade Union

Serial No.	Office held in Union	Name	Age	Address	Occupation

SCHEDULE II

Reference to rules

The members of the rules making provision for the several matters detailed in column I are given in column 2 below:

Matter	Number of Rules
1	2
Name of Union.	
The whole of the objects for which the Union has been established.	
The whole of the purposes for which the general funds of the Union shall be applicable	

The maintenance of a list of members.

The facilities provided for the inspection of the list of Members by officers and members.

The admission of ordinary members. The admission of honorary or temporary members.

The conditions under which members are entitled to Benefits assured by the rules.

The conditions under which fines or forfeitures can be imposed or varied.

The manner in which the rules shall be amended, varied or rescinded.

The manner in which the members of the executive and the other officers of the union shall be appointed and removed.

The safe custody of the funds.

The annual audit of the accounts.

The facilities for the inspection of the account books by officers and members.

The manner in which the union may be dissolved.

SCHEDULE III

(This need not be filled in if the Union came into existence less than one year before the date of application for Registration)

Statement of Liabilities and Assets on the …….…. day of …… 20……..

Liabilities	Rs.	Assets	Rs.
Amount of general fund		Cash:	
Amount of civic Fund		In hands of Treasurer	
……..		In hands of Secretary	
Loans from…….		In hands of Bank	
Debts due to …….		In hands of bank securities as per list below:	
Other liabilities (to be specified)		Unpaid subscriptions due	
		Loans to ……	
		Immovable property.	

Total liabilities……

Goods and furniture

Other assets (to be specified)

Total Assets……..

List of Securities

Particulars	Face Value	Cost Price	Market value	In hands of

(Signed) 1.

2.

3.

4.

5.

6.

7.

FORM V

(*See* sub-rule (2) of rule 13)

I, Shri/Smt. ……..…….…….. Address ……..…….…….. Occupation…..…….…….…… Age……..… Years…..…….…….…… truly declare in writing that on this date ……..at ……., meeting of the union under the Chairmanship of ……. in which …….. (name of the union) has been registered under The Industrial Relations Code, 2020.

The name and the registration details is as follows

Sr. No.	Name	Age	Occupation	Address
1.				
2.				
3.				
4.				
5.				
6.				
7.				

The above mentioned registrants and their deputation still stand valid and are still valid members of the Union.

On this date the executive committee was elected in the general election dated ……..……..

The above mentioned persons have filed the application regarding cancellation of registration or registration in my case. According to my information, the application has been included in the list of members and the attached membership list is true.

I swear and believe that what is stated above is true to my information and knowledge.

Date:-

Signature

Place:-

FORM VI

[*See* sub-rule (4) of rule 13]

List of Officers of Trade Union

Name of the Union…….……..

Address ……..…..

Serial No.	Office held in the Union	Name	Age	Occupation	Address
(1)	(2)	(3)	(4)	(5)	(6)

** Attached copy of the resolution passed about the authorization of the applicants.

FORM VII

[*See* sub-rule (6) rule 13]

Register of Trade Unions

Name of the Trade Union ……..

Date of Registration ……..…..

Number of application form …….

Registration number ……

Address of the Head Office ……

Subsequent changes of Head Office ……..

Names of members making application 1. …… 2……..…

Officers (Transfers from one post to another count as relinquishment of appoint held)

Year of entering office	Name	Office held on entry in office	Age	Address	Occupation relinquishing office	Year of Other offices in addition to membership of executive with date

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FORM VIII

[*See* sub-rule (7) of rule 13]

Certificate of Registration of Trade Unions

Name of Trade Union ……...

Registration Number ……...

It is hereby certified that the …….…….…….Union has been registered under the Industrial Relations Code, 2020, this day of …… 20….……

Seal Signature Registrar of Trade Unions

FORM IX

[*See* sub-rule (9) of rule 13]

Request to withdraw or cancel Certificate of Registration

Name of Trade Union.…….

Registration Number.……..

Address …….……...

Dated the …….. day of ……. 20….

To,

The Registrar of Trade Unions,
Government of Goa,
Panaji-Goa.

Sir/Madam,

The above mentioned Trade Union desires that its certificate or registration under the Industrial Relations Code 2020, may be withdrawn (or cancelled) as per resolution in general meeting* duly held on the ……. day of …….20 …….. wherein it was resolved as follows:—

(Here give the exact signed copy of Resolution)

(Signature) *

If not at a general meeting, state in what manner the request has been determined upon.

FORM X

[*See* sub-rule (5) of rule 15 and sub-rule (4) of 21]

Notice of the Change of name of Trade Union

Name of Trade Union ……

Registration Number …….

Address ……..…..

Dated, the……. day of ……..., 20….……

To,

The Registrar of Trade Unions
Government of Goa,
Panaji – Goa.

Notice is hereby given that the provisions of section 11 of the Industrial Relations Code 2020 having been complied with and the name of the above mentioned Trade Union has been changed to ……...

The consent of the members was obtained by*

(Signed) 1. Secretary
2.
3.
4. Members
5.
6.
7.

*i.e. by referendum, resolution of a general meeting etc. If procedure followed is covered by rule, quote number of the rule.

FORM XI

[*See* sub-rule (5) of rule 17]

Register of Negotiating Union or Member of the Negotiating Council

	Name of the Negotiating Union	Name of the member union of negotiating Council Negotiating Union	Address of the Office	Date of registration	Name of present office bearers	Number of members

Name of the Industrial Establishment	Address of the Industrial Establishment	Total number of workers which are members of the Trade Unions	Percentage of workers which are members of the Negotiating Union/ Members of the Negotiating Council	Date of declaration by the Registrar	Any other information

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FORM -XII

[*See* clause (d) of rule 20]

Application to Tribunal

Before the Industrial Tribunal (place of the Industrial Tribunal having jurisdiction where dispute arises)

Name and Address of the applicant(s)

Versus

Name and Address of Opposite Party(ies)

Brief facts of the dispute (statement regarding specific issues of dispute may be mentioned)……
Which are connected with and relevant to the dispute under sub-section (1) of section 22 of Industrial Relations Code, 2020 (35 of 2020).

Prayer

The applicant(s) pray(s) that instant application may be admitted for adjudication and request(s) to pass appropriate award in the matter.

Name and Signature of the worker (s)

or

Date:- Officer of Trade Union raising the dispute

FORM XIII

[*See* sub-rule (2) of rule 21]

Notice of the Amalgamation of Trade Unions

A. Name of Registered Trade Union
Number of Registration

B. Name of Registered Trade Union
Number of Registration

(and so on if more than two)

Address ……..…

Dated, the, …… day of ……..…, 20…….……

To,

The Registrar of Trade Unions,
Government of Goa,
Panaji-Goa.

Notice is hereby given that in accordance with the requirements of section 24 of the Industrial Relations Code 2020 the members of each (or every-one) of the above mentioned Trade Unions have resolved to become amalgamated together as one Trade Union.

And that the following are the terms of the said amalgamation (state the terms)

And that it is intended that the Trade Union shall henceforth be called the ……..……..

Accompanying this notice is a copy of the rules intended to be henceforth adopted by the Amalgamated Trade Union which are the rules (if so) of the ……..…..Union.

(to be signed by seven members and
the Secretary of each Trade Union)

Name and address to which registered copy is to be sent

(Signed)

1. Secretary
2.
3.
4. Members
5.
6.
7.

FORM XIV

[*See* sub-rule (1) of rule 22]

Notice of the Dissolution of a Trade Union

Name of Trade Union …….

Registration Number ……..

Address ……..……..

Dated, the ……. day of ……..……, 20 ……..……

To,

The Registrar of Trade Unions,
Government of Goa,
Panaji – Goa.

Notice is hereby given that the above mentioned Trade Union was dissolved in pursuance of the rules thereof on the ……day of ……, 20 …….

We have been duly authorized by the …….. Union to forward this notice on its behalf, such authorization consisting of a resolution passed at a general meeting on the ……..day of ……., 20 ……

(Signed) 1. Secretary
2.
3.
4. Members
5.
6.
7.

* here insert the date, or if there was no such resolution, state in what other way the authorization was given.

FORM XV

[*See* sub-rule (1) of rule 23]

Annual Return (General Statement) prescribed under section 26 of the Industrial Relations Code, 2020

Name of Union.…….……..……

Registered Head office ……..

Number of certificate of registration….……..……

Return to be made by federations of trade Unions:

A. Number of Unions affiliated at the beginning of year*

B. Number of Unions joining during year*

C. Number of Unions disaffiliated during year*

D. Number of Unions affiliated at the end of year.

The return need not be made by federation of Trade Unions

Number of members on books at the beginning of year.

Number of members admitted during the year (add) together.

Number of members who left during the year (deduct).

Total number of members on books at the end of the year.

Males…….

Females……..

Number of members contributing to political fund.

A copy of the rules of the Trade Union corrected up to the date of dispatch of this return is appended. Dated……the day of ……..20….

Secretary.

* The names of the affiliated and disaffiliated Unions should be given in separate statement marked <A>, <B> and <C>.

Statement of Liabilities and Assets on the 31st day of March 20….

Liabilities	Rs. a.p.	Assets	Rs. a.p.
Amount of General Fund…….……		In hands of Treasurer ……..	
		In hands of Secretary ……	
Amount of Political Fund ……		In hands of	
		In the bank …..	
		In the Bank ….	
Loans from ……..		Securities as per list below	
Debts due to ——		Unpaid subscriptions due for ——	
Other Liabilities (to be specified) …….		(a) the year under report ……	
		(b) previous year Loans to—	
		Loans to –	
		(a) Officers …….	
		(b) Members …….	
		(c) Others ……	
		Immovable property, goods and furniture	
		Other assets (to be specified)	
		Total liabilities…..	
		Total assets ……	

List of securities

Particulars	Face value	Cost price	Market Price at date on which accounts have been made up	In hand of

General Fund Account

Income	Rs.	Expenditure	Rs.
Balance at beginning of year ……..…		Salaries, allowances and expenses of Officers ……..…	
Contribution from members (including Unpaid subscriptions due for the year) at the rate of per member ……..…		Salaries, allowances and expenses of establishment ……	
		Auditors fees ……	
		Legal expenses …….	
(a) Contributions actually received		Expenses in conducting trade disputes	
(b) Contributions in arrears for three Months or less ……		Compensation paid to members for loss arising out of trade disputes ……	
(c) Contributions in arrears for more than three months but not more than six Months …….		Funeral, old age, sickness, unemployment, benefits etc……..…	
(d)Contributions in arrears for more than Six months ……..		Educational, social and religious benefits ……	
Donations ……..		Cost of publishing periodicals ……	
Sale of periodicals, books, rules, etc.		Rents, rates and taxes	
Interest on investments ……		Stationery, printing and postage ..	
Income from miscellaneous sources (to be specified)		Expenses incurred under Industrial Relations Code, 2020 (to be Specified) …	
		Other expenses (to be specified) ……..	
		_____ Balance at end of year _____	
Total _____	Total _____		

Treasurer.

Auditors' Declaration

The undersigned, having had access to all the books and accounts of the … Union, and having examined the forgoing statements and verified the same with the account vouchers relating thereto, now sign the same as found to be correct duly vouchered and in accordance with the law, subject to the remarks, if any, appended hereto and also

certify that the …….. Union had properly maintained its membership registered and its accounts and the members had paid their membership, subscription to the …….Union as shown in the forgoing statements of the general fund account of the Union, subject to the remarks, if any, appended hereto.

Date……. Auditor.

Auditor.

The following changes of officers have been made during the

Name	Office	Date of relinquishing office

Officers appointed

Name Birth	Date of address	Private Occupation	Personal position	Title of held In Union	Date on which appointment in column 5 was Taken up	Other officers held in addition to membership of executive with dates
1	2	3	4	5	6	7

FORM XVI

[*See* sub-rule (1) of rule 24]

Application for recognition as the State Level Trade Union

Name of the Trade Union/Federation of Trade Unions ……..

Address ……..…

Dated …….. the day of …….. 20……...

To,

The Secretary/Authorised Officer,

Sir,

I beg to state that at the general meeting of the members/at the meeting of the executive of the above mentioned Trade Union/Federation of Trade Unions which was held at …… on the day of …….. 20…… it was resolved that the union should apply to you for recognition as State Level Trade Union under subsection (2) of section 27 of the Industrial Relations Code, 2020. A copy of the resolution in this behalf signed by the President/General Secretary of the union/federation is enclosed.

2. The Trade Union/Federation of Trade Unions is duly registered on the ……. day of …… year ……..… under Certificate No…..…… issued by the Registrar of Trade Unions, Government of Goa.

3. A copy of the rules of the Trade Union/Federation of Trade Unions is attached.

4. The address of the head office of the Trade Union/Federation of Trade Unions to which all the communications may be addressed.

5. The Trade Union/Federation of Trade Unions has affiliation of other Trade Unions in the State, list of such trade unions and their addresses, registration details and membership etc. is attached herewith.

6. The Trade Union/Federation of Trade unions has total …….member (number) in the State.

Yours faithfully,

Name and Designation
Secretary/General Secretary

FORM XVII
[*See* sub rule (1) of rule 33]

REGISTER FOR CERTIFIED STANDING ORDERS

PART – I

INDUSTRIAL ESTABLISHMENT

Unique and continuous number	Number of the Industrial Establishment	Nature of the Industrial Establishment	The areas of operation of the industrial establishment	Whether Standing order is (a) model standing order, or (b) deemed standing order or (c) Certified standing order	Date of adoption of deemed authentication or date of certification/ Authentication of standing orders
(1)	(2)	(3)	(4)	(5)	(6)

Date of filing appeal	Date and nature of decision	Amendment made on appeal, if any.	Date of the dispatch of the copy of standing orders as settled on appeal	Any other relevant details
(7)	(8)	(9)	(10)	(11)

PART – II

Enclose the certified copy of the Standing Orders electronically or otherwise.

FORM XVIII

[*See* sub-rule (1) of rule 35]

(Notice of change of service conditions proposed by an employer)

Name of employer.....

Address.....

Dated .....the day of .....20.....

In accordance with sub-section (1) section 40 of Industrial Relations Code 2020 (35 of 2020), I/We hereby give notice to all concerned that it is my/our intention to effect the change/changes specified in the annexure, with effect from ..... in the conditions of service applicable to workers in respect of the matters specified in the Third Schedule to this code.

