Z-13025/13/2015-LRC
Government of India
Ministry of Labour and Employment

Shram Shakti Bhawan, Rafi Marg,
New Delhi dated, the 17th September, 2019

Subject: **The draft Code on Social Security, 2019 - reg.**

Ministry of Labour & Employment has prepared a preliminary draft of Code on Social Security, 2019 by amalgamating, simplifying and rationalizing the relevant provisions of the existing 8 Central Labour Acts. A copy of the preliminary draft of the Code on Social Security, 2019 is attached.

2. As a part of pre-legislative consultative process, the suggestions/comments/inputs of all concerned stakeholders/other members of the public are invited on the preliminary draft of the Code on Social Security, 2019 for consideration in the Ministry. The suggestions/comments/inputs may be sent to Shri Sanjeev Nanda, Under Secretary, Ministry of Labour and Employment, Room 17, Ground Floor, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001 by 25th October, 2019 [email: sanjeev.dom@nic.in].

3. In order to facilitate proper consideration, the comments/suggestions on the Code must be in following format:

Format				
Section / Sub-Section / Clause / Proviso of the Code	Issue / Problem identified in the Section / Sub-Section / Clause / Proviso of the Code	Proposed / Change that should be made	Reason for proposed change	Remarks, if any

(J. K. Singh) 17.9.2019
Deputy Secretary to the Government of India
Telefax No- 23711120

THE CODE ON SOCIAL SECURITY, 2019

Arrangement of Clauses:

Chapter I: Preliminary

1. Short title, extent, commencement and application
2. Definitions
2A. Registration of factories and establishment

Chapter II: Social Security Organisations

3. Constitution of the Central Board of Trustees
4. Constitution of Employees' State Insurance Corporation
5. Unorganized Workers Social Security Board
6. Constitution of State Building Workers Welfare Boards
7. Disqualification and removal of a member of any Social Security Organisation
8. Procedure of Social Security Organisation, etc.
9. Advisory Committees
10. Executive Heads of the Social Security Organisations
11. Supersession of the Corporation, the Central Board of Trustees, the Unorganised Workers National Social Security Board or the State Unorganised Workers Social Security Board
12. State Board, Regional Boards, Local Committees, etc.
13. Entrustment of additional Functions to Social Security Organisations

Chapter III: Employees Provident Fund

14. Appointment of officers of the Central Board.
15. Schemes
16. Funds
17. Contribution in respect of employees and contractors
18. Option to become member of National Pension System or any other Government approved Scheme
19. Option for return to schemes framed under this Chapter.
20. Fund to be recognised under Act 43 of 1961
21. Priority of payment of contributions over other debts
22. Chapter not to apply to certain establishment
23. Authorising certain employers to maintain provident fund accounts
24. Transfer of Accounts
25. Appeal to the Tribunal

Chapter IV: Employees State Insurance Corporation

26. Principal Officers and other staff
27. Employees' State Insurance Fund
28. Purposes for which the Employees' State Insurance Fund may be expended
29. Holding of property, etc.
30. All employees to be insured
31. Contributions
32. Administrative Expenses
33. Provisions as to payment of contributions by Principal Employer, etc.
34. Benefits
35. Corporation's power to promote measures for health, etc., of insured persons.
36. Presumption as to accident arising in course of employment
37. Accidents happening while acting in breach of law, etc.
38. Occupational Disease
39. References to Medical Board
40. Dependents' benefit
41. Medical Benefit
42. Option for Employee to opt out from the Medical Benefit and Sickness Benefit
43. Provision of medical treatment by State Government or by the Corporation

44. General Provisions as to benefits
45. Corporation's rights when an employer fails to register, etc.
46. Liability of owner or occupier of factories, etc., for excessive sickness benefit
47. Scheme for other beneficiaries
48. Exemption of factories or other establishments belonging to Government or any local authority
49. Contributions, etc., due to Corporation to have priority over other debts
50. Constitution of Employees' Insurance Court
51. Matters to be decided by Employees' Insurance Court
52. Powers of Employees' Insurance Court
53. Proceedings of Employees' Insurance Courts.
54. Appeals from orders of Employees' Insurance Courts.

Chapter V: Gratuity

55. Payment of Gratuity
56. Continuous Service
57. Nomination
58. Determination of amount of gratuity
59. Compulsory insurance
60. Competent Authority

Chapter VI: Maternity Benefit

61. Employment of, or work by, women prohibited during certain period
62. Right to payment of maternity benefit
63. Continuance of payment of maternity benefit in certain cases
64. Notice of claim for maternity benefit and payment thereof
65. Payment of maternity benefit in case of death of a woman
66. Payment of medical bonus
67. Leave for miscarriage, etc.
68. Nursing breaks
68A. Creche facility
69. Dismissal for absence during pregnancy
70. No deduction of wages in certain cases
71. Forfeiture of maternity benefit
72. Duties of Employer
73. Power of Inspector-cum-Facilitator to direct payments to be made

Chapter VII: Employee Compensation

74. Reporting of Accident, Injury, Death and Occupational Diseases
75. Employer's liability for compensation
76. Compensation in case of death of or injury in plantation
77. Amount of compensation
78. Compensation to be paid when due and damages for default
79. Method of calculating monthly wages for purposes of compensation
80. Review
81. Commutation of half-monthly payments
82. Distribution of compensation
83. Notice and claim
84. Special provisions relating to accidents occurring outside Indian territory
85. Medical examination
86. Contracting
87. Remedies of employer against stranger
88. Insolvency of employer
89. Power to require from employers statements regarding fatal accidents
90. Registration of agreements

91. Reference to competent Authority
92. Appointment of competent authority
93. Venue of proceedings and transfer
94. Form of application
95. Power of competent authority to require further deposit in cases of fatal accident
96. Powers and procedure of competent authority
97. Appearance of parties
98. Method of recording evidence
99. Power to submit cases
100. Appeals

Chapter VIII: Building and Other Construction Workers Welfare Cess

101. Levy and collection of cess
102. Interest payable on delay in payment of cess
103. Power to exempt from cess
104. Assessment of cess
104A. Penalty for non-payment of cess within the specified time
105. Appeals

Chapter IX: Social Security for Unorganised Workers

106. Framing of scheme
107. Funding of State Government Schemes
108. Record keeping
109. Workers facilitation centres
110. Registration of unorganised worker
110A. Schemes for gig workers and platform workers

Chapter X: Finance and Accounts

111. Accounts
112. Audit
113. Budget Estimates
114. Annual Report
115. Valuation of assets and liabilities
116. Holding of property etc.
117. Writing off of losses.

Chapter XI: Authorities, Assessment, Compliance and Recovery

118. Appointment of Inspector-cum-Facilitators and their powers
119. Maintenance of records, registers, returns etc.
120. Employer not to reduce wages, etc.
121. Assessment and determination of money dues from employer
122. Review of orders passed under Section 121
123. Appeal against the order of the authorised officer
124. Determination of escaped amount
125. Interest on amount due
126. Power to recover damages
127. Recovery of amount due
128. Validity of certificate, and amendment thereof
129. Other modes of recovery
130. Application of certain provisions of Income- tax Act
131. Appeal against the order of Recovery Officer

Chapter XII: Offences and Penalties
132. Penalty for failure to pay contributions, etc
133. Enhanced punishment in certain cases after previous conviction
134. Offences by companies
135. Cognizance of offences
136. Prior opportunity before prosecution
137. Compounding of offences

Chapter XIII: Miscellaneous
138. Application of Aadhaar
139. Power to exempt establishment
140. Liability in case of transfer of establishment
141. The members, officers and staff to be public servants
142. Protection of action taken in good faith.
143. Misuse of benefits
144. Power of Central Government to give directions.
145. Power to frame schemes
146. Protection against attachment etc.
147. Powers to amend Schedule
148. Power of appropriate Government to make rules
149. Power of Central Government to make rules
150. Power of State Government to make rules
151. Power of Corporation to make regulations
152. Prior publication of rules, regulations etc.
153. Rules to give effect to arrangements with other countries for the transfer of money paid as compensation
154. Laying of Rules and Regulations and schemes etc.
155. Effect of laws and agreements inconsistent with this Code.
156. Power to remove difficulties
157. Repeal and savings.

FIRST SCHEDULE:	APPLICABILITY
SECOND SCHEDULE:	LIST OF PERSONS WHO ARE EMPLOYEES WITHIN THE MEANING OF PROVISO TO CLAUSE (XX) OF SECTION 2
THIRD SCHEDULE:	LIST OF OCCUPATIONAL DISEASES
FOURTH SCHEDULE:	PART I: LIST OF INJURIES DEEMED TO RESULT IN PERMANENT TOTAL DISABLEMENT PART II: LIST OF INJURIES DEEMED TO RESULT IN PERMANENT PARTIAL DISABLEMENT
FIFTH SCHEDULE:	MATTERS THAT MAY BE PROVIDED FOR IN THE SCHEMES
SIXTH SCHEDULE:	FACTORS FOR WORKING OUT LUMP SUM EQUIVALENT OF COMPENSATION AMOUNT IN CASE OF PERMANENT DISABLEMENT AND DEATH
SEVENTH SCHEDULE:	SOCIAL SECURITY SCHEMES FOR THE UNORGANISED WORKERS

	THE CODE ON SOCIAL SECURITY, 2019	
	A BILL	
	to amend and consolidate the laws relating to social security of the workers and the matters connected therewith or incidental thereto.	
	BE it enacted by Parliament in the Seventieth year of the republic of India as follows:-	
	CHAPTER I **PRELIMINARY**	
	1. (1) This Act may be called the Code on Social Security, 2019.	Short title, extent, commencement and application.
	(2) It extends to the whole of India.	
	(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Code and any reference in any such provision to the commencement of this Code shall be construed as a reference to the coming into force of that provision.	
	(4) The applicability of the provisions of Chapters specified in columns (1) and (2) of the First Schedule shall, without prejudice to the applicability of the other provisions of this Code, be such as is specified in corresponding entry in column (3) of that Schedule.	
	(5) Notwithstanding anything contained in sub-section (4), where it appears to the Chief Executive Officer of the Central Board, whether on an application made to him by the employer of an establishment or otherwise, that the employer and majority of employees of that establishment have agreed in writing that the provisions of Chapter III of this Code should be made applicable to that establishment, the Chief Executive Officer, may, by notification, apply the provisions of the said chapter to that establishment on and from the date of such agreement or from any subsequent date specified in the agreement.	
	(6) Notwithstanding anything contained in sub-section (4), an establishment to which any Chapter of this Code applies at the first instance shall continue to be applied thereafter even if the number of employees therein at any subsequent time falls below the threshold specified in the First Schedule in respect of that Chapter.	
	2. In this code, unless the context otherwise requires, -	Definitions.
	(i) "agent" when used in relation to an establishment, means every person ,whether appointed as such or not, who acting or purporting to act on behalf of the owner, takes part in the management, control, supervision or direction of such establishment or part thereof;	
	(ia) "aggregator" means a digital intermediary or a market place for a buyer or user of a service to connect with the seller or the service provider;	
	(ii) "appropriate Government" means- (a) in relation to, an establishment carried on by or under the authority of the Central Government or the establishment of railways, mines, oil field, major ports, air transport service, telecommunication, banking and insurance company or a corporation or other authority established by a Central Act or a central public sector undertaking or subsidiary companies set up by central public sector undertakings or autonomous bodies owned or controlled by the Central Government, including establishment of contractors for the purposes of such establishment, corporation or other authority, central public sector undertakings, subsidiary companies or autonomous bodies, as the case may be, the Central Government; and (b) in relation to any other establishment, the State Government: notwithstanding anything contained in this clause the appropriate Government, for the purposes of Chapter III and Chapter IV and any matter related to those Chapters under this Code, shall be the Central Government;	
	(iii) "Authorised officer" means such officer of the Central Board, or as the case may be, of the Corporation notified by the Central Government for determination and assessment	

	of the dues of the Central Board or the Corporation;	
	(iv) "building or other construction work" means the construction, alteration, repair, maintenance or demolition in relation to buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distribution of water), oil and gas installations, electric lines, internet towers, wireless, radio, television, telephone, telegraph and overseas communications, dams, canals, reservoirs, watercourses, tunnels, bridges, viaducts, aqua-ducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the Central Government, by notification, but does not include any building or other construction work of any factory or mine or any building or other construction work employing less than ten workers or any building or other construction work related to residential property not employing the workers more than such number as may be notified by the Central Government from time to time;	
	(v) "building worker" means a person who is employed to do any skilled, semi-skilled or unskilled, manual, technical or clerical work for hire or reward, whether the terms of such employment are express or implied, in connection with any building or other construction work, but does not include any such person who is employed mainly in a managerial or supervisory or administrative capacity;	
	(vi) "Charitable organization" means an organization which has charitable objective including relief of the poor, education, yoga, medical relief, preservation of environment (including watersheds, forests and wildlife) and preservation of monuments or places or objects of artistic or historic interest, and the advancement of any other object of general public utility;	
	(vii) "child", for the purposes of Chapter VI, includes a still-born child;	
	(viii) "Commissioning mother" means a biological mother who uses her egg to create an embryo implanted in any other woman;	
18 of 2013	(viiia) "company" means a company within the meaning of the Companies Act, 2013;	
	(ix) "Compensation" means compensation as provided under Chapter VIII;	
	(x) "competent authority" means any authority notified by the appropriate Government to perform all or any of the functions of the competent authority under this Code or as the case may be, in respect of such specific provisions of this code or for such areas as may be specified in the notification;	
	(xi) "completed year of service" means continuous service for consecutive twelve months;	
	(xii) "confinement" means labour resulting in the issue of a living child, or labour after twenty-six weeks of pregnancy resulting in the issue of a child whether alive or dead;	
	(xiii) "Contract worker" means a worker who shall be deemed to be employed in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer and includes inter-State migrant worker but does not include a worker(other than part time employee) who is regularly employed by the contractor for any activity of his establishment and his employment is governed by mutually accepted standards of the conditions of employment (including engagement on permanent basis), and gets periodical increment in the pay, social security coverage and other welfare benefits in accordance with the law for the time being in force in such employment;	
	(xiv) "contractor", in relation to an establishment means a person, who— (i) undertakes to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment through contract labour; or (ii) supplies contract labour for any work of the establishment as mere human resource and includes a sub-contractor;	
	(xv) "Contribution" means the sum of money payable by the Principal Employer to the Central Board of Trustees referred to in section 3 and to the Corporation, as the case may be, in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Code;	
	(xvi) "contribution period" in relation to an employee, means the period not exceeding one calendar month in respect of which wages are ordinarily payable to him whether in terms	