Signature.....

Designation.....

ANNEXURE

(Here specify the change/changes intended to be effected)

Copy forwarded to:

1. The President/General Secretary of registered Trade Union, if any.

2. Concerned Deputy Labour Commissioner, Assistant Labour Commissioner of the area of jurisdiction.

3. The Commissioner, Labour and Employment, Panaji.

FORM XIX

[*See* sub-rule (1) of rule 36]

(Agreement for voluntary arbitration)

BETWEEN

……Name of the parties representing employer (s)

And

…….Representing worker (s)

It is hereby agreed between the parties to refer the following dispute to the arbitration of..... [here specify the name(s) and address(es) of the arbitrator (s)].

(i) Specific matters in dispute.

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

(iii) Name of the worker in case he himself is involved in the dispute or the name of the union, if any, representing the worker or workers in question.

(iv) Total number of workers employed in the undertaking affected.

(v) Estimated number of workers affected or likely to be affected by the dispute.

*We further agree that the majority decision of the arbitrators shall be binding on us in case the arbitrator(s) are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator(s) shall make his(their) award within a period of (here specify the period agreed upon by the parties) from the date of publication of this agreement in the Official Gazette by the Government of Goa or within such further time as is extended by mutual agreement between us in writing. In case, the award is not made within the period afore mentioned, the reference to the arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitrator.

Signature of the parties

Representing Employer	Representing worker/workers
1. …….	1. ……..
2. …….	2. ……..

Witnesses 1. ……..…
2. ……
Copy to:
1. The Secretary to the Government of Goa, Department of Labour, Porvorim.
2. The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned].
3. The Commissioner, Labour and Employment, Panaji.

FORM XX

[*See* rule 38]

Authorization by a worker, group of worker, employer, group of employer to be represented in a proceeding before the authority under this Code.

Before the Authority
(Here mention the authority concerned)

In the matter (Mention the name of the proceedings)

……..…. Workers

Versus

……..……. Employer

I/we hereby authorize Shri/Smt./Kumari to represent me/us in the above matter.

Dated this …… day of ……..… 20

FORM XXI

[*See* sub-rule (17) of rule 39]

Form of Oath of Office for Judicial Member of State Industrial Tribunal

I, A, B., having been appointed as Judicial Member/Administrative Member of Industrial Tribunal …… (Name of the Tribunal) do solemnly affirm/do swear in the name of God that I will faithfully and conscientiously discharge my duties as the Judicial Member/Administrative Member of Industrial Tribunal …….……..…….. (Name of the Tribunal) to the best of my ability, knowledge and judgment, without fear or favour, affection or ill-will and that I will uphold the Constitution and the laws of the land.

Place: …….

Date: ……..

FORM XXII

[*See* sub-rule (7) of rule 42]

(Application to be submitted before the Tribunal in the matter not settled by the Conciliation Officer)

Before…….…… (here mention the name of the Tribunal having jurisdiction over the area) In the matter of

…….…… (mention the details of the matter)

…….……

Applicant Address…….. Versus

……..

Address…….. Opposite party(ies).

The above mentioned applicant begs to state as follows:(Here set out the relevant facts and circumstances of the case). The applicant prays that the instant dispute may please be admitted for adjudication and request to pass appropriate Award.

Date…....

Place..... (Signature)

FORM XXIII

[*See* sub-rule (1) of rule 43]

[APPLICATION UNDER SECTION 59(1) OF THE INDUSTRIAL RELATIONS CODE, 2020 FOR RECOVERY OF MONEY]

To,

(1) The Commissioner, Labour & Employment,

…….. (here insert the address).

Sir,

I/We have to state that I am/we are entitled to receive from M/s. …….. a sum of Rs. …….. (in words) on account of …….. under the provisions of Chapter IX and X of the Industrial Relations Code, 2020 (35 of 2020) / in terms of the award dated the …….. given by …….. / in terms of the settlement dated the …….. arrived at between the said M/s. …….. and their worker through …….. the duly elected representatives.

I/We further state that I/we served the management with a demand notice by speed post on …….. for the said amount which the management has neither paid nor offered to pay to me/us even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement hereto annexed.

I/We request that the said sum may kindly be recovered from the management under sub-section (1) of section 59 of the Industrial Relations Code, 2020 (35 of 2020), and paid to me/us as early as possible.

Signature of the applicant(s)

Address(es) ……..

Station: ……..

Date: ……..

ANNEXURE

(Specify the details of the amount(s) claimed.)

FORM XXIV

[*See* sub-rule (1) of rule 43]

[APPLICATION BY A PERSON AUTHORISED BY A WORKER OR BY THE ASSIGNEE OR HEIR OF A DECEASED WORKER UNDER SECTION 59(1) OF THE INDUSTRIAL RELATIONS CODE, 2020]

To,

(1) The Secretary to the Government of India, Ministry of Labour and Employment, New Delhi.

(2) The Deputy Chief Labour Commissioner (Central) …….. (here insert the name of the region).

Sir,

I Shri/Shrimati/Kumari …….. state that Shri/Shrimati/Kumari …….. is/was entitled to receive from M/s. …….. a sum of Rs. …….. (in words) on account of …….. under the provisions of Chapter IX and X of the Industrial Relations Code, 2020 (35 of 2020) / in terms of the award dated the …….. given by …….. in terms of the settlement, dated the …….. arrived at between the said M/s. …….. and their worker through …….. the duly elected representatives.

I further state that I served the management with a demand notice by speed post on …….. for the said amount which the management has neither paid nor offered to pay to me even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement hereto annexed.

I request that the said sum may kindly be recovered from the management under sub-section (1) of section 59 of the Industrial Relations Code, 2020 (35 of 2020), and paid to me as early as possible.

I have been duly authorised in writing by …….. (here insert the name of the worker) to make this application and to receive the payment of the aforesaid amount due to him.

I am the assignee/heir of the deceased worker and entitled to receive the payment of the aforesaid amount due to him.

Station .....

Date .....

Address .....

ANNEXURE
(Specify the details of the amount claimed)

FORM XXV
[*See* sub rule (2) of rule 43]

[APPLICATION TO TRIBUNAL UNDER SECTION 59(2) OF THE INDUSTRIAL RELATIONS CODE, 2020 BY WORKER]

Before the State Government Industrial Tribunal ..... between ..... and .....

(1) Name of the applicant(s) .....

(2) Name of the employer .....

The petitioner(s) ..... a worker of ..... M/s. ..... of ..... The petitioner(s) undersigned, worker/workers of ..... is/are entitled to receive from the said M/s. ..... the money/benefits mentioned in the statement hereto annexed.

It is prayed that the Tribunal may be pleased to determine the amount/amounts due to the petitioner(s).

Signature or thumb impression(s) of the applicant(s)

Address(es) .....

Place .....

Date .....

ANNEXURE

(Specify the details of the money due or the benefits accrued together with the case for their admissibility.)

FORM XXVI
[*See* sub rule (2) of rule 43]

[APPLICATION UNDER SECTION 59(2) OF THE INDUSTRIAL RELATIONS CODE, 2020 BY ASSIGNEE/HEIR OF DECEASED WORKER]

Before the Central Government Industrial Tribunal at ..... Between

(i) Name of the applicant/applicants .....

(ii) Name of the employer .....

I am/We are the assignee(s) of the deceased worker and am/are entitled to make an application on his behalf.

Shri/Smt. ..... former worker of M/s. ..... of ..... is entitled to receive from the said M/s. ..... the money/benefits mentioned in the statement hereto annexed;

It is prayed that the Tribunal be pleased to determine the amount/amounts due to the deceased worker.

Name and Address of worker .....

Signature of the assignee/heirs

Address(es) .....

Place .....

Date .....

ANNEXURE

(Specify the details of the money due or the benefits accrued together with the case for their admissibility).

FORM XXVII

[*See* sub-rule (1) of rule 44]

(Notice of Strike to be given by Union (Name of Union)/Group of Workers)

Name of five elected representatives of workers…….

Name of the Union ……...

Dated the.....day of.....20.....

To,

(The name of the employer).

Dear Sir/Sirs/Madam,

In accordance with the provisions contained in sub-section (1) of section 62 of the Industrial Relations Code 2020, I/We hereby give you notice that I propose to call a strike/we propose to go on strike on …… day of……..20….., for the reasons explained in the annexure.

Yours faithfully,

(President/General Secretary of the Union)
Five representatives of the workers duly
elected at a meeting held on ……. (date)
vide resolution attached

ANNEXURE

Statement of the Case

Copy to:

1. Deputy Labour Commissioner, Assistant Labour Commissioner, of the concerned area of jurisdiction.

2. The Commissioner, Labour and Employment, Panaji.

FORM XXVIII

[*See* sub-rule (1) of rule 45]

(Notice of Lock-out to be given by an employer of an industrial establishment)

Name of employer.....

Address.....

Dated the.....day of.....20.....

In accordance with the provisions of sub-section (6) of section 62 of the Industrial Relations Code, 2020, I/We hereby give notice to all concerned that it is my/our intention to effect lock-out in ..... department(s), section(s) of my/our establishment with effect from ..... for the reasons explained in the annexure.

Signature.....

Designation.....

ANNEXURE

1.	Statement of reasons

Copy forwarded to:

1. The President/General Secretary of the Registered Union, if any.

2. The Conciliation officer[Here enter office address of the Deputy Labour Commissioner/Assistant Labour Commissioner of the concerned area having jurisdiction.]

3. The Secretary to the Government of Goa, Department of Labour, Secretariat, Porvorim.

4. The Commissioner, Labour and Employment, Government of Goa, Panaji.

FORM XXIX

(*See* rule 46 and rule 48)

(Notice of Intimation of Retrenchment/Closure to be given by an employer to the State Government under the provisions of Chapter IX of the Industrial Relations Code, 2020 and rules made there under)

Name of Industrial Establishment or Undertaking or employer……

Address……

Labour identification number ……

Dated .....(DD/MM/YYYY).

(Note: The intimation for Closure/Retrenchment to the government shall be served 60 days and 30 days before commencement of Closure/Retrenchment, respectively).

To,

The Secretary (Labour),
Department of Labour,
Government of Goa,
Secretariat, Porvorim, Goa.

Sir,

1. *(Retrenchment) (a) Under section 70(c) of the Industrial Relations Code, 2020, I*/ we*hereby inform you that I/we have decided to retrench ……Workers**…… workers out of total ……. Workers with effect from……...(DD/MM/YYYY).

OR

1. *(Closure) (b) Under Section 74(1) of the Industrial Relation Code, 2020, I*/we* hereby intimate you that I/We have decided to close down …… (name of the industrial establishment or undertaking) with effect from …… (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is …… (number of workers).

2. The reason for retrenchment*/closure* is …….. or are given in Annexure I to this application.

3. The worker(s)* concerned have been given on the…….(DD/MM/YYYY) one month notice in writing as required under section 70(a)*/section 75(1)* of the Industrial Relations Code, 2020.

OR

3. The worker(s) concerned have been given on the.....(DD/MM/YYYY) one month's pay in lieu of notice as required under section 70(a)*/section 75(1)* of the Industrial Relations Code, 2020.

4. I*/we* hereby declare that the worker(s) concerned have been*/will be* paid all their dues alongwith the compensation due to them under section 70*/section 75* of the Industrial Relations Code, 2020 before or on the expiry of the notice period.

OR

I*/we* hereby state that currently insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I*/we* will pay all the dues along-with the compensation due to them/workers under concerned laws.

5. (Retrenchment)I*/we* hereby declare that the worker(s) concerned have been*/will be* retrenched in compliance to the section 71 and section 72 of the Industrial Relations Code, 2020.

6. I*/we* hereby declare that no court case is pending before any court in the matter, and if yes, the details thereof have been Annexed.

7. I*/we* hereby declare that the above information given by me*/us* in the notice and the Annexures is true, and that I*/we*, am*/are* solely responsible for its accuracy and no facts/materials has been suppressed in the matter.

Yours faithfully,

(Name of Employer/Designation/Authorized representative with seal)

(* Strike off which is not applicable) (** Indicate number in figures and words both)

(*** Copy of Authorization letter issued by the employer shall be enclosed)

Copy to:1.

1. The Commissioner, Labour and Employment, Government of Goa, Panaji.

2. The Deputy Labour Commissioner/Assistant Labour Commissioner, of the concerned area having jurisdiction.

3. The Registered Trade Union/Authorised Representative of workers operating in the establishment or undertaking.

FORM XXX

(See rule 49 rule 50 and rule 52)

[Application for permission of Lay-off/Continuation of Lay-off/Retrenchment/Closure to be given by an employer/Industrial establishment/Undertaking to the State Government under the provisions of Chapter X of the Industrial Relations Code, 2020 and the rules made thereunder]

To,

The Secretary Labour,
Department of Labour,
Government of Goa, ……..……..

Sir,

1. *(Lay-off) (a) Under sub-section (2) of section 78 of the Industrial Relations Code, 2020, I/we hereby apply for permission to lay-off …… workers** out of total of.....workers** employed in my/ our establishment with effect from ……(DD/MM/YYYY) for the reasons set out in the Annexure-I.

OR

(Continuation of lay-off) (b) Under section 78(3) of the Industrial Relations Code, 2020, I/we* hereby apply for permission to continue the Lay-off …….. workers** out of total ……. laid-off workers** employed in my*/our* establishment (details to be given in Annexure-I) with effect from …….. (DD/ MM/YYYY).

OR

(Retrenchment) (c) Under section 80(1) of the Industrial Relations Code, 2020, I/we* hereby apply for permission for intended retrenchment of ……. Workers out of total …… workers** employed in my*/our* establishment (details to be given in Annexure – I) with effect from …….. (DD/MM/YYYY).

OR

(Closure) (d) Under section 80(1) of the Industrial Relations Code, 2020, I we hereby inform you that I*/we* intended to close down the undertaking…….. (name of the industrial establishment or undertaking or employer) (details to be given in Annexure – I) with effect from …….(DD/MM/YYYY). The number of workers whose services would be terminated on account of closure of the undertaking is ……. (number of workers)

2. *(Lay-off/Continuation of Lay-off) The worker(s) concerned were given on …… (DD/MM/YYYY) notice in writing as required under section 78(2)*/section 78(3)* of this code.

OR

(Retrenchment/Closure) The worker(s) concerned were given on ……..(DD/MM/YYYY) one month's notice in writing as required under section 79/section 80* of this code.

OR

(Retrenchment/Closure) The worker(s) have been given on …… (DD/MM/YYYY) one month's pay in lieu of notice as required under section 79/section 80* of this code.

3. The details of affected worker(s) is at Annexure-II.

4. (Retrenchment) I*/we* hereby declare that the workers concerned will be retrenched incompliance to the section 71 and section 72 of this Code.

5. I*/we* hereby declare that the worker(s) concerned have been */will be* paid all the dues and compensation due to them under section 67, read with section 78(10)*/section 79*/section 80* of this Code before or on the expiry of the notice period.

OR

I/we hereby state that currently insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I*/we* will pay all the dues alongwith the compensation due to them under concerned laws.

6. I*/we* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been Annexed.

7. I*/we* hereby declare that the above information given by me*/us* in this notice and enclosures is*/ are* true, I*/we* am*/are* solely responsible for its accuracy and no facts/materials has been suppressed in the matter.

The permission sought for may please be granted.

Yours faithfully,
(Signature)
(Name of the Employer/***Authorised Representative)
Seal

(*Strike off which is not applicable)
(** Indicate number in figures and words both)
(*** Copy of Authorisation letter issued by the employer shall be enclosed)
Note:- Application to the State Government shall be served as indicated below:
1. Lay-off – At least 15 days before the intended lay-off.
2. Continuation of Lay-off – At least 15 days before the expiry of earlier lay-off.
3. Retrenchment – At least 60 days before the intended date of Retrenchment.
4. Closure – At least 90 days before the intended date of closure.

ANNEXURE I

Particulars	Remarks if any
1. Name of the industrial establishment/undertaking with complete postal address along with Pin Code, e-mail, mobile number, telephone number(s).	
2. Status of undertaking (i) Whether State public sector/etc. (ii) Whether a private limited company/partnership firm. (iii) Whether the undertaking is Licensed/registered and if so, name of the licensing/registering authority and licence/registration certificate number	
3. (a) MCA number (b) GSTN number	
4. (i) Annual production, item wise for preceding three years (ii) Production figures, month-wise, for the preceding twelve months,	
5. Balance sheets, profit and loss accounts and audit reports for the last three years.	To be annexed
6. Names of the inter-connected companies or companies under the same management.	
7. Details of lay-off/Retrenchment resorted to in the last three years (other than the lay-off/Retrenchment for which permission is sought), including the periods of such lay-offs/Retrenchment the number of workmen involved in each such lay-off/ Retrenchment/continuation of lay off	
8. Any other relevant details which have bearing on lay-off or retrenchment or closure.	

ANNEXURE II
(Details of affected workers)

Sr. No.	UAN CMPFO	Name of the worker	Category (Highly Skilled/Skilled/ Semi-skilled/ Un-skilled)	Date from which in service in/ with the said establishment/ Undertaking/ Employer.	wage as on date of application	Remarks
1.						
2.						
3.						

FORM XXXI

[*See* sub-rule (1) of rule 56]

(Notice to the Employer/Person who committed an offence for the first time, for compounding of offence under sub-section (4) of section 89)

The undersigned and the Compounding Officer under sub-section 1 of section 89 of the Industrial Relation Code, 2020 (35 of 2020) hereby intimates you that the allegation has been made against you for committing offence for the violation of various provision of this Code as per the details given below:—

PART - I

1. Name and Address of the offender Employer/Person …….

2. Address of the Establishment…….

3. Particulars of the offence…….

4. Section of the Code under which the offence is committed…….

5. Compounding amount required to be paid towards composition of the offence …….

PART - II

You are advised to deposit the above mentioned amount within fifteen days from the date of issue of this notice for compounding the offence as per section 89 (1) of the Industrial Relations Code, 2020 (35 of 2020) along with an application duly filled in Part - III of this notice.

In case you fail to deposit the said amount within the specified time, no further opportunity shall be given and necessary direction for filing of prosecution under section …….. shall be issued.

(Signature of the Compounding Officer)

Date:

Place:

PART – III

Application under sub-section (4) of section 89 for compounding of offence

1. Name of applicant ……. (name of the employer who committed the offence under the Industrial Relation Code 2020 to be mentioned)

2. Address of the applicant …….

3. Particulars of the offence…….

4. Section of the Code under which the offence has been committed …….

5. Details of the compounding amount deposited (electronically generated receipt to be attached)…….

6. Details of the prosecution, if filed for the violation of above mentioned offences may be given…….

7. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence

……

……

……

8. Any other information which the applicant desires to provide

……

……

……

Applicant
(Name and signature)

Dated:

Place:

FORM XXXII

[*See* sub-rule (1) of rule 58]

(Complaint under section 91 of the Industrial Relations Code, 2020)

Before the Conciliation officer/Arbitrator/Industrial Tribunal----------,

In the matter of :..... Reference No…….……

A..... Complainant(s);

V/S

B..... versus Opposite Party(ies).

Address:

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 90 of the Industrial Relation Code, 2020 as shown below:

(Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the management is challenged).

The complainant(s) accordingly prays/pray that the Conciliation officer/Arbitrator/Industrial Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexure required under rule 91 of the Industrial Relations Code are submitted herewith.

Dated this ……. day of …… 20….

Signature of the Complainant(s)

Verification

I do solemnly declare that what is stated in paragraph …….. above is true to my knowledge and that what is stated in paragraphs …….. above is stated upon information received and believed by me to be true. This verification is signed by me at ……. on ……..… day of ……... 20……

Signature

or

Thumb impression of the person verifying.

FORM XXXIII

[*See* rule 59, 60]

(Authorization by a worker, group of worker, employer, group of employer to be represented in a proceeding before the authority under this Code)

Before the Authority

(Here mention the authority concerned)

In the matter of …….…….. (mention the name of the proceeding)

…….workers

Versus

…….…… Employer

I/we hereby authorize Shri/Sarvashri (if representatives are more than one) 1 ……..…..… 2 …….……... 3 …… to represent me/us in the above matter.

Dated this…..day of…..20……..

Signature of person(s) nominating the representative(s)

Address accepted

Notification

24/26/2026-LAB/VOL-I/486 Date: 23-Oct-2026

Whereas, the Draft Rules, namely, the Goa Social Security Rules, 2026 which the Government of Goa proposed to make in exercise of the powers conferred by section 154 and 156 of the Code on Social Security 2020 (Central Act 36 of 2020) were pre-published as required by sub-section (1) of section 158 of the said Code in the Official Gazette, Supplement No. 2 dated 2nd May, 2026 vide Notification No. 24/26/2026-LAB/211 dated 30th April, 2026, inviting objections and suggestions from all persons likely to be affected thereby within a period of forty-five days from the date on which copies of the Gazette containing the said notification was made available to the public.

And whereas, the said Official Gazette was made available to the public on 2nd May, 2026;

And whereas, objections and suggestions received from persons and stakeholders have been duly considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 154 and 156 of the Code on Social Security, 2020 (Central Act No. 36 of 2020), and in supersession of the previous rules made by the State Government viz (1) The Goa, Daman and Diu Payment of Gratuity Rules, 1977; (2) The Goa, Daman and Diu Employees' State Insurance Rules, 1976; (3) The Goa, Daman and Diu Maternity Benefit Rules, 1976 and (4) The Goa, Daman and Diu Workmen's Compensation Rules, 1965; (5) The Goa Un-organised workers Social Security Rules, 2014; (6) Goa Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2008, except as respects things done or omitted to be done before such supersession, the Government of Goa hereby makes the following rules, namely,—

CHAPTER I

Preliminary

1. *Short title and commencement*.— (1) These rules may be called the Goa Social Security Rules, 2026.

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

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

(a) "agency" means any corporation, body or institution, established under an Act of Parliament or State Legislature as notified by the State Government;

(b) "appeal" means an appeal preferred under any applicable section of the Code on Social Security, 2020 (36 of 2020);

(c) "Appellate authority" means the authority specified by the Government under sub-section (8) of section 56 of the Code or an officer, senior in rank to the Assessing Officer for the purposes of section 105 of the code, appointed by the State Government as the case may be;

(d) "Assessing Officer" means a Gazetted officer appointed by the State Government not below the rank of Assistant Labour Commissioner or an officer of a local authority holding an equivalent post to a Gazetted Officer of the State Government not below the rank of Assistant Labour Commissioner appointed by such State Government for assessment of cess under Chapter VIII of the Code;

(e) "Authorised Officer" means an officer designated by the State Government either generally or in respect of any area or class of areas, for the purposes of performing the functions assigned by these rules to the authorized officer;

(f) "authority" means a authority specified by the Government under sub-section (3) of section 72;

(g) "career center (State)" means the career centre as notified by the Government or the Regional Employment Exchange of the Government;

(h) "cess collector" means an officer appointed by the Government for collection of cess under the code;

(i) "Chairperson" means the Chairperson of the Goa Un-organiseed Social Security Board or the Goa Building and Other Construction Workers Welfare Board, as the case may be;

(j) "chartered engineer" means a person having an engineering degree and the corporate membership of Institute of Engineers of India;

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

(l) "Court" means Employees State Insurance Court constituted under section 48;

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

(n) "excluded vacancies" means those vacancies which have been excluded from the purview of section 139 as per the provisions of sub-section (1) and (2) of section 140;

(o) "Form" means a form appended to these rules;

(p) "fund" means" the Social Security Fund;

(q) "Government Securities" means Government Securities as defined in the Government Securities Act, 2006 (Central Act No. 38 of 2006);

(r) "immovable property" includes land, benefits to arise out of land, things attached to the earth, or permanently fastened to anything attached to the earth;

(s) "movable property" means property of every description except immovable property;

(t) "nominations" means nomination made under section 55 of the Code;

(u) "Registered Medical Practitioner" means a medical practitioner whose name has been enrolled in a register maintained under any law for the time being in force regulating the registration of practitioners of medicine;

(v) "register of women employees" means register of employees maintained under rule 86;

(w) "section" means a section of the Code; and

(x) "specified" means specified by an order of the Central Government or by the State Government or any officer so authorized by such Government.

(y) "State Government" means Government of Goa.

(z) "Year" means the financial year, beginning from the 1st day of April and ending with the 31st day of March of the year following.

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

CHAPTER II

Social Security Organisations

A. GOA UNORGANISED WORKERS SOCIAL SECURITY BOARD.

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

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

Provided further that the member nominated under sub-clauses (i), (ii) and (iv) of clause (d) of sub-section (10) of section 6 shall cease to be a member of the Board if he ceases to represent the category of interest from which he was so nominated.

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

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

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

(2) The seat of such a member shall fall vacant from the date on which his resignation is accepted or on the expiry of thirty days from the date of receipt of intimation of resignation, whichever is earlier.

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

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

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

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

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

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

7. *Manner of filling vacancies*.— When a vacancy occurs or is likely to occur in the membership of the Board, the Chairperson shall immediately submit a report to the State Government and on receipt of such report, the State Government may, by notification in the Official Gazette nominate a person to fill the vacancy and the person so nominated shall hold office for the remainder of the term of office of the member in whose place he is nominated:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. *Proceedings of the meeting*.— (1) The proceedings of each meeting showing inter alia the names of the members present thereat shall be forwarded to each member of the Board, as soon as possible after the meeting, and in any case not less than seven days before the next meeting.

(2) The minutes of each meeting shall be confirmed with such modifications as may be considered necessary at the next meeting.

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

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

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

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

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

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

B. BUILDING AND OTHER CONSTRUCTION WORKERS WELFARE BOARD

16. *Term of Chairperson and other members of Building and Other Construction Workers Welfare Board*.— The term of office of the Chairperson and the members of the Board other than the official members shall be three years from the date of their appointment:

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

17. *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.

18. *Meeting of the Board*.— The Board shall ordinarily meet once in three months. Provided that the Chairperson shall, within fifteen days of the receipts of a requisition in writing from not less than one-third of the members of the Board, call a meeting thereof.

19. *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 by speed post or by special messenger, to each member fifteen days before the meeting:

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 shall be deemed sufficient.

20. *Chairperson to preside at meetings*.— (1) The Chairperson shall preside over every meeting of the Board in which he is present and if for any reason the Chairperson is unable to attend the meeting any member nominated by the Chairperson in this behalf shall preside over the meeting.

(2) When the Chairperson is absent and no member has been nominated by the Chairperson under sub-rule (1), the members present shall elect one of them to preside over the meeting and the member so elected shall exercise all the powers of the Chairperson in conducting the meeting.

(3) No business shall be transacted at any meeting of the Board unless, atleast six members are present of whom one shall be non-official member.

21. *Absence from the State*.— If any member leaves the State for a period of not less than six months without intimation to the Chairperson, he shall be deemed to have resigned from the Board.

22. *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 any equal votes, the Chairperson shall have and exercise a casting vote.

23. *Minutes of the meeting*.— Every decision taken at a meeting of the Board shall be recorded in a minutes book at the same meeting and signed by the Chairperson. The Minutes Book shall be a permanent record.

24. *Fees and allowances*.— (1) Every non--official member of the Board shall be paid a sitting fee of Five hundred rupees or amount as may be fixed by the State Government from time to time, for attending meeting of the Board. This fee shall not be applicable for meetings of sub-committee appointed by the Board.

(2) The Chairperson shall be paid a sitting fee of six hundred rupees or amount as may be fixed by the State Government from time to time, for attending the meeting of the Board.

25. *Constitution of sub-committees*.— (1) The Board may appoint such sub-committees as it may deem fit for the proper discharge of its duties. Non--official members of such sub-committee shall be allowed travelling allowance and daily allowance for attending the meeting of the sub-committee at such rates as are admissible to a Joint Secretary of the Government of Goa and such daily allowance shall be calculated at the maximum rate permissible to such Joint Secretary.

(2) Sub-committee shall consist of the following persons, namely:—

(a) The Chairperson of the Board;

(b) One member representing the employers;

(c) One member representing the building workers;

(d) Two members representing the State Government, not below the rank of a Joint Secretary.

(3) The Chairperson of the Board shall be the Chairperson of the sub-committee also. If the Chairperson is absent at any time the members present shall elect one among them to preside over the meeting.