	of the contract of employment, express or implied or otherwise;	
	(xvii) “corporation” means the Employees’ State Insurance Corporation constituted under section 4;	
	(xviii) “delivery” means the birth of a child;	
	(xix) "dependant" means any of the following relatives of deceased employee, namely:-- (a) a widow, a minor legitimate or adopted son, an unmarried legitimate or adopted daughter or a widowed mother; and (b) if wholly dependent on the earnings of the employee at the time of his death, a son or a daughter who has attained the age of eighteen years and who is infirm; except for the purposes of Chapter IV wherein the word “eighteen” occurring in this sub-clause shall be deemed to have been substituted by the word “twenty-five”; (c) if wholly or in part dependant on the earnings of the employee at the time of his death,- (i) a widower; (ii) a parent other than a widowed mother; (iii) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate or adopted if married and a minor or if widowed and a minor; (iv) a minor illegitimate son, an unmarried illegitimate daughter or a daughter legitimate or illegitimate or adopted if married and a minor or if widowed and a minor; (v) a minor brother or an unmarried sister or a widowed sister if a minor; (vi) a widowed daughter-in-law (vii) a minor child of a pre-deceased son; (viii) a minor child of a pre-deceased daughter where no parent of the child is alive, or; (ix) a grandparent if no parent of the employee is alive; Explanation.--For the purposes of sub-clause (b) and items (vii) and (viii) of sub-clause (c), references to a son, daughter or child include an adopted son, daughter or child respectively;	
	(xx) “employee” means,— (a) in respect of an establishment, a person, including an apprentice engaged under the Apprentices Act, 1961, employed on wages by such establishment to do any skilled, semi-skilled, unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied; and (b) a person declared to be an employee by the appropriate Government; but does not include any member of the Armed Forces of the Union: Provided that notwithstanding anything contained in this clause, in case of a mine a person is said to be “employed” in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with the knowledge of the manager, whether for wages or not— (a) in any mining operation (including the concomitant operations of handling and transport of minerals upto the point of dispatch and of gathering sand and transport thereof to the mine); (b) in operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations; (c) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine; (d) in operations, within the premises of the mine, of loading for dispatch of minerals; (e) in any office of the mine;	

	(f) in any welfare, health, sanitary or conservancy services required to be provided under this Code relating to mine, or watch and ward, within the premises of the mine excluding residential area; or (g) in any kind of work whatsoever which is preparatory or incidental to, or connected with, mining operations: Provided further that for the purposes for Chapter III and Chapter IV, the term employee shall mean only such employee drawing wages less than or equal to the wage ceiling notified by the Central Government, respectively, for said chapters and such other persons or class of persons as the Central Government may, by notification specify to be employee for the purposes of either of such Chapters, or both: Provided also that for the purposes of chapter VII, the term employee shall mean only such persons as specified in the Second Schedule and such other persons or class of persons as the Central Government or as the case may be, the State Government may add to the said Schedule, by notification, for the purposes of that Government;	
	(xxi) "employer" means a person who employs, whether directly or through any person, or on his behalf, or on behalf of any person, one or more employees in his establishment and where the establishment is carried on by any department of the Central Government or the State Government, the authority specified, by the head of such department, in this behalf or where no authority, is so specified the head of the department and in relation to an establishment carried on by a local authority, the chief executive of that authority, and includes, – (a) in relation to an establishment which is a factory, the occupier of the factory; (b) in relation to mine, the owner of the mine or agent or manager having requisite qualification under the law for the time being in force and appointed by the owner or agent of the mine as such; (c) in relation to any other establishment, the person who, or the authority which has ultimate control over the affairs of the establishment and where said affairs are entrusted to a manager or managing director, such manager or managing director; (d) Contractor; and (e) legal representative of a deceased employer;	
	(xxii) "employment injury" means a personal injury to an employee or worker, as the case may be, caused by accident or an occupational disease arising out of and in the course of his employment, being an insurable employment only for the purposes of Chapter IV, whether the accident occurs or the occupational disease is contracted within or outside the territorial limits of India;	
	(xxiii) "establishment" means— (a) a place where any industry, trade, business, manufacture or occupation is carried on; or (b) a factory, motor transport undertaking, newspaper establishment, audio-video production, building and other construction work or plantation; (c) a mine or dock work;	
	(xxiv) "factory" means any premises including the precincts thereof— (a) whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on, or (b) whereon twenty or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on, but does not include a mine, or a mobile unit belonging to the armed forces of the Union, railways running shed or a hotel, restaurant or eating place. Explanation I.—For computing the number of workers for the purposes of this clause all the workers in (different groups and relays) a day shall be taken into account; Explanation II.—For the purposes of this clause, the mere fact that an Electronic Data Processing Unit or a Computer Unit is installed in any premises or part thereof, shall not be construed as factory if no manufacturing process is being carried on in such premises or	

	part thereof;	
	(xxv) "family " means all or any of the following relatives of an employee, worker or an Unorganised Worker, as the case may be, namely : — (a) a spouse ; (b) a minor legitimate or adopted child dependent upon the employee, worker or an Unorganised Worker, as the case may be, ; (c) a child who is wholly dependent on the earnings of the employee, worker or an Unorganised Worker, as the case may be, and who is — (i) receiving education, till he attains the age of twenty-one years; (ii) an unmarried daughter ; (d) a child who is infirm by reason of any physical or mental abnormality or injury and is wholly dependent on the earnings of the employee, worker or an Unorganised Worker, as the case may be, so long as the infirmity continues ; (e) dependent parents (including father in law and mother in law of a woman employee), whose income from all sources does not exceed such income as may be prescribed by the Central Government; (f) in case the employee, worker or an Unorganised Worker, as the case may be, is unmarried and his parents are not alive, a minor brother;	
	(xxvi) "fixed term employment" means the engagement of an employee or a worker on the basis of a written contract of employment for a fixed period: Provided that – (a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent employee or worker as the case may be; and (b) he shall be eligible for all statutory benefits available to a permanent employee or worker as the case may be, proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute applicable on him;	
	(xxvii) "gig worker" means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship;	
	(xxviii) "home-based worker" means a person engaged in the production of goods or services for an employer in his home or other premises of his choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment , materials or other inputs;	
	(xxix) "Inspector-cum-Facilitator" means an inspector cum facilitator appointed under section 118;	
15 of 1908	(xxx) "major port" has the meaning assigned to it in clause (8) of section 3 of the Indian Ports Act, 1908;	
	(xxxi) "manager" means the person who is responsible for the overall management, control, supervision or direction of the establishment subject to overall instructions of the owner of the establishment: Provided that where no manager is appointed, the owner or his representative for the purpose of carrying the owner's trade or business shall be deemed to be manager;	
	(xxxii) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business, but does not include an individual manager subordinate to an employer;	
	(xxxiii) "manufacturing process" means any process for- (i) making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, refining, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal; or (ii) pumping oil, water, sewage or any other substance; or (iii) generating, transforming or transmitting power; or (iv) composing types for printing, printing by letter press, lithography, photogravure screen printing, three or four dimensional printing, prototyping, flexography or other types of printing process or book binding; or	

	(v) constructing, reconstructing, repairing, refitting, finishing or breaking upships or vessels; or (vi) preserving or storing any article in cold storage; or (vii) development of software; or (viii) such other processes as the Central Government may notify;	
	(xxxiv) "medical practitioner" means a person registered under any Central Act, or an Act of the Legislature of a State, or, in any area where no such Act is in force, any person declared by the State Government, by notification, to be qualified as medical practitioner for the purposes of this Code: Provided that different class or classes of medical practitioner having specific qualification may be notified by the Central Government for the purpose of Chapter III and IV and by the appropriate Government for other Chapters of this Code;	
34 of 1971	(xxxv) "medical termination of pregnancy" means the termination of pregnancy permissible under the provisions of the Medical Termination of Pregnancy Act, 1971;	
35 of 1952	(xxxvi) "mine" has the meaning assigned to it in clause (j) of sub-section (1) of Section 2 of the Mines Act, 1952;	
	(xxxvii) "minor" means a person who has not attained the age of eighteen years;	
45 of 1860	(xxxviii) "miscarriage" means expulsion of the contents of a pregnant uterus at any period prior to or during the twenty-sixth week of pregnancy, but does not include any miscarriage, the causing of which is punishable under the Indian Penal Code;	
23 of 2013	(xxxviiia)"National Pension System" shall have the same meaning as assigned to it in clause (i) of sub-section (1) of section 2 of the Pension Fund Regulatory and Development Authority Act, 2013;	
	(xxxix) "notification" means a notification published in the Gazette of India or the Official Gazette of a State, as the case may be, and the expression "notify" with its grammatical variations and cognate expressions shall be construed accordingly;	
	(xxxx) "Occupational disease" means a disease specified in the Third Schedule as a disease peculiar to the employment of the worker;	
	(xxxxi) "occupier" in respect of a factory means the person who has ultimate control over the affairs of the factory: Provided that- (a) in the case of a firm or other association of individuals, any one of the individual partners or members thereof; (b) in the case of a company, any one of the directors, except any independent director within the meaning of sub-section (6) of section 149 of the Companies Act, 2013; (c) in the case of a factory owned or controlled by the Central Government or any State Government, or any local authority, the person or persons appointed to manage the affairs of the factory by the Central Government, the State Government or the local authority or such other authority as may be prescribed by the Central Government, shall be deemed to be the occupier; Provided further that in the case of a ship which is being repaired, or on which maintenance work is being carried out, in a dry dock which is available for hire, the owner of the dock shall be deemed to be the occupier for all purposes except the matters as may be prescribed by the Central Government which are directly related to the condition of ship for which the owner of ship shall be deemed to be the occupier;	
53 of 1948	(xxxxii) "oilfield" has the meaning assigned to it in clause (e) of section 3 of the Oilfields (Regulation and Development) Act, 1948;	
	(xxxxiii) "Organised sector" means an enterprise which is not an unorganised sector;	
	(xxxxiii) "owner" when used in relation to an establishment, means – (a) any person who is the immediate proprietor or lessee or occupier of the establishment or any part thereof; and (b) in the case of an establishment the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver; but does not include a person who does not have ultimate control over the activities of the establishment and– (a) merely receives a royalty, rent or fine from the establishment subject to any lease,	

	grant or license for the working thereof; or (b) is merely the owner of the premises and not interested in the activities of the establishment: Provided that in case of any contract or lease for running an establishment, the contractor or the lessee shall also be deemed to be the owner, but not so as to exempt the person who has granted the contract or the lessor from any liabilities under this Code;	
	(xxxxiv) "permanent partial disablement" means, where the disablement is of a permanent nature, as reduces the earning capacity of an employee in every employment which he was capable of undertaking at the time of the accident resulting in the disablement: Provided that every injury specified in Part II of the Fourth Schedule shall be deemed to result in permanent partial disablement;	
	(xxxxv) "permanent total disablement " means such disablement of a permanent nature as incapacitates an employee for all work which he was capable of performing at the time of the accident resulting in such disablement: Provided that permanent total disablement shall be deemed to result from every injury specified in Part I of the Fourth Schedule or from any combination of injuries specified in Part II thereof where the aggregate percentage of the loss of earning capacity, as specified in the said Part II against those injuries, amounts to one hundred percent or more;	
	(xxxxvi) "plantation" means— (a) any land used or intended to be used for— (i) growing tea, coffee, rubber, cinchona or cardamom which admeasures five hectares or more; (ii) growing any other plant, which admeasures five hectares or more and in which persons are employed or were employed on any day of the preceding twelve months, if, after obtaining the approval of the Central Government, the State Government, by notification, so directs Explanation.—Where any piece of land used for growing any plant referred to in this sub-clause admeasures less than five hectares and is contiguous to any other piece of land not being so used, but capable of being so used, and both such pieces of land are under the management of the same employer, then, for the purposes of this sub-clause, the piece of land first mentioned shall be deemed to be a plantation, if the total area of both such pieces of land admeasures five hectares or more; and (b) any land which the state government may, by notification, declares and which is used or intended to be used for growing any plant referred to in sub-clause (a), notwithstanding that it admeasures less than five hectares: Provided that no such declaration shall be made in respect of such land which admeasures less than five hectares immediately before the commencement of this Code; and (c) offices, hospitals, dispensaries, schools and any other premises used for any purpose connected with any plantation within the meaning of sub-clause (a) and sub-clause (b); but does not include factory on the premises;	
	(xxxxvia) "platform work" is an employment form in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services in exchange for payment;	
	(xxxxvib) "platform worker" is a person engaged in or undertaking platform work;	
15 of 1908	(xxxxvii) "port" has the meaning assigned to it in clause (4) of section 3 of the Indian Ports Act, 1908;	
	(xxxxviii) "prescribed" means prescribed by rules made by the appropriate Government, the Central Government or the State Government, as the case may be, under this Code;	
	(xxxxix) "principal employer", where the contract worker is employed or engaged, means— (a) in relation to any office or department of the Government or a local authority, the head of that office or department or such other officer as the Government or the local authority, may specify in this behalf; (b) in a factory, the owner or occupier of the factory and where a person has been named as the manager of the factory, the person so named;	