(4) No business shall be transacted at a meeting of the sub-committee unless at least three members of the committee are present of whom one shall be representing employers and another one shall be representing building workers.

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

Provided that the sub-committee shall continue in office after expiry of one year until a new sub-committee is constituted:

Provided further that in no case, the sub-committee shall continue beyond a period of two years from the date of its original constitution.

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

26. *Powers, duties and functions of the Building and Other Construction Workers Welfare Board*.— (1) The Board shall be responsible for,

(a) all matters connected with the administration of the Building and Other Construction Workers Welfare Fund;

(b) laying down policies for the deposits of the amount of the Building and Other Construction Workers Welfare Fund;

(c) submission of annual budget to the State Government for sanction;

(d) submission of annual report to the State Government on the activities of the Board;

(e) proper maintenance of accounts;

(f) annual audit of accounts of the Board, in accordance with provisions of the Code;

(g) collection of contribution to the Building and Other Construction Workers Welfare Fund and other charges;

(h) launching of prosecutions for and on behalf of the Board;

(i) speedy settlement of claims and sanction of advances and other benefits;

(j) proper and timely recovery of any amount due to the Board.

(2) The Board shall furnish information to State Government on such matters as the State Government may refer to it, from time to time.

27. *Secretary of Board*.— (1) The Secretary of the Board shall be the Chief Executive Officer of the Board,

(2) The Secretary shall, with the approval of the Chairperson, issue notice to convene meetings of the Board and keep the record of minutes and shall take necessary steps for carrying out the decisions of the Board.

28. *Appointment of Secretary and other officer*.— The Board shall appoint a secretary and such other officers and employees as it considers necessary for the efficient discharge of its functions under the Act.

29. *Administrative and financial powers of the Secretary*.— (1) The Secretary of the Board may, without reference to the Board, sanction expenditure and contingencies, supplies and services, purchase of articles, refund, subject to the limits up to which he may be authorised to sanction expenditure, on any single item, from time to time, by the Board.

(2) The Secretary may also exercise such other administrative and financial powers other than those specified in sub-rule (1), above as may be delegated to him from time to time by the Board.

(3) 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.

30. *Other Welfare Schemes*.— The Board may formulate or make applicable following scheme(s) for the Building workers

(i) Group Insurance Scheme for Building workers;

(ii) Educational schemes for the benefit of children of Building workers; and

(iii) Treatment of major ailments of Building workers and their dependant.

CHAPTER III

Employees Insurance Court

31. *Procedures to be followed by the Employees State Insurance Court*.— (1) Every proceeding under section 49 shall be instituted by filing of an application to the Court.

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

(3) An application under sub-rule (1) shall be in Form - I shall be duly stamped and shall contain the following particulars:

(i) the name of the Court in which the application is brought;

(ii) the full name including the father's name, description, including age, occupation and place of residence of the applicant; the full name including the father's name, description, including age, occupation and place of residence of the opposite party so far as they can be ascertained;

(iii) where the applicant or the opposite party is a minor or a person of unsound mind a statement to that effect and the full name, age, occupation and address of his or her next friend or guardian;

(iv) the facts constituting the cause of action and the date when it arose;

(v) the facts showing' that the Court has jurisdiction;

(vi) particulars giving the address within the jurisdiction of the Court at which notice or summons may be served on the applicant; and

(vii) the relief which the applicant claim.

(4) The Court may summarily reject an application if it is not in accordance with sub-rule (3).

32. *Production of documents*.— (1) When any application is based upon, a document, the document shall be annexed to the application.

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

(3) Any document which is not produced as specified in sub-rule (1) or (2), shall not, without the permission of the Court, be admissible in evidence on behalf of the party who should have produced it.

(4) All such documents shall be accompanied by an accurate list thereof prepared in Form - II.

(5) Nothing in this rule shall apply to any document which is produced for the purpose of cross examining a witness or is handed to a witness to refresh his memory.

33. *Register of applications*.— All applications shall be entered in a Register in Form - III called the Register of Proceedings. Entries therein shall be serially numbered for every calendar year according to the order in which the applications are received.

34. *Place of suing*.— For cases falling under sub-section (1) of section 48, proceeding against any person shall be instituted in the Court within the local limits of whose jurisdiction,—

(i) the opposite party or each of the opposite parties, where there are more than one, at the time of commencement of the proceedings, actually and voluntarily reside, or carries on business, or personally works for gain; or

(ii) any of the opposite parties, where there are more than one, at the time of the commencement of the proceedings actually and voluntarily resides, or carries on business, personally works for gain, provided that in such case either the leave of the Court is given, or the opposite parties who do not reside, or carry on business or personally work for gain, as aforesaid, acquiesce in such institution; or

(iii) the cause of action, wholly or in part; arose.

35. *Application presented to wrong Court*.— (1) Where on receiving an application it appears to the Court that it should be presented to another Court, it shall return it to the applicant after endorsing upon it the dates of the presentation and return, the reason for returning it and the name of the Court to which it should be presented.

(2) Where it appears to the Court at any stage subsequent to the presentation of an application, that the application should have been presented to another Court, the Court shall send the application to the' Court empowered to deal with it and shall inform the applicant and the opposite party, accordingly.

(3) The Court to which an application is transferred under sub-rule (2) may continue the proceedings as if the previous proceeding or any part of it had been taken before it, if it is satisfied that the interests of the parties will not thereby be prejudiced.

36. *Issue of Summons*.— (1) On receiving an application, the Court shall, ordinarily within three days thereof, cause to be sent to the party from whom the applicant claims relief (hereinafter referred to as the "Opposite party"), a summon in Form - IV or Form - V as the case may be, to appear and answer the application on a day, not later than fifteen days from the date of issue of such summons:

Provided that no such summons shall be' issued when the opposite party has appeared at the presentation of the application and admitted the applicant's claim.

(2) A copy of the application shall also be sent along with the summons under sub-rule (1).

37. *Service of Summons or notice*.— (1) A summon or notice may, on payment of the required fee, shall be sent by the Court by which it is issued, either by speed post or in such other manner as the Court think fit.

(2) Where the Court is satisfied that there is reason to believe that the opposite party is avoiding service or that for any reason the summons or the notice cannot be served in the ordinary way, the Court shall order the summons or the notice to be reserved by affixing a copy thereof in some conspicuous place in the Court house, and also upon some conspicuous part of the house in which the opposite party is known to have last resided or carried on business or personally worked for gain or in such other manner as the Court thinks fit and such service shall be as effectual as if it had been made on the opposite party personally.

(3) Where a summon or notice is served under sub-rule (2), the Court shall fix such time for the appearance of the Opposite Party as the circumstances of the case may require.

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

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

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

39. *Failure to present written statement called for by the Court*.— Where any party from whom a written statement is required fails to present the same within the time specified by the Court, the Court may pronounce judgement against it or make such order in relation to the proceeding as it thinks fit.

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

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

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

41. *Order where parties are not at issue*.— Where at any hearing of the case it appears that the parties are not at issue on any question of law or of fact the Court may at once pronounce its final order.

42. *Appearance of parties and consequences of non-appearance*.— (1) On the day fixed in the summons for the opposite party to appear and answer, the parties shall be in attendance at the Court in person or by their respective legal practitioners and the application shall then be 'heard unless the hearing is adjourned by the Court.

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

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

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

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

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

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

43. *Summoning of witnesses*.— (1) At any time, after the framing of the issues, the Court may call upon the parties to produce their evidence in support of the issues.

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

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

44. *Grant of time and adjournment of hearing*.— (1) The Court may, if sufficient cause is shown, at any stage of the application grant time to the parties or to any of them, and may, from time to time adjourn the hearing of the application.

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

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

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

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

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

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

47. *Method of recording evidence*.— The evidence of each witness shall be taken down in writing by the Judge or where there is more than one Judge, by the Junior Judge in the language of the Court, not ordinarily in the form of question and answer, but in a narrative, and when completed, shall be read over or translated, where necessary, in the presence of such Judge and the witness, and such Judge shall, if necessary, correct the same and sign it.

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

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

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

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

52. *Statement of decision on each issue*.— In cases in which issues have been framed, the Court shall state its finding or decision, with the reason thereof, upon each separate issue, unless the finding upon anyone or more of the issues is insufficient for the decision of the case.

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

54. *Finality of Order*.— The order of a Court shall be final and binding upon the parties.

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

(2) Where the Court directs that any cost shall not follow the event, the Court shall state its reasons in writing.

56. *Contents of the decree*.— (1) A decree in Form - IX shall be prepared in conformity with the order made by the Court and shall contain the number of the application, the names and descriptions of the parties, and particulars of the claim, and shall specify clearly the relief granted or other determination of the proceeding.

(2) The decree shall also state the amount of costs incurred in the proceeding and by whom and in what proportions such costs are to be paid.

(3) The Court may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

57. *Certified copies of order, decree, etc., to be furnished*.— (1) Certified copies of the final order, decree or any other order or matter on record shall be furnished to the parties on application to the Court and at their expense.

(2) If any party requires copies of any order, decree, or any other matter on record made by or furnished to the Court, as the case may be, to be supplied to him within forty-eight hours of the submission of an application thereof to the Court, he shall pay fee of two rupees for each such copy.

(3) If any party applies for copies of any order, decree or any other matter on record made by or furnished to the Court, as the case may be, after the expiry of twelve months from the date of such making or furnishing, as the case may be, he shall pay an additional searching fee of two rupees.

58. *Execution*.— (1) Any person in whose favour an order had been passed shall, within one year from the date of the order, apply in Form - X to the Court which made the order for its execution.

(2) On such application being made, the Court shall send the same together with the necessary record ·to a Civil Court, of competent jurisdiction, for the execution and 'such Civil Court shall have the same power in executing such order as if it has been passed by it.

59. *Communication of fact of execution otherwise*.— The Civil Court to which a decree is sent for execution shall certify to the Court which passed it the fact of such execution or where that Court fails to execute the same and the circumstances attending such failure.

60. *Fees*.— (1) The fee payable on an application in respect of any matter shall be ten rupees.

(2) Subject to the provisions hereafter mentioned in this rule, the fee payable in respect of any other application except a written statement called for by the Court under these rules shall be five rupee:

Provided that the fee for an application for obtaining a copy or translation of any document or record or statement, order or decree before the Court, as the case may be shall be two rupee per page;

(3) The fee for filing certified copies of any document in a Court shall be five rupee.

(4) All fees shall be collected by' means of court fee stamps used in ordinary Courts and no document which ought to bear stamp shall be of any validity unless and until it is properly stamped:

Provided that where any such document is through mistake or inadvertence, received, filed or used in a Court without being properly stamped, the Court may, if it thinks fit, order that such document be stamped as it may direct and on such document being stamped accordingly the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

(5) No document requiring a stamp under this rule shall be acted upon in any proceeding in a Court until the stamp has been cancelled.

61. *Payment of costs of services of summons, etc*.— (1) The cost of service of summons or notices or the expenses of the witnesses in any case or the fee payable in respect of any matter not referred to in the preceding rule shall be such amount as may be specified in each case by the Court, and such amount or any other sum of money payable under these rules shall be paid in such manner and within such time as it may specify therefor.

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

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

62. *Fees and costs of poor persons*.— The Court may, whenever it thinks fit, receive and register proceedings instituted under the Act and applications made under these rules, by persons who are paupers, and may issue summons or notices on behalf of such persons, without payment or. on a part payment of the fees and costs.

63. *Provisions in the Code of Civil Procedure, 1908 (V of 1908) etc., to apply*.— In respect of matters relating to powers, procedure or admission of evidence for which no specific provision is made in these rules the provisions of the Code of Civil Procedure 1908 (V of 1908), including the Rules made there under and the Bharatiya Sakshya Adhiniyam, 2023 (Central Act, 47 of 2023) shall, so far as may be, apply to proceedings under the Act.

64. *Manner and time within which second appeal may be filed to the Court*.— The Insured person or the corporation may appeal to the Court by presenting an application within ninety days of the date of communication of the decision of the Medical Board or of the Medical Appeal Tribunal to the Insured Person or the Corporation, as the case may be:

Provided that the Court may entertain an application after the period of ninety days, if it is satisfied that the appellant had sufficient reasons for not presenting the application within the said period.

CHAPTER IV

Gratuity

65. *Gratuity invested for the benefit of minor*.—In the case of nominee, or an heir, who is minor, the competent authority shall invest the gratuity amount deposited with him by the employer for the benefit of such minor in term deposit with the State Bank of India or any other Nationalised Bank.

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

66. *Nomination, fresh nomination and modification*.— (1) A nomination shall be in Form - XI and submitted in duplicate by the employee either by personal service, after taking proper receipt or by speed post acknowledgement due or electronically to the employer,—

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

(ii) in the case of an employee who completes one year of service after the date of commencement of these rules, ordinarily within ninety days of the completion of one year of service:

Provided that nomination in Form - XI shall be accepted by the employer after the specified period, if filed and no nomination so accepted shall be invalid merely because it was filed after the specified period.

(2) Within thirty days of the receipt of nomination in Form - XI under sub- rule (1), the employer shall get the service particulars of the employee, as mentioned in the form of nomination, verified with reference to the records of the establishment and return to the employee, after obtaining a receipt thereof, the duplicate copy of the nomination in Form – XI 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 retained by him.

Provided that the details of Aadhaar of the nominee shall be provided by the employee at the time of filling the nomination form.

(3) An employee who has no family at the time of making a nomination shall, within ninety days of acquiring a family submit in the manner specified in sub-rule (1), a fresh nomination, as required under sub-section (4) of section 55, in duplicate in Form – XI to the employer and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis as if it was made under sub-rule (1).

(4) A notice of modification of a nomination, including cases where a nominee predeceases an employee, shall be submitted in duplicate in Form - XI to the employer in the manner specified in sub-rule (1), and thereafter the provisions of sub-rule (2) shall apply mutatis mutandis as if it was made under sub-rule (1).

(5) A nomination or a fresh nomination or a notice of modification of nomination shall be, signed by the employee or, if illiterate, shall bear his thumb impression in the presence of two competent witnesses, who shall also sign a declaration to that effect in the nomination, fresh nomination or notice of modification of nomination, as the case may be and shall be submitted by the employee electronically or by personal service or by speed post (with registration) to the employer.

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

67. *Application for payment of gratuity and appeal etc*.— (1) An employee who is eligible for payment of gratuity under the Code, or any person authorized, in writing, to act on his behalf, shall apply, ordinarily within a period of thirty days from the date the gratuity became payable, in Form - XII to the employer:

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

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

Provided further that an employee on fixed term employment shall be eligible for gratuity, if he renders service under the contract for a period of at least one year and for subsequent period in excess of six months and more, but less than one year, shall be rounded off to one additional year.

(2) A nominee of an employee who is eligible for payment of gratuity under the third to sub-section (1) of section 53 shall apply, ordinarily within thirty days from the date of gratuity became payable to him, in Form - XII to the employer:

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

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

(5) An application for payment of gratuity filed after the expiry of the periods specified in this rule shall also be entertained by the employer, if the applicant adduces sufficient cause for the delay in preferring his claim, and no claim for gratuity under the Code shall be invalid merely because the claimant failed to present his application within the specified period. Any dispute in this regard shall be referred to the competent authority for his decision.

(6) An application for payment of gratuity shall be submitted to the employer either electronically, or by personal service or by speed post (with registration).

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

(i) if the claim is found admissible on verification, issue a notice in Form - XIII to the applicant employee, nominee or legal heir, as the case may be, specifying the amount of gratuity payable and fixing a date, not being later than the thirtieth day after the date of receipt of the application, for payment thereof; or

(ii) if the claim for gratuity is not found admissible, issue a notice in Form - XIII to the applicant employee, nominee or legal heir, as the case may be, specifying the reasons why the claim for gratuity is not considered admissible, and the copy of the notice shall be endorsed to the competent authority.

(2) In case payment of gratuity is due to be made in the employer's office, the date fixed for the purpose in the notice in Form - XIII under sub-clause (i) of sub-rule (1) shall be re-fixed by the employer, if a written application in this behalf is made by the payee explaining why it is not possible for him to be present in person on the date specified.

(3) If the claimant for gratuity is a nominee or a legal heir, the employer may ask for such witness(es) or evidence(s) as may be deemed relevant for establishing his identity or maintainability of his claim, as the case may be, and in that case, the time limit specified for issuance of notices under sub-rule (1) shall be operative with effect from the date such witness(es) or evidence(s), as the case may be, called for by the employer is furnished to the employer.

(4) A notice in Form - XIII shall be served on the applicant either by personal service after taking receipt or by speed post with acknowledgement due or electronically.

(5) A notice under sub-section (2) of section 56 in Form – XIII.

69. *Mode of payment of gratuity*.— The gratuity payable under the Code shall be paid through Demand Draft or by crediting in the bank account of the eligible employee, nominee or legal heir, as the case may be:

70. *Application to competent authority for direction*.— (1) If an employer—

(i) refuses to accept a nomination or to entertain an application sought to be filed, or

(ii) issues a notice either specifying an amount of gratuity which is considered by the applicant less than what is payable or rejecting eligibility to payment of gratuity, or

(iii) having received an application fails to issue notice as required within the time.

the claimant employee, nominee or legal heir, as the case may be, may, within one hundred eighty days of the occurrence of the cause for the application, apply in Form - XIV to the Competent Authority for issuing a direction under Clause (c) of sub-section (5) of section 56 with a copy to the opposite party.

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

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

71. *Procedure for dealing with application for direction*.— (1) On receipt of an application under rule 70 the Competent Authority shall, by issuing a notice in Form - XV electronically or speed post or in person call upon the applicant as well as the employer to appear before him on a specified date, time and place, either by himself or through his authorized representative together with all relevant documents and witnesses, if any.

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

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

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

Provided that the Competent Authority shall dispose of the application for gratuity within six months from the date of receipt of the application.

Provided further that the competent Authority may, for reasons to be recorded in writing, extend the said period for a further period not exceeding three months.

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

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

(6) The sittings of the competent authority shall be held at such times and at such places as he may fix and he shall inform the parties of the same electronically or in such manner as he thinks fit.

(7) The competent authority may authorize a clerk of his office to administer oaths for the purpose of giving evidence or producing documents.

(8) The competent authority may, at any stage of the proceedings before him, either upon or without an application by any of the parties involved in the proceedings before him, and on such terms as may appear to the competent authority just, issue summons to any person in Form - XV either to give evidence or to produce documents or for both purposes on a specified date, time and place.

(9) Any notice, summons, process or order issued by the competent authority may be served either personally or by speed post acknowledgement due or electronically or in any other manner as specified under the Code of Civil Procedure, 1908 (5 of 1908).

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

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

(b) The competent authority shall, while passing orders in each case, also record the findings on the merits of the case and file it together with the memoranda of evidence with the order sheet.

(c) Any record, other than a record of any order or direction, which is required to be signed by the competent authority, may be signed on behalf of and under the direction of the competent authority by any subordinate officer appointed in writing for this purpose by the competent authority.

(12) If a finding is recorded that the applicant is entitled to payment of gratuity under the Code, the competent authority shall issue a notice to the employer concerned in Form - XVI electronically or by speed post acknowledgment due or in person specifying the amount payable and directing payment thereof to the applicant under intimation to the competent authority within a period of thirty days from the date of the receipt of the notice by the employer and a copy of the notice shall be endorsed to the applicant employee, nominee or legal heir, as the case may be.

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

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

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

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

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

(f) The appellate authority shall record its decision after giving the parties to the appeal a reasonable opportunity of being heard. A copy of the decision shall be given to the parties to the appeal by electronically or speed post or in person and a copy thereof shall be sent to the competent authority returning his records of the case sent by him.

Provided that the Appellate Authority shall dispose of the application for gratuity within six months from the date of receipt of the application.

Provided further that the Appellate Authority may, for reasons to be recorded in writing, extend the said period for a further period not exceeding three months.

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

(h) On receipt of the decision of the appellate authority, the competent authority shall, if required under that decision, modify his direction for payment of gratuity and issue a notice to the employer concerned in Form - XVI specifying the modified amount payable and directing payment thereof to the applicant, under intimation to the competent authority within fifteen days of the receipt of the notice by the employer and a copy of the notice be endorsed to the appellant/employee, nominee or legal heir, as the case may be, and to the appellate authority.

(14) Where an employer fails to pay the gratuity due under the Code in accordance with the notice by the competent authority under sub-rule (11) or sub-rule (12), as the case may be, the employee concerned, his nominee or legal heir, as the case may be, to whom the gratuity is payable may apply to the competent authority in duplicate in Form - XVII for recovery thereof under section 129 of the Code.

(15) The person to be appointed as a competent authority for the purposes of chapter V of the Code shall be an officer not below the rank of Deputy Labour Commissioner of the Labour Department, having degree in law or diploma in labour laws of a university established by law in any part of India and at least seven years experience as conciliation officer in the Department.

CHAPTER V

Maternity Benefit

72. *Complaint before Inspector-cum-Facilitator and appeal.*— (1) (a) A complaint under sub-section (1) of section 72 shall be made in writing in Form - XVIII A to the Inspector-cum-Facilitator having jurisdiction.

(b) When a complaint referred to in sub-rule (1) 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 or discharged or dismissed, he shall direct the employer to make the payment to the complainant or to the person claiming the payment under section 63, and pass such order as he deems fit, immediately but not exceeding period of 45 days.

(2) (a) An appeal against the decision of the Inspector-cum-Facilitator, shall lie to the competent authority.

(b) The aggrieved person shall prefer an appeal in writing to the competent authority in Form - XVIII B and file other supporting documents.

(c) 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.

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

Provided that the Competent Authority shall dispose of the appeal within three months from the date of receipt of the appeal:

Provided further that the Competent Authority may, for reasons to be recorded in writing extend the said period for a further period not exceeding three months.

CHAPTER VI

Employees Compensation

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

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

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

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

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

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

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

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

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

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

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

77. *Class of employers and the form of notice-book*.— Every employer to which the Code applies, shall maintain a notice book in accordance with sub-section (4) of section 82 in Form - XIX, which shall be readily accessible at all reasonable times to any injured employee employed on the premises, and to any person acting bona-fide on his behalf.

78. *The frequent for medical examination under the proviso to sub-section (1) of section 84*.— A employee who is required by sub-section (1) of section 84 to submit himself for medical examination shall be bound to do so in accordance with the rules contained in this part.

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

(ii) Examination in other cases.— The employer may,—

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

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

Provided that—

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

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

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

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

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

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

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

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

(2) On receiving a memorandum of agreement, the competent authority shall, for taking decision to record memorandum or refusing to record, shall issue notice to parties to agreement in Form - XXIV, fixing date and place of hearing and in default of objections, he proposes to record the memorandum on the date so fixed. The notice may be sent personally or through speed post with registration or electronically:

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

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

Provided that the issue of a notice under sub-rule (2) shall not be deemed to prevent the competent authority from refusing to record the memorandum on the date so fixed even if no objection has been made by any party concerned.

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

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

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

(7) If, on the date so fixed, 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 applicable provisions.

(8) If, on the date so fixed, the Competent Authority refuses to record the memorandum, he shall send notice in Form – XXVII to any party who did not receive information.

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

(10) 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.

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

(12) In recording a memorandum of agreement, the competent authority shall cause the same to be entered in a register in Form - XXVIII and shall cause an endorsement to be entered under his signature on a copy of a memorandum to be retained by him in the following terms, namely: -

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

81. *Experience and qualification for appointment as a competent authority under sub-section (1) of section 91.*— The State Government may, by notification, appoint any person who is or has been—

(a) Member of State Judicial service for a period of not less than five years; or

(b) Advocate with atleast five years of practice; or

(c) Gazetted officer with service not less than five years and having law degree and experience either in personnel management or human resource development or Industrial relations or legal affairs Department.

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

(1) Application.— (1) Any application under section 93 may be filed before to the competent authority electronically or by speed post or may be presented to him or to any of his subordinates authorized by him in this behalf, and , if so sent or presented, shall, unless the Competent Authority otherwise directs, be made in duplicate in appropriate Form, if any, and shall be signed by the applicant.

(2) Every such application shall be accompanied by a certificate, which shall be signed by the applicant, to the effect that the statement of facts contained in the application is to the best of his knowledge and belief and is accurate.

(3) When the application for relief is based upon a document, the document shall be accompanied with the application.

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

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

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

(7) If it appears to the Competent Authority on receiving application that it should be presented to another Competent Authority, he shall return it to the applicant after endorsing upon it the date of the presentation and return, the reasons for returning it and designation of the Competent authority to whom it should be presented.

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

(9) The Competent Authority to whom an application is transferred under sub-rule (8) may continue the proceedings as if the previous proceedings or any part of them has been taken before him, if he is satisfied that the interests of the parties will not thereby be prejudice.

(10) Upon receiving application under section 93, the Competent Authority may examine the applicant on oath, or may send the application to any officer authorised by the State Government in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the Competent Authority.

The substance of any examination made shall be recorded in the manner provided for the recording of evidence in section 97.

(11) The Competent Authority may, after considering application and the result of any examination of the applicant, summarily dismiss the application, if, for reasons to be recorded, he is of opinion that there are no sufficient grounds for proceeding thereon. The dismissal of the application shall not be itself preclude the applicant from presenting a fresh application for the settlement of the same matter.

(12) If the application is not dismissed under sub-rule (ii), the Competent Authority may for reasons to be recorded, call upon the applicant to produce evidence in support of the application before calling upon

any other party, and, if upon considering such evidence the Competent Authority is of opinion that there is no case for the relief claimed, he may dismiss the application with a brief statement of his reasons for so doing.

(13) The Competent Authority does not dismiss the application under sub-rule (12), he shall send to the party from whom the applicant claims relief (hereinafter referred to as the opposite party) a copy of the application, together with a notice of the date on which he will dispose of the application, and may call upon the parties to produce upon that date any evidence which they may wish to tender. The opposite party may, and if so required by the Competent Authority, at or before the first hearing or within such time as the Competent Authority may permit, file a written statement dealing with the claim, raised in the application, and any such written statement shall form part of the record. If the opposite party contests the claim, the Competent Authority may, and, if no written statement has been filed, shall proceed to examine him upon the claim and shall reduce the result of examination to writing.

(14) After considering any written statement and the result of any examination of the parties, the Competent Authority shall ascertain upon what material propositions of fact or of law the parties are at variance and shall thereupon proceed to frame and record the issues upon which the right decision of the case appears to him to depend. In recording the issues, the Competent Authority shall distinguish between those issues which in his opinion concern point of facts and those which concern point of law.

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

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

(17) If the competent Authority finds it impossible to dispose of an application at one hearing he shall record the reasons which necessitate a postponement.

(18) The Competent Authority, in passing orders, shall record concisely a judgment, his finding on each of the issues framed and his reasons for such finding. The Competent Authority, at the time of signing and dating his judgment, shall pronounce, his decision, and thereafter no addition or alteration shall be made to the judgment other than the correction of a clerical or arithmetical mistake arising from any accidental slip or omission.

(19) If an application is presented by any party to the proceedings for the citation of witnesses, the Competent Authority shall, on payment of the specified expenses, and fees, issue summons for the appearance of such witnesses, unless he considers that their appearance is not necessary for the just decision of the case.

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

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

(21) If the Competent Authority proposes to conduct a local inspection with a view to examining on the spot the circumstances in which an accident took place, he shall give the parties or their representatives notice of his intention of conduct such inspection, unless in his opinion the urgency of the case renders the giving of such notice impracticable. Such notice may be given orally or in writing and, in the case of an employer, may be given to any person upon whom notice of a claim can be served under sub-section (2) of section 88, or the representative of any such person.

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

The Competent Authority, after making a local inspection, shall note briefly in a memorandum any facts observed, and shall show the memorandum to any party who desires to see the same, and, on payment of the fee of Rs.500/-, shall supply any party with a copy thereof.

The memorandum shall form part of the record.

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

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

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

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

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

(f) Where a case is settled by agreement between the parties, the Competent Authority may incorporate in the record any statement made under clause (a) and may utilize such statement for the purpose of justifying his acceptance of or refusal to accept the agreement reached.

(23) (a) If a party states in writing his willingness to abide by the decision of the Competent Authority, the Competent Authority shall inquire whether the other party is willing to abide by his decision.