	(c) in a mine, the owner or agent of the mine; (d) in relation to any other establishment, any person responsible for the supervision and control of the establishment;	
24 of 1989	(xxxxx)"railway" has the meaning assigned to it in clause (31) of the section 2 of The Railways Act, 1989;	
	(xxxxxi) "railway company" includes any persons whether incorporated or not, who are owners or lessees of a railway or parties to an agreement for working a railway;	
	(xxxxxii) "Recovery Officer" means- (a) such officer of the Central Board or the Corporation not below the Rank of Group 'A' officer under the Central Government for the purposes of Chapter III or IV and the provisions of this Code relating to those Chapters, as the case may be; (b) such officer of the Central Government or the State Government not below the Rank of Group 'A' officer under that Government, in respect of other provisions of this Code, other than the chapters specified in sub-clause (a), as may be specified in the notification; who is authorised by the Central Government or the State Government, as the case may be, by notification, to discharge the functions and exercise the powers of a Recovery Officer for the purposes of Chapter X;	
	(xxxxxiii) "regulation" means a regulation made by the Corporation under this Code;	
	(xxxxxiv) "retirement" means termination of the service of an employee otherwise than on superannuation;	
	(xxxxxv) "Schedule" means a schedule to this Code;	
	(xxxxxvi) "seamen" means any person forming part of the crew of any ship, but does not include the master of the ship;	
	(xxxxxvii) " seasonal factory ", means a factory which is exclusively engaged in one or more of the following manufacturing processes, namely, cotton ginning, cotton or jute pressing, decortication of ground-nuts, the manufacture of coffee, indigo, lac, rubber, sugar (including gur) or tea or any manufacturing process which is incidental to or connected with any of the aforesaid processes and includes a factory which is engaged for a period not exceeding seven months in a year — (a) in any process of blending, packing or repacking of tea or coffee ; or (b) in such other manufacturing process as the Central Government may, by notification, specify;	
	(xxxxxviii) self-employed worker" means any person who is not employed by an employer, but engages himself in any occupation in the unorganised sector subject to a monthly earning of an amount as may be notified by the Central Government or the State Government from time to time or holds cultivable land subject to such ceiling as may be notified by the State Government;	
	(xxxxxix)"shop", in respect of a state, means a shop as defined in an enactment dealing with the shop and for the time being in force in that state;	
	(xxxxxx) "social security" means the measures of protection afforded to worker to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights enshrined and schemes framed under the Code;	
	(xxxxxxi) "Social Security Organisation" means any of the following organisations established under this Code, namely:- (a) the Central Board of Trustees for Employees Provident Fund constituted under section 3; (b) the Employees State Insurance Corporation constituted under section 4; (c) the Unorganised Workers National Social Security Board constituted under section 5; (d) the State Unorganised Workers Social Security Board constituted under section 5; and (e) the State Building Workers Welfare Boards constituted under section 6;	
	(xxxxxii)"State" includes a Union Territory;	
	(xxxxxiii) "State Government" includes – (a) in relation to a Union Territory with legislature, the Government of the Union Territory; and	

	(b) in relation to a Union Territory without legislature, the Administrator appointed under article 239 of the constitution as an administrator thereof;	
	(xxxxxiv) "superannuation", in relation to an employee or a worker, means the attainment by the employee of such age as is fixed in the contract or conditions of service, as the age on the attainment of which the employer or the worker, as the case may be, shall vacate the employment;	
	(xxxxxv) "temporary disablement" means a condition resulting from an employment injury which requires medical treatment and renders an employee or a worker, as a result of such injury, temporarily incapable of doing the work which he was doing prior to or at the time of the injury;	
14 of 1947	(xxxxxvi) "Tribunal" means the Industrial Tribunal constituted by the appropriate Government under section 7A of the Industrial Disputes Act, 1947;	
	(xxxxxvii) "unorganised sector" means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten;	
14 of 1947	(xxxxxviii) unorganised worker" means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by the Industrial Disputes Act, 1947 or Chapter III to VII;	
	(xxxxxix) "wages" means all remuneration, whether by way of salaries, allowances or otherwise, expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes;- (a) basic pay; (b) dearness allowance; and (c) retaining allowance, if any; but does not include— (a) any bonus payable under any law for the time being in force, which does not form part of the remuneration payable under the terms of employment; (b) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the appropriate Government; (c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon; (d) any conveyance allowance or the value of any travelling concession; (e) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment; (f) house rent allowance; (g) remuneration payable under any award or settlement between the parties or order of a court or Tribunal; (h) any overtime allowance; (i) any commission payable to the employee; (j) any gratuity payable on the termination of employment; (k) any retrenchment compensation or other retirement benefit payable to the employee or any ex-gratia payment made to him on the termination of employment: Provided that, for calculating the wages under this clause, if payments made by the employer to the employee under clauses (A) to (I) exceeds one half, or such other per cent. as may be notified by the Central Government, of the all remuneration calculated under this clause, the amount which exceeds such one-half, or the percent so notified, shall be deemed as remuneration and shall be accordingly added in wages under this clause: Provided further that for the purpose of equal wages to all genders and for the purpose of payment of wages the emoluments specified in clauses (D), (F), (G) and (H) shall be taken for computation of wage. Explanation.— Where an employee is given in lieu of the whole or part of the wages payable to him, any remuneration in kind by his employer, the value of such remuneration in kind which does not exceed fifteen per cent. of the total wages payable to him, shall be	

	deemed to form part of the wages of such employee.	
	(xxxxxx) “wage ceiling” means such amount of wages or income as may be notified by the Central Government, from time to time for the purpose of this Code;	
	(xxxxxxi) “wage worker” means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home-based worker, or as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers, with a monthly wage of an amount as may be notified by the Central Government and State Government, as the case may be;	
	(xxxxxxii)“woman” means a woman employed, whether directly or through any agency, for wages in any establishment;	
	(xxxxxxiii) "worker" means any person (except an apprentice as defined under clause (aa) of section 2 of the Apprentices Act, 1961) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and includes— (i) working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955; and (ii) sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976, and for the purposes of any proceeding under this Code in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched or otherwise terminated in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute; but does not include any such person— (i) who is subject to the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957; or (ii) who is employed in the police service or as an officer or other employee of a prison; or (iii) who is employed mainly in a managerial or administrative capacity; or (iv) who is employed in a supervisory capacity drawing wage of exceeding fifteen thousand rupees per month or an amount as may be notified by the Central Government from time to time;	
	2A. Every establishment to which this Code applies shall be registered within such time and in such manner as may be prescribed by the Central Government: Provided that as far as possible, the Central Government may, for the purposes of registration under this section, allot same registration number to and establishment, if registered under any other enactment for the time being in force, and on such allotment the establishment already so registered shall not be required to be registered again under this section and the registration number so allotted shall be used for the purposes of this Code in respect of such establishment.	Registration of factories and establishment.

Chapter II
Social Security Organisations

	3. (1) The Central Government may, by notification, constitute, with effect from such date as may be specified therein, a Board of Trustees for whole or part of India as specified in the notification (hereinafter in this Code referred to as the Central Board) for the administration of the funds vested in it in such manner as may be prescribed by Central Government, consisting of the following members, namely:- (a) a Chairman and a Vice- Chairman to be appointed by the Central Government; (b) not more than five persons appointed by the Central Government from amongst its officials; (c) not more than fifteen persons representing Governments of such States as the Central Government may Specify in this behalf, appointed by the Central Government; (d) ten persons representing employers of the establishments to which the Scheme referred to in sub section (1) of section 15 applies, appointed by the Central Government after consultation with such organisations of employers as may be recognised by the Central Government in this behalf; and (e) ten persons representing employees in the establishments to which the Scheme applies appointed by the Central Government after consultation with such organisations of employees as may be recognised by the Central Government in this behalf. (f) the Chief Executive Officer of the Central Board as may be notified by the Central Government, Ex-officio;	Constitution of the Central Board of Trustees.
	(2) The Central Board, shall be a body corporate, having perpetual succession and a common seal and shall by the said name sue and be sued.	
	(3). The Central Government may, by notification, constitute, with effect from such date as may be specified therein, an Executive Committee from amongst the members of the Central Board to assist the Central Board in performance of its functions in such manner as may be prescribed by the Central Government.	
	(4). The Central Board may, by order, constitute one or more committees of such composition as may be specified in the order to assist it in discharge of its functions.	
	(5). The terms and conditions, including tenure of office, subject to which a member of the Central Board and Executive Committee shall discharge their respective duties may be such as may be prescribed by the Central Government: Provided that a member of the Central Board shall, notwithstanding the expiry of the tenure of his office, continue to hold office until his successor is appointed.	
	(6). The Central Board, apart from the functions specified in this Code, shall also perform such other functions in such manner as may be prescribed by the Central Government.	
	4.(1) The Central Government may, by notification, constitute with effect from such date as may be specified therein, a Corporation for whole or part of India as specified in the notification, for the administration of Scheme of Employees State Insurance (hereinafter referred to as Employees' State Insurance Scheme) in such manner as may be prescribed by the Central Government, consisting of the following members, namely:- (a) a Chairman to be appointed by the Central Government; (b) a Vice-Chairman to be appointed by the Central Government; (c) not more than five persons to be appointed by the Central Government from amongst its officials; (d) one person representing each of such States in such manner, as may be prescribed by the Central Government; (e) one person to be appointed by the Central Government to represent the Union territories; (f) ten persons representing employers to be appointed by the Central Government in consultation with such organisations of employers as may be recognized for the purpose by the Central Government; (g) ten persons representing employees to be appointed by the Central Government in consultation with such organisations of employees as may be recognized for the purpose by the Central Government; (h) two persons representing the medical profession to be appointed by the Central Government in consultation with such organisations of medical	Constitution of Employees' State Insurance Corporation.

	practitioners as may be recognized for the purpose by the Central Government; (i) three members of Parliament of whom two shall be members of the House of the People (Lok Sabha) and one shall be a member of the Council of States (Rajya Sabha) elected respectively by the members of the House of the People and the members of the Council of States ; and (j) the Chief Executive Officer of the Corporation as may be notified by the Central Government, ex-officio.	
	(2). The corporation shall be a body corporate, having perpetual succession and a common seal and shall by the said name sue and be sued.	
	(3). The Central Government may, by notification, constitute, with effect from such date as may be specified therein, a Standing Committee from amongst the members of the Corporation in such manner, as may be prescribed by the Central Government.	
	(4) Subject to the general superintendence and control of the Corporation, the Standing Committee- (a) shall administer the affairs of the Corporation and may exercise any of the powers and perform any of the functions of the Corporation in such manner as may be prescribed by the Central Government. (b) shall submit for the consideration and decision of the Corporation all such cases and matters as may be specified in the regulations made in this behalf; and (c) may, in its discretion, submit any other case or matter for the decision of the Corporation.	
	(5) The Central Government may, by notification, constitute, with effect from such date as may be specified therein, a Medical Benefit Committee of such composition as may be prescribed by it, to assist the Corporation in performance of its functions relating to administration of medical benefits.	
	(6). The Corporation may, by order, constitute one or more committees of such composition as may be specified in the regulations to assist it in discharge of its functions.	
	(7)**.** The terms and conditions, including tenure of office, subject to which a member of the Corporation and Standing Committee shall discharge their respective duties may be such as may be prescribed by the Central Government: Provided that a member of the Corporation shall, notwithstanding the expiry of the tenure of his office, continue to hold office until his successor is appointed.	
	5. (1) The Central Government shall, by notification, constitute a National Social Security Board for unorganised workers (hereinafter referred to as National Social Security Board) to exercise the powers conferred on, and to perform the functions assigned to, it under this Code, in such manner as may be prescribed by the Central Government.	Unorganized Workers Social Security Boards.
	(2). The Unorganized Workers' National Board shall consist of the following members, namely;- (a) Union Minister for Labour and Employment as Chairperson; (b) Secretary, Ministry of Labour and Employment as Vice Chairperson; (c) thirty-five members to be nominated by the Central Government, out of whom- (i) seven members representing unorganised sector workers; (ii) seven members representing employers of unorganised sector; (iii) seven members representing eminent persons from civil society; (iv) two members representing the Lok Sabha and one from Rajya Sabha; (v) five members representing Central Government Ministries and Departments concerned; (vi) Five members representing State Governments; and (vii) One member representing the union territories; and (d) Member Secretary as notified by the Central Government.	
	(3) Every State Government shall, by notification, constitute a State Board to be known as (name of the State) Unorganized Workers' Board (hereinafter referred to as State Unorganised Workers' Board) to exercise the powers conferred on, and to perform the functions assigned to it, under this Code, in such manner as may be prescribed by the State Government.	
	(4) Every State Unorganised Workers' Board shall consist of the following members,	

	namely:- (a) Minister of Labour and Employment of the concerned State- Chairperson, ex officio; (b) Principal Secretary or Secretary (Labour) as Vice Chairperson; (c) twenty-eight members to be nominated by the State Government, out of whom- (i) seven representing the unorganised workers; (ii) seven representing employers of unorganised workers; (iii) two members representing the Legislative Assembly of the concerned State; (iv) five members representing eminent persons from civil society; and (v) seven members representing State Government Departments concerned; (d) one member to be nominated by the Central Government; and (e) Member Secretary as notified by the State Government.	
	6.(1)Every State Government shall, with effect from such date as it may, by notification, appoint, constitute a Board to be known as the.....(name of the State) Building and Other Construction Workers' Welfare Board (hereinafter referred to as Building Workers' Welfare Board) to exercise the powers conferred on, and perform the functions assigned to, it under this Code.	Constitution of State Building Workers Welfare Boards.
	(2) The Building Workers' Welfare Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal and shall by the said name sue and be sued.	
	(3) The Building Workers' Welfare Board shall consist of a chairperson to be nominated by the State Government, one member to be nominated by the Central Government and such number of other members, not exceeding fifteen, as may be appointed to it by the State Government:	
	Provided that the Building Workers' Welfare Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one member of the Board shall be a woman.	
	(4) The terms and conditions of appointment and the salaries and other allowances payable to the chairperson and the other members of the Building Workers' Welfare Board, and the manner of filling of casual vacancies of the members of the Building Workers' Welfare Board, shall be such as may be prescribed by the State Government.	
	(5) (a) the Building Workers' Welfare Board shall appoint a Secretary and such officers and employees as it considers necessary for the efficient discharge of its functions of the Building Workers' Welfare Board under this Code. (b) the Secretary of the Building Workers' Welfare Board shall be its chief executive officer. (c) the terms and conditions of appointment and the salary and allowances payable to the Secretary and the other officers and employees of the Building Workers' Welfare Board shall be such as may be prescribed by the State Government**.**	
	(6) The Building Workers' Welfare Board shall perform the following functions, namely:- (a) provide death and disability benefits to a beneficiary or his dependents; make payment of pension to the beneficiaries who have completed the age of sixty years; (b) pay such amount in connection with premium for Group Insurance Scheme of the beneficiaries as may be prescribed by the appropriate Government; (c) give such financial assistance for the education of children of the beneficiaries as may be prescribed by the appropriate Government; (d) meet such medical expenses for treatment of major ailments of a beneficiary or, such dependant, as may be prescribed by the appropriate Government; (e) make payment of maternity benefit to the female beneficiaries; and (f) make provision and improvement of such other welfare measures and facilities as may be prescribed by the Central Government.	
	7. (1) No person shall be chosen as, or continue to be, a member of a Social Security Organisation, or any Committee thereof who,- (a) is or at any time has been adjudged insolvent; or (b) is found to be a lunatic or becomes of unsound mind; or (c) is or has been convicted of any offence involving moral turpitude; or (d) is an employer in an establishment and has defaulted in the payment of any dues under this Code; (e) is a member of a Social Security Organisation being a member of the Parliament or a member of a State Legislative Assembly, when he ceases to be such member of the Parliament or State Legislative Assembly, as the case may be; or	Disqualification and removal of a member of any Social Security Organisation.

	(f) is a member of Social Security Organisation being a member of the Parliament or a member of a State Legislative Assembly, and he becomes a – (i) Minister of Central or State Government; or (ii) Speaker or Deputy Speaker of House of People or a State Legislative Assembly; or (iii) Deputy Chairman of the Council of States.	
	Explanation 1. - If any question arises whether any person is disqualified under clause (d), it shall be referred to the appropriate Government and the decision of the appropriate Government on any such question shall be final.	
	Explanation 2.- Clause (f) shall not apply in case of persons who are members of the Social Security Organisation ex-officio, by virtue of being a Minister.	
	(2) The Central Government, in case of the Central Board, the Corporation and the National Social Security Board and the State Government in case of the State Unorganised Workers' Board and the Building Workers' Welfare Board, may remove any member of such Social Security Organisation from his office, who,- (a) is or has become subject to any of the disqualifications mentioned in sub-section (1); or (b) is absent without leave of the Social Security Organisation of which he is a member for more than three consecutive meetings of the Social Security Organisation or a Committee thereof; (c) in the opinion of such Government, has so abused the position of his office as to render that member's continuation in the office detrimental to the public interest or is otherwise unfit or unsuitable to continue as such member in the opinion of such Government: Provided that, no person shall be removed under clause (b) and (c), unless that person has been given an opportunity to show cause as to why he should not be removed. Provided further that a member of the Executive Committee of the Central Board or the Standing Committee of the Corporation shall cease to hold office if he ceases to be a member of the Central Board or the Corporation, as the case may be.	
	(3) Any member of a Social Security Organisation or a Committee thereof may at any time resign from his office in writing under his hand addressed to the Central Government or the State Government, which had made his appointment and on acceptance of such resignation, his office shall become vacant.	
	(4) If in a Social Security Organisation or a Committee thereof, the Central Government or the State Government, as the case may be, is of the opinion that - (a) any member thereof representing employers or the employees or the workers or the unorganised workers, as the case may be, ceases to adequately represent so; or (b) any member thereof representing to be an expert in a specified area, is later on found not to possess sufficient expertise in that area; or (c) having regard to exigencies of circumstances or services in such Government, the member thereof representing such Government cannot continue to represent the Government; then, such Government may, by order, remove such member from his office: Provided that no person shall be removed under clause (a) or (b), unless that person has been given an opportunity to show cause as to why he should not be removed.	
	(5) If any member of a Social Security Organisation or a Committee thereof, who is a director of a company and who as such director, has any direct or indirect pecuniary interest in any matter coming up for consideration of the Social Security Organisation or a Committee thereof, then, he shall, as soon as may be possible after such fact of interest has come to his knowledge, disclose the nature of the interest and such disclosure shall be recorded in the proceedings of the Social Security Organisation or the Committee thereof, as the case may be, and such member, thereafter, shall not take part in any proceeding or decision of the Social Security Organisation, or a Committee thereof relating to that matter.	
	8. (1) A Social Security Organisation or any committee thereof shall meet at such intervals and observe such procedure in regard to the transaction of business at its meetings (including the quorum at such meetings) as may be prescribed by the Central Government.	Procedure of Social Security Organisation, etc.
	(2) All orders and decisions of a Social Security Organisation shall be authenticated by the	

	signature of the Chief Executive Officer or such other member as may be prescribed by the Central Government and all other instruments issued by the Social Security Organisation shall be authenticated by the signature of such officer or member so prescribed.	
	(3) No act done or proceeding taken by the a Social Security Organisation or any Committee thereof shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of the Social Security Organisation or the Committee thereof, as the case may be.	
	(4) Such members of a Social Security Organisation or any Committee thereof shall be entitled for such fee and allowances as may be prescribed by the Central Government.	
	9. (1) The Central Government may, by notification, constitute, with effect from such date as may be specified therein one or more Advisory Committee, to be called the Central Advisory Committee for Unorganised Workers in respect of such schemes as it deems fit, to advise the Central Government upon such matters arising out of the administration of this Code relating to unorganised workers or such schemes for which the Advisory Committee is constituted, and such other matters that the Central Government may refer to it for advice.	Advisory Committees.
	(2) A Central Advisory Committee shall consist of— (a) a Chairperson to be appointed by the Central Government; (b) such number of other members, not exceeding thirteen as the Central Government may nominate, that shall include representatives of the employers, associations, unions or persons espousing the cause of the unorganised workers, individuals having expertise in issues relating to labour matters, women and child issues, law or any other interests which in the opinion of the Central Government, ought to be represented on the Central Advisory Committee; (c) three members of Parliament of whom two shall be elected by the House of People and One by Council of States, as members; and (d) the Chief Executive Officer of the National Social Security Board, as may be notified by the Central Government, ex-officio. Provided that where the Central Advisory Committee is constituted for the purposes of building workers, the members nominated to represent the building workers shall not be less than the number of members nominated to represent the employers thereof.	
	(3) The State Government may, by notification, constitute, with effect from such date as may be specified therein one or more Advisory Committees (hereinafter referred as the State Advisory Committee) to advise the State Unorganised Workers' Board on such matters arising out of administration and utilization of one or more of the schemes for the welfare of unorganised workers administered by that Government under this Code and matters related thereto: Provided that the separate advisory committee shall not be constituted for any scheme for which the annual allocation or collection of funds, are, or are likely to be less than such amount as may be prescribed by Central Government.	
	(4) The State Advisory Committee shall consist of following members, namely:- (a) a Chairperson to be appointed by the State Government; (b) two members of the State Legislature to be elected from the State legislature-members; (c) such number of other members, not exceeding eleven as the State Government may nominate, that shall include representatives of employers, associations, unions or persons espousing the cause of the said workers, individuals having expertise in issues relating to labour matters, women and child issues, law or any other interests which in the opinion of the State Government, ought to be represented on the State Advisory Committee; (d) a member to be nominated by the Central Government (e) the Chief Executive Officer of the State Unorganised Workers' Board, as may be notified by the State Government, ex-officio. Provided that where the State Advisory Committee is constituted for the purposes of building workers, the members nominated to represent the building workers shall not be less than the number of members nominated to represent the employers thereof.	
	(5) The terms and conditions (including tenure of office) subject to which a member of- (i) the National Social Security Board and Central Advisory Committee may be appointed and the time, place and procedure of its meetings shall be such as may be prescribed by the Central Government; and	

	(ii) the State Unorganised Workers' Board and State Advisory Committee may be appointed and the time, place and procedure of its meetings shall be such as may be prescribed by the State Government.	
	(6) Such members of a Central Advisory Committee or the State Advisory Committee shall be entitled for such fee and allowances as may be prescribed respectively by the Central Government or the State Government.	
	(7) A Central or State Advisory Committee at any time and for such period as it thinks fit, co-opt any person or persons to the Committee and a person co- opted shall exercise and discharge all the powers and functions of a member thereof, but shall neither be entitled to vote nor to any fee.	
	10. The respective Chief Executive Officer of the – (i) Central Board; (ii) Corporation; and (iii) National Social Security Board; as notified by the Central Government shall be the whole-time officer of the Central Board, Corporation or National Social Security Board, as the case may be, and shall not undertake any work unconnected with his office without the prior approval of the Central Government.	Executive Heads of the Social Security Organisations.
	11. (1) If the Central Government in case of the Central Board, the Corporation or the National Social Security Board and the State Government, in case of the State Unorganised Workers' Board or the Building Workers' Welfare Board is of the opinion that the Corporation or the Central Board of Trustees or the National Social Security Board or the State Unorganised Workers Board or any of the Committee thereof, as the case may be, is unable to perform its functions, or, has persistently made delay in the discharge of its functions or has exceeded or abused its powers or jurisdiction, then such Government may, by notification, supersede the Corporation or the Central Board or the National Social Security Board or the State Unorganised Workers Board or the Building Workers' Welfare Board, or any of the Committees thereof, as the case may be, and re-constitute it in such manner as may be prescribed by the Central Government: Provided that, before issuing a notification under this sub-section on any of the grounds specified herein, such Government shall give an opportunity to the Corporation or the Central Board or the National Social Security Board or the State Unorganised Workers Board or the Building Workers' Welfare Board or any Committee thereof, as the case may be, to show cause why it should not be superseded and shall consider the explanations and objections raised by it and take appropriate action thereon.	Supersession of the Corporation, the Central Board of Trustees, the Unorganised Workers National Social Security Board or the State Unorganised Workers Social Security Board.
	(2) After the supersession of the Corporation, or the Central Board or the National Social Security Board, the State Unorganised Workers Board or the Building Workers' Welfare Board, or any of the Committee thereof, as the case may be, and until it is reconstituted, the Central Government or the State Government, as the case may be, shall make such alternate arrangements for the purpose of administration of the relevant provisions of this Code, as may be prescribed by the Central Government.	
	(3) The Central Government or the State Government shall cause, a full report of any action taken by it under this section and the circumstances leading to such action, to be laid before each house of Parliament or the State Legislature, as the case may be, at the earliest opportunity and in any case not later than three months from the date of the notification of supersession issued under sub-section (1).	
	12. The Central Government may, by notification,- (i) and after consultation with the Government of any state, constitute for that state, a Board of Trustees (hereinafter in this Code referred to as a State Board) which shall exercise such powers and functions as may be assigned by notification, to it by the Central Government from time to time; (ii) specify the manner of constitution of a State Board, the terms and conditions of the appointment of its members and the procedure of its meeting and other proceedings relating thereto; and (iii) after consultation with the corporation, appoint Regional Boards and Local Committees in such area and in such manner to perform such functions and to exercise such powers as may be specified in the notification.	State Board, Regional Boards, Local Committees, etc.
	13. Notwithstanding anything contained in this Code, the Central Government may, by notification,- (i) assign additional functions to a Social Security Organisation including administration of	Entrustment of additional Functions to

	any other enactment or scheme relating to social security subject to such provisions as may be specified in this behalf in the notification: Provided that while such functions of administering the enactment or scheme are so assigned to a Social Security Organisation, the officer or authority, with whatever designation he or it may be, assigned such function under the enactment or the scheme, as the case may be, shall cease to discharge such functions from the notified date, till the Social Security Organisation under the notification continues to discharge such functions and for all such purposes the Social Security Organisation shall be deemed to be such officer or the authority, as the case may be: Provided further that the Social Security Organisations may assign such additional functions to existing officers or appoint or engage new officers necessary for such purpose.	Social Security Organisations.
	(ii) specify the terms and conditions of discharging the functions under clause (i) by the Social Security Organisation;	
	(iii) provide that the expenditure incurred in discharging the functions specified in clause(i) including appointment or engagement of personnel necessary for proper discharge of such functions shall be borne by the Central Government: Provided that the Social Security Organisation in discharging such functions under clause (i) shall endeavour to avoid any such additional appointment or engagement of personnel if such functions may be performed and completed with the assistance of its personnel as existing immediately before the assignment of the additional functions;	
	(iv) specify the powers which the Social Security Organisation shall exercise while discharging the functions specified in clause (i); and	
	(iv) provide that any expenditure referred to in clause (iii) shall be made by the Social Security Organisation after prior approval of the Central Government.	