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

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

(24) (a) Where the opposite party claims that if compensation is recovered against him he will be entitled under sub-section (2) of section 85 to be indemnified by a person not being a party to the case, he shall, when first called upon answer the application, present a notice of such claim to the Competent Authority accompanied by the fee of Rs.500/-, and the Competent Authority shall thereupon issue notice to such person in Form - XXIX.

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

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

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

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

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

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

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

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

(26) Save as otherwise expressly provided in the Code or these Rules the following provision of the First Schedule to the Code of Civil Procedure, 1908, namely, those contained in Order V, rules 9 to 13 and 15 to 30; Order IX; Order XIII rules 3 to 10; Order XVI rules 2 to 21; Order XVII; and Order XXIII rules 1 and 2; shall apply to proceedings before Competent Authority, in so far as they may be applicable thereto:

Provided that—

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

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

(27) Any form other than a receipt for compensation, which is by these rules required to be signed by a Commissioner (Labour and Employment) may be signed under his direction and on his behalf by any officer subordinate to him appointed by him in writing for this purpose.

(28) The provisions of this Part shall, a far as may be, apply in the case of any proceedings relating to the apportionment of compensation among the dependants of a deceased workman.

(29) (a) The competent authority shall dispose the application within six months from the date of receiving the application.

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

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

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

(c) The competent authority may, whenever it finds either on application of applicant or otherwise that the applicant is unable to pay the costs, it may exempt the applicant from the payment of cost.

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

(30) (a) Upon receiving the application under section 93, the competent authority may examine the applicant on oath or may send the application to any officer authorised by notification in this behalf and direct such officer to examine the applicant and his witness and forward the record thereof to the competent authority.

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

83. *Time limit to pay amount of cess*.— The cess levied under Section 100 of the code shall be paid by an employer, within sixty days of completion of the construction project or within sixty days of the date on which assessment of cess payable is finalized, whichever is earlier, to the cess collector.

84. *Fees for appeal*.— An appeal preferred under sub-section(1)of section 105 shall be accompanied by non-refundable fee equivalent to half percent, but not exceeding rupees twenty-five thousand, of the amount in dispute or penalty or both, as the case may be, under such appeal.

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

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

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

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

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

or

(c) in the event of factories or establishment being Nationalized or taken over by the Government.

CHAPTER VII

Maintainance of Records, Registers, Returns, Etc.

86. *Maintenance of records, registers, returns, etc*.— (1) The employer of every establishment in which women are employed shall prepare and maintain a register of women employees in Form - XXXI electronically or in hard copy and shall enter therein particulars of all women workers in the establishment and the same shall always be available for inspection by the authority notified or by the Inspector- cum-Facilitator.

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

(3) The records shall be preserved for a period of three years from the date of their preparation.

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

(5) The employer to which the provisions of the Code applies, on or before the 28th/29th February of every year, upload a unified annual return in Form - XXXII online on the web portal of the Labour Department of the Government of Goa, giving information as to the particulars specified, in respect of the preceding year:

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

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

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

87. *Conditions to acquire, hold, sell or otherwise transfer any movable or immovable property under sub-section (1), conditions to invest moneys, re-invest or realize 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 shall be*.—

(1) Acquisition of property.— Subject to the conditions, as may, from time to time, be laid down by the Welfare Board or Social Security Board, the Secretary or Member-Secretary may for the purpose of this code, acquire , movable or immovable property on behalf of the Welfare Board or the Social Security Board:

Provided that sanction of the Board shall be required for the exchange of any immovable property for taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened by an obligation.

(2) Disposal of Property.— Subject to the conditions as may be laid down by the Welfare Board or the Social Security Board from time to time, the Secretary or the Member-Secretary may—

(a) dispose of, by sale or exchange, any movable property belonging to the Welfare Board or the Social Security Board, the value of which does not exceed ten thousand rupees in each case, or grant any term not exceeding twelve months a lease of any immovable property belonging to the Welfare Board or the Social Security Board.

(b) With the prior sanction of the Board, lease, sell or otherwise dispose of any movable or immovable property belonging to the Welfare Board or the Social Security Board.

(3) Investment, transfer or realization of the fund.— (a) All money belonging to the fund which are not immediately required for expenses properly defrayable under the code, may, subject to the approval of the Board, be invested by the Secretary in case of Welfare Board or by Member-Secretary in case of the Social Security Board as fixed deposit in the Reserve Bank of India or the State Bank of India or any Nationalized Bank.

(b) Money belonging to the fund shall not be invested in any other manner except with the prior approval of the State Government.

(c) Any investment made under this rule may, subject to the provisions of sub-rules (a) and (b), be varied, transposed or realised from time to time.

Provided, however, that if such variation, transposition or realisation is likely to result in a loss, the prior approval of the State Government shall be obtained.

Explanation: The approval of the State Government shall not be required merely on the ground that the value of the security on its maturity is less than the price at which it was purchased.

(d) All interest or other sums received in respect of any investments shall, as soon as possible after receipt, be paid into or credited to the account of the fund.

(e) The expenses of or the loss, if any, arising from any investment shall be charged to the fund and the profit, if any, from the sale of any investment shall also accrue to the fund.

(f) The approval of the Board or State Government under sub-rules (a) and (b), as the case may be, may be given with or without any conditions either generally or in any particular case.

(4) Raising and repayment of loan.- (a) (i) The Welfare Board or the Social Security Board may, in pursuance of a resolution passed at a meeting of the Board, and with the prior approval of the State Government, raise loans for the purpose of the code.

(ii) In particular and without prejudice to the generality of the foregoing power, the Welfare Board or the Social Security Board may raise loans-

(iii) for the acquisition of land and/or raising of buildings thereon; or

(iv) for any other purpose approved by the State Government.

(b) All loans under this rule shall be obtained—

i) from the State Government on such rates of interest and such terms as to the time and method of repayment as the State Government may specify; or

ii) with the approval of the State Government, from the Reserve Bank of India or the State Bank of India or any of Nationalized Bank.

(c) Where a loan is obtained from the Reserve Bank of India or State Bank of India or any Nationalized Bank as provided in clause (b) of sub-rule (4), the Welfare Board or the Social Security Board may, with the approval of the State Government, grant mortgages of all or any of the properties vested in it for securing the repayment of the sums so advanced, with interest.

(d) All payments due from the Welfare Board or the Social Security Board for interest on and repayment of loans shall be made in such manner and at such time as may have been agreed upon:

Provided that the Welfare Board or the Social Security Board may apply any sums which can be so applied, in repaying any amount due in respect of the principal of any loan although the repayment of the same may not be due.

(e) No expenditure incurred out of loan shall be charged by the Welfare Board or the Social Security Board to capital, except the previous sanction (or under the direction) of the State Government.

(f) The Welfare Board or the Social Security Board shall submit to the State Government alongwith annual report each year showing the loans raised and repayment made during the preceding year.

(5) Provident or other benefit funds for officers and staff or any class of them-: The Welfare Board or the Social Security Board shall establish, maintain and contribute to a fund called The Goa Building and Other Construction Workers Welfare Board Provident Fund or The Goa Un-organsied Workers Social

Security Board Provident Fund in respect of its employees other than those whose services are placed at the disposal of the Welfare Board or the Social Security Board by the State Government. The said funds shall be administered by the Welfare Board or the Social Security Board as the case may be and subject to such conditions as it may deem fit to impose. The Welfare Board or the Social Security Board may, subject to the previous approval of the State Government, make regulations to provide for all other matters incidental to or necessary for the provident fund.

CHAPTER VIII

Employment Exchange

88. *Manner and form of reporting vacancies and form of filing the return by the employer, to the concerned career centre*.— (1) The employer in every establishment in public sector in the State of Goa shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported, to such Career Centre as may be specified in the notification by the State Government.

(2) The employer in every establishment in private sector or every establishment pertaining to any class or category of establishments in private sector shall, before filling up any vacancy in any employment in that establishment, report that vacancy or cause to be reported, to such Career Centre from such date as may be specified in the notification by the State Government.

(c) The 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.

Explanation: (1) Establishment in "public sector" means an establishment owned, controlled or managed by—

(i) the State Government or a Departments of the State Government;

(ii) a Government company as defined in clause (45) of section 2 of the Companies Act, 2013 (No.18 of 2013);

(iii) a corporation (including a co-operative society) or an autonomous organization or an authority or a body established by or under a Central or State Act, which is owned, controlled or managed by the Government; and a local authority.

(2) "Establishment in private sector" means an establishment which is not an establishment in public sector and with ordinarily 20 or more employees or such number of employees as may be notified by the Central Government.

(4) Appropriate Government would be Central Government for Career Centre (Central) and Government of Goa for Career Centre (Regional).

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

(6) The vacancies shall be reported in Form - XXXIII furnishing as many details as practicable, separately in respect of each type of vacancy.

(7) Any change in the particulars already furnished to the Career Centre shall be reported in writing or through official email or digitally, as the case may be, to the specified Career Centre.

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

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

(c) The employer shall furnish the information relating to the result of selection to the concerned career centre against the vacancies reported within thirty days from the date of selection.

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

(i) Total number of employees (regular, contractual or fixed term employment) on 31st March of every year;

(ii) Persons recruited during the year ending on 31st March;

(iii) Persons recruited from the sponsored list by carrier centre during the year ending 31st March;

(iv) Occupational details of its employees on 31st March of every year;

(v) Vacancies for which suitable candidates were not available during the year ending on 31st March; and

(vi) Approximate number of vacancies likely to occur during the next financial year.

(b) The 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 fixed term employment) on 31st March of every year;

(ii) Persons recruited during the year ending on 31st March;

(iii) Persons recruited from the sponsored list by carrier centre during the year ending 31st March;

(iv) Occupational details of its employees on 31st March of every year;

(v) Vacancies for which suitable candidates were not available during the year ending on 31st March; and

(vi) Approximate number of vacancies likely to occur during the next financial year.

(10) An employer shall furnish to the concerned Career Centre (Regional) yearly return in Form - XXXIV manually or electronically or digitally, as the case may be, within thirty days of the due date, namely, 31st March of the year.

(11) Declaration of Executive Officer: (a) The Director of Employment or officer of his equivalent or above rank, controlling the work of Career Centres (Regional) of State, will declare in writing an officer looking after the work of Career Centres (Regional) as "Executive Officer" for each district for the purpose of enforcement /implementation of Chapter XIII (Employment Information and Monitoring) of the Code. He shall be the officer who shall perform duties referred to in section 139 of the Code, or authorize any person in writing to perform those 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 State shall be the competent authority to levy of penalty for an offence under the Code as mentioned in section 133 for compounding of an offence shall be in Form - XXXV.

CHAPTER IX

Offences And Penalties

89. *Form and manner of application for compounding of an offence*.— (1) The officer authorized by the State Government (hereinafter in this rule referred to as the "Compounding Officer") by notification for

the purposes of compounding of offence under sub-section (1) of section 138 shall issue electronically or otherwise by speed post a notice in Form - XXXV for the offences which are compoundable under section 138.

(2) The person who receives notice under sub-rule (1) may apply in Part III of Form - XXXV to the officer electronically or otherwise and deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

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

(4) If a person fails to deposit the composition amount within the time, the prosecution shall be instituted before the competent court for the offence in respect of which the compounding notice was issued, against such person.

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

CHAPTER X

Miscellaneous

90. *Social Security Fund*.— (1) Subject to the provisions of sub-section (5) of section 141 of the code, the other sources of the Social Security Fund for the welfare of the Un-organised Workers may include,-

(a) Any grants from the Central or State Government, as the case may be;

(b) Any contribution from the Un-organised Workers towards Registration or Membership; and

(c) Any donations from Private Organizations or Bodies.

(d) any other source as may be decided by the Board and as notified by the State Government.

(2) The funds of the Board shall be expended for implementing the various schemes of the Un-organized Workers and such other salaries, allowances and administrative expenses as determined by the Board.

91. *Time within which the State Board, shall forward its view to the appropriate Government*.— The State Board, or the Corporation, as the case may be, shall forward its views on the application seeking exemption under section 143 of the Code to the State Government within six months of receipt of proposal for exemption. If the State Board or the Corporation, as the case may be, is unable to provide its views within the said period, the State Government may extend the time limit or take action on the application of exemption, as it may deem fit.

92. *Conditions for which the exempted establishment or the class of establishments or an employee or class of employees, as the case may be, shall comply with after such exemption*.— (1) The establishment to which exemption has been granted from the provision of chapter IV of the Code,—

(a) shall maintain such records regarding the exempted employees and submit such returns and other information to the Corporation and the State Government as may be specified in the Regulation; and

(b) in case of change in legal status of an establishment which has been granted exemption under section 143 of the Code, due to merger, demerger, acquisition, sale, amalgamation, formation into a subsidiary, whether wholly owned or not, etc., the exemption shall be deemed to be cancelled and the establishment shall be required to apply afresh for exemption to the State Government.

(2) For the purposes of Chapter III, the establishment and/or employer, after the grant of exemption, shall comply with all such terms and conditions as may be specified in the Provident Fund Scheme or the Pension Scheme or the Insurance Scheme, as the case may be, framed under section 15 of the Code.

93. *Manner of determining misuse of any benefit by an establishment or by any other person under section 148*.— On the recommendations of the authority or the competent authority or social security

organization, if the State Government is satisfied that nay establishment or any person has misused any benefit provided under the Code or these rules, the State Government may be notification, deprive such establishments or such person, as the case may be, from such benefit for such time as may be specified in the notification;

Provided that no such order shall be passed unless as opportunity of being heard is given to such establishment or such person, as the case may be.

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

Manesh Hari Kedar, Under Secretary, Labour.

Porvorim.

FORM-I

[*See* rule 31(3)]

In the Employees' Insurance Court at .....

A.B. (add description and residence) ……Applicant;

against

C.D. (add description and residence) ……..Opposite Party.

Other particulars of the application specified in rule 6

Date ...

Signature of the applicant

…

(Verification by the applicant)

The statement of facts contained in this application is to the best of my knowledge and belief true and correct.

Signature

Date…

FORM - II

[*See* rule 32 (4)]

Applicant

List of documents produced by ----------

Opposite party

(Title) e. g. Description, subject, name of the Court, No.

Sr. No.	Description of Document	Date if any, which the document Bear:	Signature of party or pleader or any authorized representative
1	**2**	**3**	**4**

FORM III

[*See* rule 33]

Register of Proceedings

Employee's Insurance Court at...