Chapter III

Employees Provident Fund

	14. (1) The central Government shall appoint a Chief Executive Officer of the Central Board who shall be subject to the general control and superintendence of that Board.	Appointment of officers of the Central Board.
	(2) The Central Government shall also appoint a Financial Advisor and Chief Accounts Officer to assist the Chief Executive Officer in the discharge of his duties.	
	(3) The Central Board may appoint, subject to the maximum scale of pay, as may be specified in the Scheme, as many officers and employees as it may consider necessary for the efficient administration of the Provident Fund Scheme, the Pension Scheme and the Insurance Scheme respectively referred to in section 15 or other responsibilities assigned to the Central Board from time to time by the Central Government.	
	(4) No appointment to the post of the Chief Executive officer or a Financial Adviser and Chief Accounts Officer or any other post under the Central Board carrying a scale of pay equivalent to the scale of pay of any Group 'A' or Group 'B' post under the Central Government shall be made except after consultation with the Union Public Service Commission: Provided that no such consultation shall be necessary in regard to any such appointment- (a) for a period not exceeding one year; or (b) if the person to be appointed is at the time of his appointment- (i) a member of the Indian Administrative Service, or (ii) in the service of the Central Government or the Central Board in a Group 'A' or Group 'B' post.	
	(5) The method of recruitment, salary and allowances, discipline and other conditions of service of the Chief Executive officer and the Financial Adviser and Chief Accounts Officer shall be such as may be specified by the Central Government and such salary and allowances shall be paid out of the Fund referred to in clause (a) of section 16;	
	(6) (a)The method of recruitment, salary and allowances, discipline and other conditions of service of other officers and employees of the Central Board shall be such as may be specified by the Central Board in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay: Provided that where the Central Board is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government. (b) In determining the corresponding scales of pay of officers and employees under clause (a), the Central Board shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Central Board shall refer the matter to the Central Government whose decision thereon shall be final.	
	15. (1) The Central Government may, by notification:- (a) frame a scheme to be called the Employees' Provident Fund Scheme (hereinafter referred to as Provident Fund Scheme) for the establishment of provident funds under this chapter for employees or for any class of employees and specify the establishments or class of establishments to which the said scheme shall apply;	Schemes.
	(b) frame a scheme to be called the Employees' Pension Scheme (hereinafter referred to as the Pension Scheme) for the purpose of providing for – (i) superannuation pension, retiring pension or permanent total disablement pension to the employees of any establishment or class of establishments to which this Chapter applies; and (ii) widow or widower's pension, children pension or orphan pension payable to the beneficiaries of such employees;	
	(c) frame a scheme to be called the Employees' Deposit Linked Insurance Scheme (hereinafter referred to as Insurance Scheme) for the purpose of providing life insurance benefits to the employees of any establishment or class of establishments to which this Chapter applies; and	
	(d) modify any scheme referred to in clauses (a), (b) and (c) by adding thereto, amending or varying therein, either prospectively or retrospectively.	

	(2) Subject to the provisions of this Chapter, the Schemes referred to in sub-section (1) may provide for all or any of the matters specified in Fifth Schedule.	
	(3) The Schemes may provide that all or any of its provisions shall take effect either prospectively or retrospectively on and from such date as may be specified in that behalf in that scheme.	
	16. The Central Government may, for the purposes of-	Funds.
	(a) the Employees' Provident Fund Scheme, establish a fund (hereinafter referred to as Fund) in the manner prescribed by that Government and the contribution which shall be paid by the employer to the Fund shall be twelve per cent. of the wages for the time being payable to each of the employees (whether employed by him directly or by or through a contractor) or such percentage of the wages as may be notified by the Central Government and the employee's contribution therein shall be equal to the contribution payable by the employer in respect of him and may, if any employee so desires, be an amount exceeding twelve per cent. or as so notified of the wages, subject to the condition that the employer shall not be under an obligation to pay any contribution over and above his contribution payable under this sub-section: Provided that the Central Government, after making such inquiry as it deems fit, may, by notification, specify rates of contributions and the period for which such rates shall apply for any class of employee;	
	(b) the Pension Scheme, establish a pension fund (hereinafter referred to as Pension Fund) in the manner prescribed by that Government into which there shall be paid, from time to time, in respect of every employee who is a member of the Pension Scheme:- (i) such sums from the employer's contribution under sub-section (a) not exceeding eight and one- third per cent of the wages or such per cent of wages as may be notified by the Central Government; (ii) such sums payable as contribution to the pension fund, as may be specified in the Pension Scheme, by the employers of the exempted establishments under section 139 to which the pension scheme applies; (iii) Such sums as the Central Government may specify by notification; and	
	(c) the Insurance Scheme, establish a Deposit- Linked Insurance Fund (hereinafter referred to as Insurance Fund) in the manner prescribed by that Government into which shall be paid by the employer from time to time in respect of every such employee in relation to whom he is the employer, such amount, not being more than one per cent of the wages or such per cent of wages as may be notified by the Central Government for the time being payable in relation to such employee;	
	(d) the Fund, the Pension Fund and the Insurance Fund shall vest in, and be administered by, the Central Board in such manner as may be specified in the respective Schemes; and	
	(e) the employer shall pay into the Fund, Pension Fund or the Insurance Fund, as the case may be, such further sums of money, as the Central Government may, from time to time, determine to meet all the expenses in connection with the administration of the Fund, Pension Fund or the Insurance Fund other than the expenses towards the cost of any benefits provided by or under the respective Scheme.	
	17. (1) The amount of contribution (that is to say, the employer's contribution as well as the employee's contribution in pursuance of any Scheme and the employer's contribution in pursuance of the Insurance Scheme) and any charge for meeting the cost of administering the Fund paid or payable by an employer in respect of an employee employed by or through a contractor may be recovered by such employer from the contractor, either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.	Contribution in respect of employees and contractors.
	(2) A contractor from whom the amounts mentioned in sub-section (1) may be recovered in respect of any employee employed by or through him may recover from such employee the employee's contribution under any Scheme by deduction from the wages payable to such employee.	
	(3) Notwithstanding any contract to the contrary, no contractor shall be entitled to deduct the employer's contribution or the charges referred to in sub-section (1) from the wages payable to an employee employed by or through him or otherwise to recover such contribution or charges from such employee.	

	18. (1) The Chief Executive Officer of the Board or any other officer authorised by him in this behalf may, upon receipt of an application, in such form as may be prescribed by the Central Government, and after conducting such inquiry as may be necessary, allow any employee or a class of employees to exercise the option to join the National Pension System: Provided that the application under this sub-section shall be deemed to have been allowed from the date of submission of application if no order is passed within a period of sixty days from the date of submission of such application: Provided further that any person joining the first employment in an establishment to which this Chapter applies may join the National Pension System without making application under this sub-section for allowing him for such joining.	Option to become member of National Pension System or any other Government approved Scheme.
	(2) The Central Government may, by notification, specify conditions including the limit of wages, subject to which option under sub-section (1) may be exercised and the manner in which contributions of employees exercising such option shall be made or transferred to the National Pension System.	
	(3) On joining the National Pension System under sub-section (1), the employee shall be deemed to have exited from the Provident Fund Scheme, Pension Scheme and Insurance Scheme with effect from the date of submission of the application for such joining.	
	19. (1) An employee working in an establishment to which this Chapter applies and who is a member of the National Pension System shall have the option to join back the schemes framed under this Chapter subject to such conditions as may be specified in the schemes.	Option for return to schemes framed under this Chapter.
	(2) The manner and method to exercise such option and the transfer of accumulation from National Pension System to such schemes under this Chapter shall be such as may be prescribed by the Central Government.	
	(3) On exercise of option, under sub-section (1), benefits and entitlements under this Chapter shall be as may be provided in the schemes framed under this Chapter.	
43 of 1961	**20**. For the purpose of the Income-tax Act, 1961, the Fund shall be deemed to be a recognised provident fund within the meaning of sub-section (38) of section 2 of that Act: Provided that nothing contained in the said Act shall operate to render ineffective any provision of the Provident Fund Scheme (under which the Fund is established) which is repugnant to any of the provisions of that Act or of the rules made there under.	Fund to be recognised under Act 43 of 1961.
	21. Notwithstanding anything contained in any other law for the time being in force, any amount due under this chapter shall be the first charge on the assets of the establishment to which it relates and shall be paid in priority to all other debts.	Priority of payment of contributions over other debts.
2 of 1912.	**22.** (1) This Chapter shall not apply- (a) to any establishment registered under the Co-operative Societies Act, 1912 or under any other law for the time being in force in any State relating to cooperative societies employing less than fifty persons and working without the aid of power; or (b) to any other establishment belonging to or under the control of the Central Government or a State Government and whose employees are entitled to the benefit of contributory provident fund or old age pension in accordance with any scheme or rule framed by the Central Government or the State Government governing such benefits; or (c) to any other establishment set up under any Central, Provincial or State Act and whose employees are entitled to the benefits of contributory provident fund or old age pension in accordance with any scheme or rule framed under that Act governing such benefits.	Chapter not to apply to certain establishment .
	(2) If the Central Government is of opinion that having regard to the financial position of any class of establishment or other circumstances of the case, it is necessary or expedient so to do, it may, by notification and subject to such conditions, as may be specified in the notification, exempt, whether prospectively or retrospectively, that class of establishments from the operation of this Chapter for such period as may be specified in the notification.	
	23. (1) The Central Government may, on an application made to it in this behalf by the employer and the majority of employees in relation to an establishment employing one hundred or more persons, authorise the employer by an order in writing, to maintain a provident fund	Authorising certain employers to maintain

	account in relation to the establishment, in such manner as may be prescribed by the Central Government and subject to such terms and conditions as may be specified in the Scheme: Provided that no authorisation shall be made under this sub-section if the employer of such establishment had committed any default in the payment of provident fund contribution or had committed any other offence under this Code during the three years immediately preceding the date of such authorisation.	provident fund accounts.
	(2) Where an establishment is authorised to maintain a provident fund account under sub-section (1), the employer in relation to such establishment shall maintain such account, submit such return, deposit the contribution in such manner, provide for such facilities for inspection, pay such administrative charges, and abide by such other terms and conditions, as may be specified in the scheme.	
	(3) Any authorisation made under this section may be cancelled by the Central Government by order in writing if the employer fails to comply with any of the terms and conditions of the authorisation or where he commits any offence under any provision of this Code: Provided that before cancelling the authorisation, the Central Government shall give the employer a reasonable opportunity of being heard.	
	24. Where an employee,- (i) employed in an establishment to which this Chapter applies, relinquishes his employment therefrom and obtains employment in any other establishment to which this Chapter applies or not; or (ii) employed in an establishment to which this Chapter does not apply, relinquishes his employment therefrom and obtains employment in an establishment to which this Chapter applies, then, his accumulated amount in provident fund account or pension account, as the case may be shall be transferred or dealt with in the manner as may be prescribed by the Central Government.	Transfer of Accounts.
	25. (1) Any person aggrieved by an order passed by the Central Government or any other authority in regard to the following matters may prefer an appeal to the Tribunal constituted by the Central Government, namely:- (a) notification issued under sub-section (5) of section 1; (b) determination and assessment of dues under section 121; (c) order of the appellate authority under section 123; and (d) determination of escaped amount under section 124; and **(e)** levy of damages under section 126.	Appeals to the Tribunal .
	(2) Every appeal under sub-section (1) shall be filed in such form and manner, within such time and accompanied by such fees as may be prescribed by the Central Government.	