Register of Proceedings in year 20…

| | | |

FORM - IV

(*See* rule 36)

Summons for disposal of proceedings

(Title)"

To,

(Name, description and place of residence).

Whereas ……. has instituted proceedings against you for ……. you are hereby summoned to appear in this Court in person or by authorised agent duly instructed and able to answer: all material questions relating to the case, or who shall be accompanied by some person able to answer ah such questions at ……. O'clock in the ……. noon on the ……. day of ……. 20…..……. to answer the claim, and as the day fixed for your appearance is appointed for the final disposal of the proceedings, you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to relay in support of your defence.

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

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

Notice:— 1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness, and the production of any document that you have a right to call on the witness to produce, on the applying to the Court and on depositing the necessary expenses.

2. If you admit the claim. You should pay the money into Court together with the costs of the proceedings to avoid execution of the decree, which, may be against your person or property or both.

FORM - V

[*See* rule 36]

Summons for settlement of Issues

To,

(Name, Description and Place of residence).

Whereas ……. has instituted proceedings against you for ……. you are hereby summoned to appear in the Court in person, or by an authorised agent duly instructed and able to answer all material questions relating to the proceedings or who shall be accompanied by some person able to answer such question at ……. O'clock in the ……. noon. On the ……. day of ……. to answer the claim and you are directed to produce that day all the documents upon which you intend to rely in support of your defence.

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

Given under my hand and the seal of the Court, this: …….. day of …….. 20…….

Notice:- 1. Should you apprehend your witnesses will not attend of their own accord, you can have a summons from this Court to compel the attendance of any witness and the production of any document that you have a right to call on the witness to produce on applying to the Court and on depositing the necessary expenses.

2. If you admit the claim. You should pay the money into Court together with the cost of the suit, to avoid execution of the decree which may be against your person or property or both.

FORM - VI
[*See* rule 42(5)]

(Title)

Subject:— Application for setting aside Ex-parte order. The …….. above named states as follows:—

(The grounds of application should be stated).

Date…

Signature of the applicant
……

Verification by the applicant.

The statement of facts contained in the application is to the best of my knowledge and belief true and correct.

Date

Signature

Place…

FORM - VII
[*See* rule 42(*6*)]

General Form

(Title)

To

Whereas the above named …… has made application on this Court that …… You are hereby warned to appear in this Court in person or by a pleader only instructed at …… O'clock in the …… noon, on the …….. day of …… 20…… to show cause against the application failing wherein, the said application will be heard and determined ex-parte.

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

FORM - VIII
[*See* rule 43(*2*)]

Summons to Witness

(Title)

To,

Whereas your attendance is required to …… on behalf of the …… in the above proceedings, you are hereby required (Personally) to appear before this Court on the …… day of …… 20…… at …… O'clock in the morning, and to bring with you (or to send to this …… Court ……

A sum of Rs. …… being your travelling and other expenses and subsistence allowance for one day, is deposited with this Court and will be tendered to you on the day you appear before the Court. If you fall to comply

with this order without lawful excuse, you will be subject to the consequences of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908 (V of 1908).

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

Notice:— If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

If you are detained beyond the day aforesaid, a sum of Rs. ……..… will be tendered to you for each day's attendance beyond the day specified.

FORM - IX

[*See* rule 56]

Decree in case

(Title)

Claim for

This case coming on this day for final disposal before in the presence of …… for the applicant and of …… for the opposite party, it is ordered and decreed that ... and that the sum of Rs. …… be paid by the …… to the …… on account of the costs of this suit, with interest thereon at the rate of …… per cent. per annum from this date to the date of realisation.

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

Court.

Cost of Suit

Rs. a. p.	Rs. a. p.
1. Stamp for application- … … …	Stamp for Power-… … …
2. Stamp for Power- … … …	Stamp for written-… … … Statement
3. Stamp for exhtbits- … … …	Pleader's fee- … … …
4. Pleader's fee- … … …	
5. Subsistence for witnesses-… … …	Subsistence for- … … … witnesses
6. Commissioner's fee- … … …	
7. Service of summons and notices- … … …	Commissioner's fee- … …
Total … … …	Total … … …

Form X
(*See* Rule 58)

Application for the execution of degree
In the court of …… decree holder, hereby a[apply for the execution of the degree here in below set forth:-

Number of proceedings	Name/s of the party/fees	Date of Decree	Weather any appeal preferred from decree	Payment or adjustment made, if any	Previous application if any, with date and result	Amount with interest due upon the decree or other relief granted thereby together with	Amount of costs, if any awarded	Against whom to be executed	Mode in which the assistance of the court is required
1	2	3	4	5	6	7	8	9	10
III OF 1949	A.B- Applicant C.D.- Opposite party	November 11th, 1949	No	None	Rs. 72-4*0 recorded On application, dated the 9th April, 1949	Rs. 314-8-2 principal, X (Interest at 6% per annum from date of order till payment	As Awarded in the decree..Rs. a.p. Subsequently incurred….. Total..	Again the opposite party C.D	When attachment and sale of movable property is sought.). I pray that the total amount of Rs. … (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realized by attachment and sale of the opposite party's movable property as per annexed list and Paid top me. (When attachment and sale property is sought.) I pray that the total amount of Rs. (together with interest on the principal sum up to date of payment) and the costs of taking out this execution, be realized by attachment and sale of the opposite party's immovable-property specified at the foot of this application and paid to me.

I… declare that what is stated herein is true to the best of my knowledge and belief.

Dated the …. day of ……..… 20 ……

Signed ……

Decree Holder

FORM - XI

[*See* rule 66]

Nomination/Fresh Nomination/Modification of Nomination

(Strike out the words not applicable)

To ……..……..

……..……..…...

……..……..……

(Give her name or description of the establishment with full address)

I, Shri/Shrimati/Kumari…….……..……..……..……(Name in full here) whose particulars are given in the statement below, hereby nominate the person(s) mentioned below/have acquired a family within the meaning of clause (33) of section 2 of the Code on Social Security, 2020 (Central Act No. 36 of 2020) with effect from the ……..(date here) in the manner indicated below and therefore nominate afresh the person(s) mentioned below to receive the gratuity payable after my death as also the gratuity standing to my credit in the event of my death before that amount has become payable, or having become payable has not been paid and direct that the said amount of gratuity shall be paid in proportion indicated against the name(s) of the nominee(s).

Or

I, Shri/Shrimati/Kumari ……..……..……..…… (Name in full here) whose particulars are given in the statement below, hereby give notice that the nomination filled by me on date ……..….. and recorded under your reference No. ……..……..…… Dated ……..……..…….. shall stand modified in the following manner (*Strike out unnecessary portion).

2. I hereby certify that the person(s) mentioned is/are a member(s) of my family within the meaning of Clause (33) of Section 2 of the Code on Social Security, 2020 (Central Act No. 36 of 2020).

3. I hereby declare that I have no family within the meaning of clause (33) of section 2 of the said Code.

4. (a) My father/mother/parents is/are not dependent on me.

(b) My husband's father/mother/parents is/are not dependent on my husband.

5. I have excluded my husband from my family by a notice dated the ……..….. to the competent authority in terms of clause (33) of section 2 of the said Code.

6. Nomination made herein invalidates my previous nomination.

Nominee(s)

Sr. No.	Name in full with full address of nominee(s)	Relationship with the employee	Age of nominee	Proportion by which the gratuity will be shared
1. 2. 3.	1. 2. 3. So on			

Manner of acquiring a "Family"

(Here give details as to how a family was acquired, i.e., whether by marriage or parents being rendered dependent or through other process like adoption.

Statement

(1) Name of employee in full

(2) Sex

(3) Religion

(4) Whether unmarried/married/widow/widower

(5) Department/Branch/Section where employed

(6) Post held with Ticket No. or Serial No., if any

(7) Date of appointment

(8) Permanent address:

Village ……. Thana…….

Sub-division …….. Post-Office …….

Pin-code……... District ……. State …….

E-mail …….. ID ……. Mobile…….

Place:

Date: Signature/Thumb-impression of Employee.

Certificate by the Employer

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

Signature of the employer/officer authorized/Designation

Name and address of the Establishment or rubber stamp thereof.

Acknowledgement by the Employee

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

Date : Signature of the Employee

FORM - XII
[*See* rule 67]

Application for Gratuity by an Employee/Nominee/Legal Heir
(Strike out the words not applicable)

To ……

……

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

Sir/Madam

I, ……..(name of employee/nominee/legal heir)/nominee of late ……. (Name of the employee)/as a legal heir of late …….(Name of the employee), beg to apply for payment of gratuity to which I am entitled under sub-section (1) of section 53 of the Code on Social Security, 2020 (Central Act No. 36 of 2020) on account of—

(a) My superannuation/retirement/resignation after completion of not less than five years of continuous service/total disablement due to accident/total disablement due to disease/on termination of contract period under fixed term

employment with effect from the …….……..…….. or;

(b) Death of the aforesaid employee while in service/superannuation on …….……... after completion of ……. Years of service/total disablement of the aforesaid employee due to accident or disease while in service with effect from the …….…… or;

(c) Death of aforesaid employee of your establishment which in service/superannuation on …….…….…….…….. (date) without making any nomination after completion of …….……... years of service/total disablement of the said employee due to accident or disease while in service with effect from ……..

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

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

a. Marital status of employee (unmarried/married/widow/widower)

b. Address in full of employee

Or

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

a. Name of Employee

b. Marital status of nominee/legal heir (unmarried/married/widow/widower)

c. Relationship of nominee/legal heir with the employee

d. Address in full of nominee/legal heir

e. Date of death and 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 demand draft/credit in my bank account No……..

Yours faithfully,

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

Place:

Date:

FORM - XIII
[*See* rule 68]

Notice for Payment/Rejecting claim of Gratuity
(Strike out the words not applicable)

To,

……

……

(Name and address of the applicant employee/nominee legal heir)

You are hereby informed that

(a) *as required under clause (b) of sub-rule (1) of rule 22 of the Code on Social Security (Goa) Rules, 2026, that your claim for payments of gratuity as indicated on your application in Form-II under the said rules is not admissible for the reasons stated below:

Reasons (Here specify the reasons); or

(b) * as required under clause (a) of sub-rule (1) of rule 22 the Code on Social Security (Goa) Rules, 2026 that a sum of Rs……..(Rupees …….) is payable to you as gratuity/as your share of gratuity in terms of nomination made by ……..…….. on ……..…… and …..…….…… …… recorded in this …….. as a legal heir of ……..…..… an employee of this establishment.

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

3. Amount payable shall be sent to you through demand draft or shall be credited in your bank account as desired by you.

4. Brief statement of calculation

(a) Date of appointment:

(b) Date of termination/superannuation/resignation/disablement/death.

(c) Total period of service of the employee concerned: ……..……..…

Years ……..…. months.

(d)Wages last drawn:

(e) Proportion of the admissible gratuity payable in terms of nomination/as a legal heir:

(f) Amount payable:

*Strike out para, if not applicable

Place:

Date:

Signature of the Employer/
Authorized officer

Name or description of establishment or
rubber stamp thereof.

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

FORM - XIV
[*See* rule 70]

Application for Direction before the Competent Authority for Chapter-V under the Code on Social Security, 2020

Application No. Date:

BETWEEN

(Name in full of the applicant with full address)

AND

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

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

2. The applicant submitted an application under Rule ……. of the Code on Social Security (Goa) Rules, 2026 on the …….. but the above-mentioned employer refused to entertain it/issued a notice dated the ……. under clause ……... of sub rule of rule …….. offering an amount of gratuity which is less than my due /issued a notice dated ……the under clause ……. of sub-rule …….. of rule ……. rejecting my eligibility to payment of gratuity. The duplicate copy of the said notice is enclosed.

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

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

5. The applicant declare that the particulars furnished in the annexure hereto are true to correct to the best of his knowledge and belief.

Date:

Place: Signature/Thumb impression of the applicant.

ANNEXURE

1. Name in full of applicant with full address
2. Basis of claim (Death/Superannuation/Retirement/Resignation/Disablement of Employee/Completion of contract period under Fixed Term Employment)
3. Name and address in full of the employee
4. Marital status of the employee (unmarried/married/widow/widower)
5. Name and address in full of the employer
6. Department/Branch Section where the employee was last employed (if known)

7. Post held by the employee with Ticket or Sl. No., if any (if known)
8. Date of appointment of the employee (if known)
9. Date and cause of termination of service of the employee (Superannuation/retirement/resignation/ disablement/death/Completion of contract period under Fixed Term Employment)
10. Total period service by the employee
11. Wages last down by the employee
12. If the employee is dead, date and cause thereof
13. Evidence/witness in support of death of the employee
14. If a nominee, No. and date of recording of nomination with the employer
15. Evidence/witness in support of being a legal heir of a legal heir
16. Total gratuity payable to the employee (if known)
17. Percentage of gratuity payable to the applicant as nominee/legal heir
18. Amount of gratuity claimed by the applicant

Place:

Date: Signature/Thumb impression of the applicant

FORM - XV
[*See* rule 71]

Notice for Appearance before the Competent Authority/Summon

(Strike out the words not applicable)

To,

…….

(Name and address of the employer/applicant)

Whereas Shri ……. an employee under you/a nominee(s) /legal heir(s) of Shri ……..an employee under the above –mentioned employer, has/have filed an application under sub-rule(1) of rule 16 of the Code on Social Security (Goa) Rules, 2026 alleging that …….

(A copy of the said application is enclosed, if, summon is issued then copy of application is not required)

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

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

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

List of documents-

1.

2.

3. so on

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

Competent Authority

Under the Code on Social Security Code, 2020

Note:

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

FORM - XVI

[*See* rule 71(*12*)]

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

(Strike out the words not applicable)

To,

(Name and address of employer)

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

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

2. And whereas the application was heard in your presence on ……. and after the hearing have come to the finding that the said Shri/Smt./Kumari……..……..……..…… is entitled to a payment of Rs……..……..… as gratuity under the Code on Social Security, 2020; or

Whereas you/the applicant went in appeal before the appellate authority, who has decided that an amount of Rs…….is due to be paid to Shri/Smt./Kumari ……..… as gratuity due under the Code on Social Security, 2020.