Chapter IV

Employees State Insurance Corporation

	26. (1) The Central Government may, in consultation with the Corporation, appoint a Chief Executive Officer of the Corporation and a Financial Commissioner, who shall be the Principal Officers of the Corporation.	Principal Officers and other staff.
	(2) The Chief Executive Officer or the Financial Commissioner shall hold office for such period, not exceeding five years, as may be specified in the order appointing him: Provided that outgoing Director-General or Financial Commissioner shall be eligible for re-appointment if he is otherwise qualified.	
	(3) The Chief Executive Officer or the Financial Commissioner shall receive such salary and allowances as may be prescribed by the Central Government.	
	(4) A person shall be disqualified from being appointed as or for being the Chief Executive Officer of the Corporation or the Financial Commissioner if he is subject to any of the disqualifications specified in section 7.	
	(5) The Central Government may at any time remove the Chief Executive Officer of the Corporation or the Financial Commissioner from office and shall do so if such removal is recommended by a resolution of the Corporation passed at a special meeting called for the purpose and supported by the votes of not less than two-third of the total strength of the Corporation.	
	(6) The Corporation may employ such other officers and employees as may be necessary for the efficient transaction of its business and for discharge of any other responsibilities assigned to the Corporation from time to time by the Central Government: Provided that the sanction of the Central Government shall be obtained for the creation of any post the maximum monthly salary of which exceeds such salary as may be prescribed by the Central Government.	
	(7) (a) The method of recruitment, salary and allowances, discipline and other conditions of service of the officers and employees of the Corporation shall be such as may be specified in the regulations made by the Corporation in accordance with the rules and orders applicable to the officers and employees of the Central Government drawing corresponding scales of pay: Provided that where the Corporation is of the opinion that it is necessary to make a departure from the said rules or orders in respect of any of the matters aforesaid, it shall obtain the prior approval of the Central Government. Provided further that this sub-section shall not apply to appointment of consultants and specialists in various fields appointed on contract basis. (b) In determining the corresponding scales of pay of the members of the staff under clause (a), the Corporation shall have regard to the educational qualifications, method of recruitment, duties and responsibilities of such officers and employees under the Central Government and in case of any doubt, the Corporation shall refer the matter to the Central Government whose decision thereon shall be final.	
	(8) Every appointment to posts (other than medical, nursing or Para-medical posts) corresponding to group A and group B Gazetted posts under the Central Government shall be made in consultation with the Union Public Service Commission : Provided that this sub-section shall not apply to an officiating or temporary appointment for a period not exceeding one year: Provided further that any such officiating or temporary appointment shall not confer any claim for regular appointment and the services rendered in that capacity shall not count towards seniority or minimum qualifying service specified in the regulations for promotion to next higher grade.	

	(9) If any question arises whether a post corresponds to a group A and group B post under the Central Government, the question shall be referred to that Government whose decision thereon shall be final.	
	27. (1) All contributions paid under this Chapter and all other moneys received on behalf of the Corporation shall be paid into a fund (hereinafter referred as the Employees' State Insurance Fund) which shall be held and administered by the Corporation for the purposes of this Chapter.	Employees' State Insurance Fund.
	(2) The Corporation may accept grants, donations, Corporate Social Responsibility Fund and gifts from the Central or any State Government, Local authority, or any individual or body whether incorporated or not, for all or any of the purposes of this Chapter.	
	(3) Subject to the other provisions contained in this Code and to any rules or regulations made in this behalf, all moneys accruing or payable to the said Fund shall be deposited in such bank or banks as may be approved by the Central Government to the credit of an account styled the Account of the Employees' State Insurance Fund.	
	(4) The Employees State Insurance Fund or any other money which is held by the Corporation shall be deposited or invested in the manner approved by the Central Government after consultation with the Corporation.	
	(5) Such account shall be operated on by such officers as may be authorised by the Standing Committee constituted under sub-section (3) of section 4 (hereinafter referred to as Standing Committee) with the approval of the Corporation.	
	28. Subject to the provisions of this Chapter and the rules and regulations relating thereto, made under this Code, the Employees' State Insurance Fund shall be expended only for the following purposes, namely:— (a) payment of benefits and provision of medical treatment and attendance to insured persons referred to in section 30 and, where the medical benefit is extended to their families, the provision of such medical benefit to their families, in accordance with the provisions of this Chapter and the rules and regulations relating thereto and defraying the charges and costs in connection therewith; (b) payment of fees and allowances to members of the Corporation, the Standing Committee, the Medical Benefit Committee or other Committees thereof; (c) Payment of salaries, leave and joining time allowances, travelling and compensatory allowances, gratuities and compassionate allowances, pensions, contributions to provident or other benefit fund of officers and staff of the Corporation and meeting the expenditure in respect of officers and staff and other services set up for the purpose of giving effect to the provisions of this Code relating to this Chapter; (d) establishment and maintenance of hospitals, dispensaries and other institutions and the provision of medical and other ancillary services for the benefit of insured persons referred to in section 30 and, where the medical benefit is extended to their families, their families; (e) payment of contributions to any State Government, local authority or any private body or individual, towards the cost of medical treatment and attendance provided to insured persons referred to in section 30 and, where the medical benefit is extended to their families, their families, including the cost of any building and equipment, in accordance with any agreement entered into by the Corporation; (f) defraying the cost (including all expenses) of auditing the accounts of the Corporation and of the valuation of its assets and liabilities; (g) defraying the cost (including all expenses) of the Employees' Insurance Courts set up under this Chapter; (h) payment of any sums under any contract entered into for the purposes of this Code by Corporation or the Standing Committee or by any officer duly authorised by the Corporation or the Standing Committee in that behalf ; (i) payment of sums under any decree, order or award of any Court or	Purposes for which the Employees' State Insurance Fund may be expended..

	Tribunal against the Corporation or any of its officers or staff for any act done in the execution of his duty or under a compromise or settlement of any suit or other legal proceeding or claim instituted or made against the Corporation ; (j) defraying the cost and other charges of instituting or defending any civil or criminal proceedings arising out of any action taken under this Code relating to this Chapter; (k) defraying expenditure, within the limits prescribed by the Central Government after consultation with the Corporation, on measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons referred to in section 30 who have been disabled or injured; and (l) Such other purposes as may be authorised by the Corporation with the previous approval of the Central Government.	
	29. (1) The Corporation may, subject to such conditions as may be prescribed by the Central Government after consultation with the Corporation, acquire and hold property, both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for the purposes for which the Corporation is established.	Holding of property, etc.
	(2) Subject to such conditions as may be prescribed by the Central Government and after consultation with the Corporation, the Corporation may from time to time invest any moneys which are not immediately required for expenses properly defrayable under this Code and may, subject to as aforesaid, from time to time re-invest or realise such investments.	
	(3) The Corporation may, with the previous sanction of the Central Government and on such terms as may be prescribed by it, raise loans and take measures for discharging such loans.	
	(4) The Corporation may constitute for the benefit of its officers and staff or any class of them, such provident or other benefit fund as it may think fit.	
	30. Subject to the provisions of this Code, all employees in establishments to which this Chapter applies shall be insured (hereinafter referred to as insured persons) in such manner whether electronically or otherwise, as may be prescribed by the Central Government.	All employees to be insured.
	31. (1) The contribution payable under this Chapter in respect of an employee shall comprise contribution payable by the employer (hereinafter referred to as the employer's contribution) and contribution payable by the employee (hereinafter referred to as the employee's contribution) and shall be paid to the Corporation.	Contributions.
	(2) The contributions (employer's contribution and the employees' contribution both) shall be paid at such rates as may be prescribed by the Central Government.	
	(3) The wage period in relation to an employee shall be the unit as specified in the regulation (hereinafter referred to as the wage period) in respect of which all contributions shall be payable under this Chapter.	
	(4) The contributions payable in respect of each wage period shall ordinarily fall due on the last day of the wage period, and where an employee is employed for part of the wage period, or is employed under two or more employers during the same wage period the contributions shall fall due on such days as may be prescribed by the Central Government.	
	32. The types of expenses which may be termed as administrative expenses and the percentage of the income of the Corporation which may be spent for such expenses shall be such as may be prescribed by the Central Government and the Corporation shall keep its administrative expenses within the limit so prescribed by the Central Government.	Administrative Expenses.

	33. (1) The principal employer shall pay in respect of every employee, whether directly employed by him or by or through a contractor, both the employer's contribution and the employee's contribution.	Provisions as to payment of contributions by Principal Employer, etc.
	(2) Notwithstanding anything contained in any other enactment for the time being in force, but subject to the provisions of this Code and the rules and regulations, if any, made thereunder in this behalf, the principal employer shall, in the case of an employee directly employed by him (not being an exempted employee), be entitled to recover from the employee the employee's contribution by reduction from his wages and not otherwise: Provided that no such deduction shall be made from any wages other than such as relates to the period or part of the period in respect of which the contribution is payable or in excess of the sum representing the employee's contribution for the period.	
	(3) Notwithstanding any contract to the contrary, neither the principal employer nor the Contractor shall be entitled to deduct the employer's contribution from any wages payable to an employee or otherwise to recover it from him.	
	(4) Any sum deducted by the principal employer from wages under this Chapter shall be deemed to have been entrusted to him by the employee for the purpose of paying the contribution in respect of which it was deducted.	
	(5) The principal employer shall bear the expenses of remitting the contributions to the Corporation.	
	(6) A principal employer, who has paid contribution in respect of an employee employed by or through a Contractor, shall be entitled to recover the amount of the contribution so paid (that is to say the employer's contribution as well as the employee's contribution, if any,) from the Contractor, either by deduction from any amount payable to him by the principal employer under any contract, or as a debt payable by the Contractor.	
	(7) The contractor shall maintain a register of employees employed by or through him as provided in the regulations and submit the same to the principal employer before the settlement of any amount payable under sub-section (6).	
	(8) In the case referred to in sub-section (6), the contractor shall be entitled to recover the employee's contribution from the employee employed by or through him by deduction from wages and not otherwise, subject to such conditions as may be specified in the regulations.	
	(9) Subject to the provisions of this Code, the Corporation may make regulations for any matter relating or incidental to the payment and collection of contributions payable under this Chapter.	
	34. (1) Subject to the provisions of this Code, the insured persons, their dependants or the persons hereinafter mentioned, as the case may be, shall be entitled to the following benefits, namely : — (a) periodical payments to any insured person in case of his sickness certified by a duly appointed medical practitioner or by any other person possessing such qualifications and experience as the Corporation may, by regulations, specify in this behalf (hereinafter referred to as sickness benefit) ; (b) periodical payments to an insured person being a woman in case of confinement or miscarriage or sickness arising out of pregnancy, confinement, premature birth of child or miscarriage, such woman being certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as maternity benefit); (c) periodical payments to an insured person suffering from disablement as a result of an employment injury sustained by him as an employee for the purposes of this Chapter and certified to be eligible for such payments by an authority specified in this behalf by the regulations (hereinafter referred to as disablement benefit) ; (d) periodical payments to such dependants of an insured person who dies as a	Benefits.

	result of an employment injury sustained by him as an employee for the purposes of this Chapter, as are entitled under this Chapter (hereinafter referred to as dependants' benefit) ; (e) medical treatment for and attendance on insured persons (hereinafter referred to as medical benefit) ; and (f) payment to the eldest surviving member of the family of an insured person who has died, towards the expenditure on the funeral of the deceased insured person, or, where the insured person did not have a family or was not living with his family at the time of his death, to the person who actually incurs the expenditure on the funeral of the deceased insured person (to be known as funeral expenses): Provided that the amount of payment under this clause shall not exceed such amount as may be prescribed by the Central Government and the claim for such payment shall be made within three months of the death of the insured person or within such extended period as the Corporation or any officer or authority authorised by it in this behalf may allow.	
	(2) The Corporation may, subject to such conditions as may be laid down in the regulations, extend the medical benefits to the family of an insured person.	
	(3) The qualification of a person to claim sickness benefit, maternity benefit, disablement benefit and dependent benefit and the conditions subject to which such benefit may be given, the rate and period thereof shall be such as may be prescribed by the Central Government.	
	(4) Subject to the provisions of this Code, the Corporation may make regulation for any matter relating or incidental to the accrual and payment of benefits payable under this Chapter.	
	35. The Corporation may, in addition to the benefits specified in this Chapter, promote measures for the improvement of the health and welfare of insured persons and for the rehabilitation and re-employment of insured persons who have been disabled or injured and may incur in respect of such measures expenditure from the Employees' State Insurance Fund of the Corporation within such limits as may be prescribed by the Central Government.	Corporation's power to promote measures for health, etc., of insured persons.
	36. (1) For the purposes of this Chapter, an accident arising in the course of an employee's employment shall be presumed, in the absence of evidence to the contrary, to have arisen out of that employment.	Presumption as to accident arising in course of employment.
	(2) An accident happening to an employee in or about any premises at which he is for the time being employed for the purpose of his employer's trade or business shall be deemed to arise out of and in the course of his employment, if it happens while he is taking steps, on an actual or supposed emergency at those premises, to rescue, succour or protect persons who are, or are thought to be or possibly to be, injured or imperilled, or to avert or minimize serious damage to property.	
	(3) An accident occurring to an employee while commuting from his residence to the place of employment for duty or from the place of employment to his residence after performing duty, shall be deemed to have arisen out of and in the course of employment if nexus between the circumstances, time and place in which the accident occurred and the employment is established.	
	(4) An accident happening while an employee is, with the express or implied permission of his employer, travelling as a passenger by any vehicle to or from his place of work shall, notwithstanding that he is under no obligation to his employer to travel by that vehicle, be deemed to arise out of and in the course of his employment, if — (a) the accident would have been deemed so to have arisen had he been under such obligation ; and (b) at the time of the accident, the vehicle — (i) is being operated by or on behalf of his employer or some other person by	

	whom it is provided in pursuance of arrangements made with his employer ; and (ii) is not being operated in the ordinary course of public transport service. Explanation- In this section "vehicle" includes a vessel and an aircraft.	
	37. An accident shall be deemed to arise out of and in the course of an employee's employment not withstanding that he is at the time of the accident acting in contravention of the provisions of any law applicable to him, or of any orders given by or on behalf of his employer or that he is acting without instructions from his employer, if — (a) the accident would have been deemed so to have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be ; and (b) the act is done for the purpose of and in connection with the employer's trade or business.	Accidents happening while acting in breach of law, etc.
	38. (1) If an employee employed in any establishment specified in Part A of the Third Schedule contracts any disease specified therein as an occupational disease peculiar to that employment, or if an employee employed in the employment specified in Part B of that Schedule for a continuous period of not less than six months contracts any disease specified therein as an occupational disease peculiar to that employment or if an employee employed in any employment specified in Part C of that Schedule for such continuous period as the Corporation may specify by regulations in respect of each such employment, contracts any disease specified in such Part C as an occupational disease peculiar to that employment, the contracting of the disease shall, unless the contrary is proved, be deemed to be an " employment injury " arising out of and in the course of employment.	Occupational Disease.
	(2) Save as provided by sub-section (1), no benefit shall be payable to an employee in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.	
	39. (1) Any question — (a) whether the relevant accident has resulted in permanent disablement ; or (b) whether the extent of loss of earning capacity can be assessed provisionally or finally ; or (c) whether the assessment of the proportion of the loss of earning capacity is provisional or final ; or (d) in the case of provisional assessment, as to the period for which such assessment shall hold good; shall be determined by a medical board constituted in accordance with the provisions of the regulations (hereinafter referred to as medical board) and any such question shall hereafter be referred to as the "disablement question".	References to Medical Board.
	(2) The case of any insured person for permanent disablement benefit shall be referred by the Corporation to a medical board for determination of the disablement question and if, on that or any subsequent reference, the extent of loss of earning capacity of the insured person is provisionally assessed, it shall again be so referred to the medical board not later than the end of the period taken into account by the provisional assessment.	
	(3) Any decision under this Chapter of a medical board may be reviewed at any time by the medical board if it is satisfied by fresh evidence that the decision was given in consequence of the non-disclosure or misrepresentation by the employee or any other person of a material fact whether the non-disclosure or misrepresentation was or was not fraudulent.	
	(4) Any assessment of the extent of the disablement resulting from the relevant employment injury may also be reviewed by a medical board if it is satisfied that since the making of the assessment there has been a substantial and unforeseen aggravation of the results of the relevant injury : Provided that an assessment shall not be reviewed under this sub-section unless the medical board is of opinion, having regard to the period taken into account by the assessment and the probable duration of the aggravation aforesaid, that substantial injustice will be done by not reviewing it.	

	(5) Except with the leave of a medical appeal tribunal constituted by regulation (hereinafter referred to medical appeal tribunal), an assessment shall not be reviewed under sub-section (3) on any application made less than five years, or in the case of a provisional assessment, six months, from the date thereof and on such a review the period to be taken into account by any revised assessment shall not include any period before the date of the application.	
	(6) Subject to the foregoing provisions of this section, a medical board may deal with a case of review in any manner in which it could deal with it on an original reference to it, and in particular may make a provisional assessment notwithstanding that the assessment under review was final and the provisions of sub-section(1) shall apply to an application for review under this sub-section and to a decision of a medical board in connection with such application as they apply to a case for disablement benefit under that sub-section and to a decision of the medical board in connection with such case.	
	(7) If the Insured Person or the Corporation is aggrieved by any decision of the medical board, the Insured Person or the Corporation, as the case may be, may appeal to the medical appeal tribunal in the manner specified in the regulations or directly to the Employees' Insurance Courts constituted under section 50.	
	40. (1) If an insured person dies as a result of an employment injury sustained as an employee under this Chapter (whether or not he was in receipt of any periodical payment for temporary disablement in respect of the injury) dependants' benefit shall be payable to his dependents specified in sub-clause (a) and sub-clause (b) of clause (xix) of section 2 at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government.	Dependents' benefit.
	(2) In case the insured person dies without leaving behind him the dependents as aforesaid, the dependants' benefit shall be paid to the other dependants of the deceased at such rates and for such periods and subject to such conditions as may be prescribed by the Central Government.	
	(3) Any decision awarding dependants' benefit under this Chapter may be reviewed at any time by the Corporation if it is satisfied by fresh evidence that the decision was given in consequence of non-disclosure or misrepresentation by the claimant or any other person of a material fact (whether the non-disclosure or misrepresentation was or was not fraudulent) or that the decision is no longer in accordance with this Chapter due to any birth or death or due to the marriage, re-marriage, or infirmity of, or attainment of the age of eighteen years by, a claimant.	
	(4) Subject to the provisions of this Chapter, the Corporation may, on such review as aforesaid, direct that the dependants' benefit be continued, increased, reduced or discontinued.	
	41. (1) An insured person or (where such medical benefit is extended to his family) a member of his family whose condition requires medical treatment and attendance shall be entitled to receive medical benefit.	Medical Benefit.
	(2) Such medical benefit may be given either in the form of out-patient treatment and attendance in a hospital or dispensary, clinic or other institution or by visits to the home of the insured person or treatment as in-patient in a hospital or other institution.	
	(3) The qualification of an insured person and (where such medical benefit is extended to his family) his family, to claim medical benefit and the conditions subject to which such benefit may be given, the scale and period thereof shall be such as may be prescribed by the Central Government in consultation with the Corporation: Provided that an insured person who has attained the age of superannuation, a person who retires under a Voluntary Retirement Scheme or takes premature retirement, and his spouse shall be eligible to receive medical benefits subject to payment of contribution and such other conditions as may be specified in the regulations.	
	(4) The Corporation may establish medical colleges, dental colleges, nursing colleges and training institutes for its officers and staff with a view to improve the quality of services provided under the Employees' State Insurance Scheme.	

	(5) The colleges and training institutions referred to in sub-section (4) may be run by the Corporation itself or on the request of the Corporation by the Central Government, any State Government, any Public Sector Undertaking of the Central Government or the State Government or any person notified by the Central Government.	
	42. (1) Every employee, who does not want to avail medical benefit and sickness benefit under this Chapter, may opt out, at any time, to avail such benefits under this Chapter in the manner as may be prescribed by the Central Government and when he so opts out, then, his principal employer shall not deduct on and from the date of such opting out the employees' contribution payable by the employee from his wages for the period for which that employee continues such opting out.	Option for Employee to opt out from the Medical Benefit and Sickness Benefit.
	(2) An employee who has opted out under sub-section (1) may have option, at any time after the expiration of such period as may be specified in the regulations, from the date of such opting out, to join back the medical benefit and sickness benefit under this Chapter in the manner provided for in the regulations and on such joining back, the principal employer shall deduct from his wages the employee's contribution and the provisions of section 31 relating to such contribution shall apply thereafter.	
	43. (1) The State Government shall provide for insured persons and (where such benefit is extended to their families) their families in the State, reasonable medical, surgical and obstetric treatment : Provided that the State Government may, with the approval of the Corporation, arrange for medical treatment at clinics of medical practitioners on such scale and subject to such terms and conditions as may be agreed upon.	Provision of medical treatment by State Government or by the Corporation.
	(2) Where the incidence of sickness benefit payment to insured persons in any State is found to exceed the all-India average, the amount of such excess shall be shared between the Corporation and the State Government in such proportion as may be fixed by agreement between them : Provided that the Corporation may in any case waive the recovery of the whole or any part of the share which is to be borne by the State Government.	
	(3) The Corporation may enter into an agreement with a State Government in regard to the nature and scale of the medical treatment that should be provided to insured persons and (where such medical benefit is extended to the families) their families (including provision of buildings, equipment, medicines, and staff) and for the sharing of the cost thereof and of any excess in the incidence of sickness benefit to insured persons between the Corporation and the State Government.	
	(4) In default of agreement between the Corporation and any State Government as aforesaid, the nature and extent of the medical treatment to be provided by the State Government and the proportion in which the cost thereof and of the excess in the incidence of sickness benefit shall be shared between the Corporation and that Government, shall be determined by an arbitrator (who shall be or shall have been a Judge of the High Court of a State appointed by the Chief Justice of India and the award of the arbitrator shall be binding on the Corporation and the State Government).	
	(5) The State Government may, in addition to the Corporation under this Code, with the previous approval of the Central Government, establish such organisation (by whatever name called) to provide for certain benefits to employees in case of sickness, maternity and employment injury : Provided that any reference to the State Government in this Code relating to this Chapter shall also include reference to the organisation as and when such organisation is established by the State Government.	
	(6) The organisation referred to in sub-section (5) shall have such structure and discharge functions, exercise powers and undertake such activities as may be prescribed by the State Government.	
	(7) The Corporation may, with the approval of the Central Government establish and maintain in a State such hospitals, dispensaries and other medical and surgical services as it may think fit for the benefit of insured persons and (where such	

	medical benefit is extended to their families), their families.	
	(8) The Corporation may enter into agreement with any local authority, private body or individual in regard to the provision of medical treatment and attendance for insured persons and (where such medical benefit is extended to their families) their families, in any area and sharing the cost thereof.	
	(9) The Corporation may also enter into agreement with any local authority, local body or private body for commissioning and running Employees' State Insurance hospitals through third party participation for providing medical treatment and attendance to insured persons and where such medical benefit has been extended to their families, to their families.	
	(10) Notwithstanding anything contained in any other provision of this Chapter, the Corporation may, in consultation with the State Government, undertake the responsibility for providing medical benefit to insured persons and (where such medical benefit is extended to their families), to the families of such insured persons in the State subject to the condition that the State Government shall share the cost of such medical benefit in such proportion as may be agreed upon between the State Government and the Corporation.	
	(11) In the event of the Corporation exercising its power under sub-section (10), the provisions relating to medical benefit under this Chapter shall apply, so far as may be, as if a reference therein to the State Government were a reference to the Corporation.	
	(12) Notwithstanding anything contained in this Code, in respect of establishments located in the States where medical benefit is provided by the Corporation, the Central Government shall be the appropriate Government.	
	44. (1) Save as may be provided in the regulations, no person shall be entitled to commute for a lump sum any disablement benefit admissible under this Chapter.	General Provisions as to benefits.
	(2) Save as may be provided in the regulations, no person shall be entitled to sickness benefit or disablement benefit for temporary disablement on any day on which he works or remains on leave or on a holiday in respect of which he receives wages or on any day on which he remains on strike.	
	(3) A person who is in receipt of sickness benefit or disablement benefit (other than benefit granted on permanent disablement) — (a) shall remain under medical treatment at a dispensary, hospital, clinic or other institution provided under this Chapter, and shall carry out the instructions given by the medical officer or medical attendant in-charge thereof ; (b) shall not while under treatment do anything which might retard or prejudice his chances of recovery ; (c) shall not leave the area in which medical treatment provided by this Chapter is being given, without the permission of the medical officer, medical attendant or such other authority as may be specified in this behalf by the regulations ; and (d) shall allow himself to be examined by any duly appointed medical officer or other person authorised by the Corporation in this behalf.	
	(4) An insured person shall not be entitled to receive for the same period — (a) both sickness benefit and maternity benefit ; or (b) both sickness benefit and disablement benefit for temporary disablement; or (c) both maternity benefit and disablement benefit for temporary disablement.	
	(5) Where a person is entitled to more than one of the benefits mentioned in sub-section (4), he shall be entitled to choose which benefit he shall receive.	

	(6) If a person dies during any period for which he is entitled to a cash benefit under this Chapter, the amount of such benefit up to and including the day of his death shall be paid to any person nominated by the deceased person in writing in such form as may be specified in the regulations or, if there is no such nomination, to the heir or legal representative of the deceased person.	
	(7) (a) Any person eligible for availing dependent or disablement benefit under this Chapter shall not be entitled to claim Employees Compensation from his employer under Chapter VII. (b) Any women employee eligible for availing maternity benefit under this Chapter shall not be entitled to claim Maternity Benefit from her employer under Chapter VI.	
	(8) Where any person has received any benefit or payment under this Chapter when he is not lawfully entitled thereto, he shall be liable to repay to the Corporation the value of the benefit or the amount of such payment, or in the case of death, his legal representative shall be liable to repay the same from the assets of the deceased devolved on him.	
	(9) The value of any benefits received other than cash payments shall be determined by such authority as may be specified in the regulations made in this behalf and the decision of such authority shall be final.	
	(10) The amount recoverable under this section may be recovered in the manner specified under section 127 to section 131.	
	45. (1) If any employer, - (a) fails or neglects to insure under section 30, an employee at the time of his appointment or within such extended period as may be prescribed by the Central Government, as a result of which the employee becomes disentitled to any benefit under this Chapter; or (b) insures under section 30, an employee on or after the date of accident which resulted in personal injury to such employee which has the effect of making such employee entitled to receive any dependent benefit or disablement benefit from the Corporation; or (c) fails or neglects to pay any contribution which under this Chapter he is liable to pay in respect of any employee and by reason thereof such employee becomes disentitled to any benefit or becomes entitled to a benefit on a lower scale, then, the Corporation may, on being satisfied in the manner prescribed by the Central Government that the benefit is payable to the employee, pay to the employee benefit at such rate to which he is entitled or would have been entitled if the failure or neglect would not have occurred, and the Corporation shall be entitled to recover from the principal employer, the capitalized value of the benefit paid to the employee, to be calculated in such manner as may be prescribed by Central Government. Provided that the capitalised value to be calculated may be adjusted for the payment of any contribution and interest or damages that the employer is liable to pay for delay in the payment of or non-payment of such contribution.	Corporation's rights when an employer fails to register, etc.
	(2) The amount recoverable under this section may be recovered as if it were an arrear of land revenue or recovered in the manner specified under section 127 to 131.	
	46. (1) Where the Corporation considers that the incidence of sickness among insured persons is excessive by reasons of — (a) insanitary working conditions in a factory or other establishment or the neglect of the owner or occupier of the factory or other establishment to observe any health regulations enjoined on him by or under any enactment	Liability of owner or occupier of factories, etc., for excessive sickness