Now, therefore, I hereby direct you to pay the said sum of Rs…….. to Shri/Smt./Kumari ……. within thirty days of the receipt of this notice with an intimation thereof to me.

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

Competent Authority

Under the Code on Social Security Code, 2020

Copy to:

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

2. The Appellate Authority if applicable.

Note.— (Strike out paragraphs if not required)

FORM - XVII
[*See* rule 71(*14*)]

Application for Recovery of Gratuity
Before the Competent Authority under the Social Security Code, 2020

Application No. Date:

BETWEEN

(Name in full of the applicant with full address)

AND

(Name in full of the employer/Trust/Insurer concerned with full address)

1. The applicant is an employee of the above-mentioned employer/a nominee of late ……. ……..…….. an employee of the above-mentioned employer/a legal heir of late ……... and employee of the abovementioned employer, and you were pleased to direct the said employer in your notice dated the ……..…….. under rule 10 (13) of Social Security (Goa) Rules, 2026 for payment of a sum of Rs. …….. as gratuity payable under the Code on Social Security, 2020.

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

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

Signature/Thumb-impression of applicant.

Place:

Date:

Note—Strike out the words not applicable.

FORM – XVIII-A
[*See* rule 72]

Complaint to the Inspector-cum-Facilitator

To,

The Inspector-cum-Facilitator
(under the Code on Social Security, 2020)

Sir,

I…… (Name of woman employee) employed in…… (name and full address of the establishment) or I……, (name), a person nominated under Section 62 by or a legal representative of…… (name of woman employee) employed in……. (name and full address of the establishment) having fulfilled the conditions laid down in the Code on Social Security, 2020 (36 of 2020) and the rules framed thereunder, am entitled to Rs…… being maternity benefit and/or

Rs…… being the medical bonus and/or Rs……. being wages for leave due under section 65 but the same has been improperly withheld by the employer/discharged or dismissed during or on account of my/her absence f rom work in accordance with the provisions of Chapter VI of Code on Social Security, 2020 (36 of 2020).

You are, therefore, requested to direct the employer to pay the amount to me and/or to set aside the discharge or dismissal done by the employer.

Signature or thumb impression of the Woman employee/
nominee/legal representative

Place ……

Date ……

Signature of an Attester in case the woman employee/
nominee/legal representative is
unable to sign and affixes thumb impression.
Full address of the woman employee/nominee/legal representative.

FORM – XVIII-B
[*See* rule 72(*b*)]

Appeal

To,

The Appellate Authority,

(Appointed under the Code on Social Security, 2020)

…….……..…….(Address)

Sir,

I……, the undersigned, woman employee/her legal heir/her representative or employer/his representative of……. (name and full address of the establishment) aggrieved by the order of Inspector-cum-Facilitator Shri…….. hereby prefer this Appeal under sub-section (*3*) of Section 72 in view of the facts mentioned in the memorandum and other documents filed herewith.

*Denial by his order under sub-section (*2*) of Section 72, the maternity benefit or other amount …… (Nature of amount) to which…..…… (Name of woman employee) is entitled and/or refused to set aside discharge or dismissal of …….. (Name of woman employee) during or on account of absence from work in accordance with the provisions of Chapter VI of the Code on Social Security, 2020 (36 of 2020)*(Strike out unnecessary portion)*.

*It is submitted that the …….. (Name of woman employee) is not entitled to the maternity benefit or the said amount and/or rightly discharged or dismissed hence the order of the Inspector-cum-Facilitator may be set aside.

**Strike out unnecessary portion.*

Signature or thumb impression of the Woman
employee/Aggrieved person/Employer

Place……

Date……

……..……..……..……...
Signature of an Attester in case the woman employee is
not able to sign and affixes thumb impression.
Full address of the nominee/legal representative

FORM – XIX
[*See* rule 77]

(Notice Book of the Accidents)

(1) Name of the Establishment …….…….……

(2) Address of the Establishment …….……..

(3) Nature of Business …….…….…….…….

(4) Date of Opening …….……..

(5) Registration number if any …….…….…….…

(6) Name of the Employer/Occupier …….…….……

Sr. No.	Date of accident	Short details of accident	Name of the injured person	Whether accident resulted in death	Whether accident resulted in total disablement	Whether accident resulted in impartial disablement	Whether accident resulted in temporary disablement	Amount of compensation paid to employee or his dependent	Amount of compensation deposited to Competent Authority	Date of payment or deposit of Compensation
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

FORM – XX
[*See* rule 79]

Statement of Fatal Accidents

To,

Competent Authority,

.....

Sir,

1. I have the honor to submit the following statement of an accident which occurred in (date), at (here enter details of premises) and which resulted in the death of the employee/employees of whom particulars are given in the statement annexed.

2. The circumstances relating to the death of the employee/employees were as under:-

a. Time of accident.

b. Brief History of Accident

c. Place where the accident occurred.

d. Manner in which deceased was/were employed at the time.

e. Cause of the accident.

f. Any Other Relevant Information

3. I am responsible for payment of compensation.

4. Details of employee.

a. Name of the employee…….……..

b. Full postal address

c. Sex ……..

d. Age of the employee…….……...

e. Wages of the employee…..…….……

5. I am not responsible for payment of compensation (Reason)

(Signature and designation of person making the statement)

Name:

Address:

Mobile No.:

FORM – XXI

[*See* rule 80]

Memorandum of Agreement

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

…….

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

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

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

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

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

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

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

Signature of employer ……

Witness ……

Signature of employee …….

Witness …….

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

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

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

Dated .....20.. ……. Employee

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

Witness…….

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

FORM – XXII

[*See* rule 80]

Memorandum of Agreement

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

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

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

Signature of employer

Witness

Signature of employee

Witness

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

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

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

Dated .....20 . Employee

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

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

FORM – XXIII

[*See* rule 80]

Memorandum of Agreement

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

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

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

Rs. .....on .....……Rs. ..... on .....

Rs. .....on .....……Rs. ..... on .....

Rs. .....on .....……Rs. ..... on .....

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

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

Witness ……..

Witness Signature of dependant(s)

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

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

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

Dated ..... 20.... . Dependant(s)

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

Witness …….

FORM – XXIV
[*See* rule 80(*2*)]

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

Dated..... 20…….. Competent Authority

FORM – XXV
[*See* rule 80(*4*)]

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

……

……

……

Dated: …… 20 ……. Competent Authority.

FORM – XXVI

[*See* rule 80(*6*)]

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

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

Dated: …… 20 ……. Competent Authority.

FORM – XXVII

[*See* rule 80(*8*)]

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

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

Dated: …… 20 ……. Competent Authority.

FORM – XXVIII

[*See* rule 80(*12*)]

REGISTER FOR AGREEMENT FOR THE YEAR 20……..

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

FORM – XXIX

[*See* rule 82(*24*)]

NOTICE

Where a claim for compensation has been made by …….. applicant/employer against …….. and the said…….. has claimed that you are liable under section 85(2) of the Code on Social Security 2020 (Central Act 36 of 2020), to indemnify him against any compensation which he may be liable to pay in respect of the aforesaid claim,

you are hereby informed that you may appear before me on …….. and contest the claim for compensation made by the said applicant or the claim for indemnity made by the opposite party. In default of you appearance you will be deemed to admit the validity of any award made against the opposite party and your liability to indemnify the opposite party for any compensation recovered from him.

Dated: ……. 20 ……. Competent Authority.

FORM – XXX

[*See* rule 82(*24*)(*c*)]

NOTICE

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

Dated: ……. 20 ……. Competent Authority.

FORM – XXXI

[*See* rule 86]

REGISTER OF WOMEN EMPLOYEES

Name and address of establishment

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

Month	No. of days employed	No. of days laid off	No. of days not employed	Remark
A	B	C	D	D

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

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

FORM – XXXII

[*See* rule 86(*5*)]

Unified Annual Return

A. General Part:

(a) Name of the establishment ……

Address of the establishment:

House No./Flat No……Street No/Plot No……..

……

Town…… District……..State…….Pin code…....…….

(b) Name of the employer ……..…

Address of the employer:

House No./Flat No……Street No. /Plot No……..…..……..

Town……District…..……..State……..Pin code…….……..…

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

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

……..

……..

Address:

House No./Flat No……Street No. /Plot No……..……

Town…….……District……..State…….Pin code…..…….

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

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

Sr. No.	Name	Registration	If yes (Registration No.)
(1)	(2)	(3)	(4)
01.	The Code on Occupational Safety Health and working condition code 2020.		
02.	The Code on Social Security 2020.		
03.	Any other law for the time being in force.		

C. Details of Employer, Contractor and Contract Labour:

01.	Name of the employer in the case of a contractor's establishment.	
02.	Date of commencement of the establishment.	
03.	Number of Contractors engaged in the establishment during the year.	
04.	Total Number of days during the year on which Contract Labour was employed.	
05.	Total number of man-days worked by Contract Labour during the year.	
06.	Name of the Manager or Agent (in case of mines).	
07.	Address House No/Flat No……..…….. Street/Plot No. Town District ……State…….…….…….……..Pin Code…….…… E-mail ID……....Telephone Number ……Mobile Number…….…….……	

D. Working hours and weekly rest day:

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

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

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

F. Wage rates (Category Wise):

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

Clerical									

G. (a) Details of Payments:

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

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

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

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

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

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

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

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

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

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

Declaration

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

Dated: Sign. Here

Place :

FORM – XXXIII
[*See* rule 88(*6*)]

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 and the number 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)		
	(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		
	(e) Duration of employment (i) 3-6 months (ii) 6-12months (iii) 12 months and more	Number of posts	

4.	Whether there is any obligation for arrangement for giving reservation/ preference to any category of persons such as Scheduled Caste(SC), Scheduled Tribe(ST), Economically Weaker Sections(EWS),Other Backward Classes(OBC), Ex-serviceman and Persons With Disabilities (PWD) , etc, in filling up the Vacancies : Yes/No		
5.	(if yes, give the number of vacancies to be filled by such categories of persons as detailed below)		
	Category	Number of vacancies to be filled	
	(a) Scheduled Caste (b) Scheduled Tribe (c) OBC (d) EWS (e) Ex-Serviceman (f) Persons With Disabilities(PWD) (g) Women (h) Others(specify)		*By Priority candidates *(Applicable for Central Government vacancies)
6.	Pay and Allowances: For Government vacancies: Mention pay level/pay scale of the post with basic pay/pay per month with other details if any For others: Mention minimum total emoluments per month with other details, if any.		
7.	Place of work(Name of the town/village and district, Pin Code ,etc. in which it is situated)		
8.	Mode of Application (email, online, in writing, etc) and Last date for receipt of applications.		
9.	Particulars of officer to whom the applications be sent/candidates should approach(Mention Name, designation, email id, address, Telephone No., website address in case of online)		
10.	Mode of Recruitment {Through Career Centre, Placement Agency, self-management, any other mode(specify) }		
11.	Would like to prefer submission of list of eligible candidates registered with Career Centre	Yes/No	
12.	Any other relevant information		

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

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

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

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

Note:

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

FORM – XXXIV
[*See* rule 88(*10*)]

FORM for EIR (EMPLOYMENT IN FORMATION 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 II – Employment Information &Monitoring) 2020.

Name & Address of the Employer	
Whether–Head Office	
Branch Office Type of Establishment (Public/Private Sector)	
Nature of business/Principal activity	
Establishment Registration No. Under the Code	

1. (a) EMPLOYMENT
Total number of *manpower of establishment* including working *proprietors/partners/contingent employees* paid and contractual workers, out-sourced workers excluding part-time workers and apprentices. (The figures should include every person whose wage or salary *is paid).*

Category	On the last working day of the previous Year	On the last working day of the Year under report
MEN WOMEN Other (Transgender) TOTAL :		

PWD (Persons With Disabilities) out of above total		

(EIR-continued)

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

**As per provisions of Code on Social Security, 2020 (Chapter II) and Rules made there under,*

3. MAN POWER SHORTAGES: Vacancies/posts remained unfilled because of shortage of suitable applicants.

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

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

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

Occupation	Number of employees Please give as far as possible approximate number of vacancies in each occupation you are likely to fill during the next financial year due to retirement/expansion or re-organization.				
Description	Men	Women	Others (transgender)	Total	PWD (Persons With Disabilities) out of total
1	2	3	4	5	6
*					
Total:					

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

Signature, Name & Designation of Authorized 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 II-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 job seekers and connecting them with the employers. This is helpful in ascertaining the skill needs also. Employers too will be able to call on the Career Centres for getting suitable candidates as per their requirements.

FORM – XXXV

[*See* rule 89]

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

Notice No. …….……..…… Date:……...

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

PART-I

1.	Name of the Person:	
2.	Name and Address of the Establishment	
3.	Registration No. of the Establishment.	
4.	Particulars of the Offence	
5.	Provisions of the Code/Scheme/Rule/Regulations under which the offence is committed.	
6.	Compounding amount required to be paid towards composition of the offence.	
7.	Name and details	

PART-II

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

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

(Signature of the Compounding Officer)

Date:

Place :

PART-III

[*See* Rule 49 (*2*)]

Application under sub-section (4) of section 138 of the compounding of offence

Ref: Notice No. …….…….…… Date:……..

The undersigned has deposited the entire amount as specified in column 6 of Part- I and the details of payment are given below with a request to compound the offences mentioned in Part – I.

1. Details of the compounding amount deposited (copy of electronically or otherwise generated receipt to be attached:
2. Details of the prosecution, if filed for the violation of above-mentioned offences may be given:
3. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence:
4. Any other information which the applicant desires to provide.

Signature of the applicant

Dated: (Name and Designation)

Place :

To,

……. (compounding officer)

…….. (name of the officer)

…….. (address)

PART-IV

Composition Certificate

[*See* Rule 49 (3)]

Ref: Notice No. …….…….…… Date:……..

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

(Signature)
Name and Designation of the Officer.

Date:

Place:

To,

……. (Employer/Establishment)

……. (Name and Registration number)

……. (Address).

www.goaprintingpress.gov.in
Published by the Director, Printing & Stationery,
Government Printing Press,
Mahatma Gandhi Road, Panaji-Goa 403 001.
Price—Rs. 117.00
PRINTED AT GOVERNMENT PRINTING PRESS, PANAJI-GOA—263/100-11/2026.