	for the time being in force, or (b) insanitary conditions of any tenements or lodgings occupied by insured persons and such insanitary conditions are attributable to the neglect of the owner of the tenements or lodgings to observe any health regulations enjoined on him by or under any enactments for the time being in force, then, the Corporation may send to the owner or occupier of the factory or other establishment or to the owner of the tenement or lodgings, as the case may be, a claim for the payment of the amount of the extra expenditure incurred by the Corporation as sickness benefit; and if the claim is not settled by agreement, the Corporation may refer the matter, with a statement in support of its claim, to the appropriate Government.	benefit.
	(2) If the appropriate Government is of opinion that a prima facie case for inquiry is disclosed, it may appoint a competent person or persons to hold an inquiry into the matter referred under sub-section (1).	
	(3) If upon inquiry under sub-section (2), it is proved to the satisfaction of the person or persons holding the inquiry that the excess in incidence of sickness among the insured persons is due to the default or neglect of the owner or occupier of the factory or other establishment or the owner of the tenements or lodgings, as the case may be, the said person or persons shall determine the amount of the extra expenditure incurred as sickness benefit, and the person or persons by whom the whole or any part of such amount shall be paid to the Corporation.	
	(4) A determination under sub-section (3) may be enforced as if it were a decree for payment of money passed in a suit by a Civil Court.	
	(5) For the purposes of this section, "owner" of tenements or lodging shall include any agent of the owner and any person who is entitled to collect the rent of the tenements or lodgings as a lessee of the owner.	
	47. Notwithstanding anything contained in this Chapter, the Central Government may, in consultation with the Corporation, and by notification, frame Scheme for other beneficiaries and the members of their families for providing medical facility in any hospital established by the Corporation in any area which is underutilised on payment of user charges, and prescribe the terms and conditions subject to which the scheme may be operated. Explanation.- For the purposes of this section,- (a) "other beneficiaries" means persons other than employees insured under section 30; (b) "underutilised hospital" means any hospital not fully utilised by the employees insured under section 30; and (c) "user charges" means the amount which is to be charged from other beneficiaries for medical facilities as may be specified in the regulations after prior approval of the Central Government.	Scheme for other beneficiaries.
	48. The appropriate Government may, after consultation with the Corporation, by notification and subject to such conditions as may be specified in the notification, exempt any factory or other establishment belonging to any local authority, from the operation of this Chapter if the employees in any such factory or other establishment are otherwise in receipt of benefits substantially similar or superior to the benefits provided under this Chapter.	Exemption of factories or other establishments belonging to Government or any local authority.
	49. Notwithstanding anything contained in any other law for the time being in force, any amount due under this Chapter shall be the first charge on the assets of the establishment to which it relates and shall be paid in priority to all other debts.	Contributions, etc., due to Corporation to have priority over other debts.
	50. (1) The State Government shall, by notification, constitute an Employees' Insurance Court (hereinafter referred to as Employees' Insurance Court) for such local area as may be specified in the notification.	Constitution of Employees' Insurance Court.

	(2) The Court shall consist of such number of Judges as the State Government may think fit.	
	(3) Any person who is or has been a judicial officer or is a legal practitioner of five years' standing shall be qualified to be a Judge of the Employees' Insurance Court.	
	(4) The State Government may appoint the same Court for two or more local areas or two or more Courts for the same local area.	
	(5) Where more than one Court has been appointed for the same local area, the State Government may by general or special order regulate the distribution of business between them.	
	51. (1) If any question or dispute or claim arises as to— (a) whether any person is an employee within the meaning of this Code relating to this Chapter or whether he is liable to pay the employee's contribution, or (b) the rate of wages or average daily wages of an employee for the purposes of this Chapter, or (c) the rate of contribution payable by a principal employer in respect of any employee under this Chapter, or (d) the person who is or was the principal employer in respect of any employee for the purposes of this Chapter, or (e) the right of any person to any benefit under this Chapter and as to the amount and duration thereof, or (f) any direction issued by the Corporation on a review of any payment of dependents' benefit under this Chapter, or (g) any other matter which is in dispute between a principal employer and the Corporation relating to this Chapter, or between a principal employer and a Contractor relating to this Chapter or between a person and the Corporation relating to this Chapter or between an employee and a principal employer or Contractor relating to this Chapter, in respect of any contribution or benefit or other dues payable or recoverable under this Code relating to this Chapter; (h) claim for the recovery of contributions from the principal employer under this Code relating to this Chapter; (i) order of the appellate officer under section 123; (j) claim by a principal employer to recover contributions from any immediate employer under this Code relating to this Chapter; (k) claim against an employer under section 45; (l) claim under sub-section (8) of section 44 for the recovery of the value or amount of the benefits received by a person when he is not lawfully entitled thereto; and (m) any claim for the recovery of any benefit admissible under this Chapter.	Matters to be decided by Employees' Insurance Court.
	(2) No matter which is in dispute between a principal employer and the Corporation in respect of any contribution or any other dues under this Chapter shall be raised by the principal employer in the Employees' Insurance Court unless he has deposited with the Court fifty per cent. of the amount due from him as claimed by the Corporation: Provided that the Employees' Insurance Court may, for reasons to be recorded in writing, waive or reduce the amount to be deposited under this sub-section.	
	(3) No Civil Court shall have jurisdiction to decide or deal with any question or dispute as specified in sub-section (1) or to adjudicate on any liability which by or under this Code relating to this Chapter is to be decided by a medical board, or by a	

	medical appeal tribunal or by the Employees' Insurance Court.	
	52. (1) The Employees' Insurance Court shall have all the powers of a Civil Court for the purposes of summoning and enforcing the attendance of witnesses, compelling the discovery and production of documents and material objects, administering oath and recording evidence and such court shall be deemed to be a Civil Court within the meaning of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).	Powers of Employees' Insurance Court.
	(2) The Employees' Insurance Court shall follow such procedure as may be prescribed by the State Government.	
	(3) All costs incidental to any proceeding before an Employees' Insurance Court shall, subject to such rules as may be made in this behalf by the State Government, be in the discretion of the court.	
	(4) An order of the Employees' Insurance Court shall be enforceable as if it were a decree passed in a suit by a Civil Court.	
	53. (1) The manner of commencement of proceedings before the Employees Insurance Court and the time limit of filing, fees and procedure thereof shall be such as may be prescribed by the State Government.	Proceedings of Employees' Insurance Courts.
	(2) Any application, appearance or act required to be made or done by any person to or before an Employees' Insurance Court (other than appearance of a person required for the purpose of his examination as a witness) may be made or done by a legal practitioner or by an officer of a registered trade union authorized in writing by such person or with the permission of the court, by any other person so authorized.	
	(3) An Employees' Insurance Court may submit any question of law for the decision of the High Court and if it does so shall decide the question pending before it in accordance with such decision.	
	54. (1) Save as expressly provided in this section, no appeal shall lie from an order of an Employees' Insurance Court.	Appeals from orders of Employees' Insurance Courts.
	(2) An appeal shall lie to the High Court from an order of an Employees' Insurance Court if it involves a substantial question of law.	
	(3) The period of limitation for an appeal under this section shall be sixty days from the date of the order made by the Employees' Insurance Court.	
36 of 1963	(4) The provisions of sections 5 and 12 of the Limitation Act, 1963 shall apply to appeals under this section.	
	(5) Where the Corporation has presented an appeal against an order of the Employees' Insurance Court, that Court may, and if so directed by the High Court, shall, pending the decision of the appeal, withhold the payment of any sum directed to be paid by the order appealed against.	

Chapter V

Gratuity

	55. (1) Gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years,- (a) on his superannuation; or (b) on his retirement or resignation; or (c) on his death or disablement due to accident or disease; or (d) on termination of his contract period under fixed term employment; or (e) on happening any such event as may be notified by the Central Government: Provided that the completion of continuous service of five years shall not be necessary where the termination of the employment of any employee is due to death or disablement or expiration of fixed term contract or happening of any such event as may be notified by the Central Government: Provided further that in the case of death of the employee, gratuity payable to him shall be paid to his nominee or, if no nomination has been made, to his heirs, and where any such nominees or heirs is a minor, the share of such minor, shall be deposited with the competent authority as may be notified by the appropriate Government who shall invest the same for the benefit of such minor in such bank or other financial institution, as may be prescribed by the appropriate Government, until such minor attains majority.	Payment of Gratuity.
	(2) For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to an employee at the rate of fifteen days' wages or such number of days as may be notified by the Central Government, based on the rate of wages last drawn by the employee concerned: Provided that in the case of a piece-rated employee, daily wages shall be computed on the average of the total wages received by him for a period of three months immediately preceding the termination of his employment, and, for this purpose, the wages paid for any overtime work shall not be taken into account: Provided further that in the case of an employee who is employed in a seasonal establishment and who is not so employed throughout the year, the employer shall pay the gratuity at the rate of seven days' wages for each season.	
	(3) The amount of gratuity payable to an employee shall not exceed such amount as may be notified by the Central Government.	
	(4) For the purpose of computing the gratuity payable to an employee who is employed, after his disablement, on reduced wages, his wages for the period preceding his disablement shall be taken to be the wages received by him during that period, and his wages for the period subsequent to his disablement shall be taken to be the wages as so reduced.	
	(5) Nothing in this section shall affect the right of an employee to receive better terms of gratuity under any award or agreement or contract with the employer.	
	(6) Notwithstanding anything contained in sub-section (1),- (a) the gratuity of an employee, whose services have been terminated for any act, wilful omission or negligence causing any damage or loss to, or destruction of, property belonging to the employer, shall be forfeited to the extent of the damage or loss so caused; (b) the gratuity payable to an employee may be wholly or partially forfeited-- (i) if the services of such employee have been terminated for his riotous or disorderly conduct or any other act of violence on his part, or (ii) if the services of such employee have been terminated for any act which constitutes an offence involving moral turpitude, provided that such offence is committed by him in the course of his employment.	
	Explanation 1.- For the purposes of this Chapter, notwithstanding anything contained in clause (xxxxxix) of section 2, the expression “wages” means all emoluments which	

	are earned by an employee while on duty or on leave in accordance with the terms and conditions of his employments and which are paid or are payable to him in cash and includes dearness allowance but does not include any bonus, commission, house rent allowance, overtime wages and any other allowance. Explanation 2.- For the purposes of this Chapter, notwithstanding anything contained in clause (xx) of section 2, the expression "employee" means any person (other than an apprentice) employed on wages, in any every factory, mine, oilfield, plantation, port and railway company; and every shop and establishment to do any skilled, semi-skilled, or unskilled, manual, supervisory, technical or clerical work, whether the terms of such employment are express or implied, and whether or not such person is employed in a managerial or administrative capacity, but does not include any such person who holds a post under the Central Government or a State Government and is governed by any other Act or by any rules providing for payment of gratuity. Explanation 3.- For the purposes of this sub-section, disablement means such disablement as incapacitates an employee for the work which he was capable of performing before the accident or disease, resulting in such disablement. Explanation 4.- For the purposes of this sub-section, it is clarified that in the case of a monthly rated employee, the fifteen days' wages shall be calculated by dividing the monthly rate of wages last drawn by him by twenty-six and multiplying the quotient by fifteen.	
	56. For the purposes of this Chapter- (A) an employee shall be said to be in continuous service for a period if he has, for that period, been in uninterrupted service, including service which may be interrupted on account of sickness, accident, leave, absence from duty without leave (not being absence in respect of which an order treating the absence as break in service has been passed in accordance with the standing orders, rules or regulations governing the employees of the establishment), lay-off, strike or a lock-out or cessation of work not due to any fault of the employee, whether such uninterrupted or interrupted service was rendered before or after the commencement of this Code;	Continuous Service.
	(B) where an employee (not being an employee employed in a seasonal establishment) is not in continuous service within the meaning of clause (A), for any period of one year or six months, he shall be deemed to be in continuous service under the employer— (a) for the said period of one year, if the employee during the period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than— (i) one hundred and ninety days, in the case of any employee employed below the ground in a mine or in an establishment which works for less than six days in a week; and (ii) two hundred and forty days, in any other case; (b) for the said period of six months, if the employee during the period of six calendar months preceding the date with reference to which the calculation is to be made, has actually worked under the employer for not less than— (i) ninety-five days, in the case of an employee employed below the ground in a mine or in an establishment which works for less than six days in a week; and (ii) One hundred and twenty days, in any other case. Explanation.—For the purposes of this clause, the number of days on which an employee has actually worked under an employer shall include the days on which— (i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946, or under the Industrial Disputes Act, 1947, or under any other law applicable to the establishment; (ii) he has been on leave with full wages, earned in the previous year; (iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and	

	(iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twenty-six weeks;	
	(C) Where an employee, employed in a seasonal establishment, is not in continuous service within the meaning of clause (1), for any period of one year or six months, he shall be deemed to be in continuous service under the employer for such period if he has actually worked for not less than seventy- five per cent of the number of days on which the establishment was in operation during such period.	
	57. (1) Each employee, who has completed one year of service, shall make, a nomination within such time, in such form and in such manner, as may be prescribed by the appropriate Government.	Nomination.
	(2) An employee may, in his nomination, distribute the amount of gratuity payable to him under this Chapter amongst more than one nominee.	
	(3) If an employee has a family at the time of making a nomination, the nomination shall be made in favour of one or more members of his family, and any nomination made by such employee in favour of a person who is not a member of his family shall be void.	
	(4) If at the time of making a nomination the employee has no family, the nomination may be made in favour of any person or persons but if the employee subsequently acquires a family, such nomination shall forthwith become invalid and the employee shall make, within such time as may be prescribed by the appropriate Government, a fresh nomination in favour of one or more members of his family.	
	(5) A nomination may, subject to the provisions of sub-sections (3) and (4), be modified by an employee at any time, after giving to his employer a written intimation in such form and in such manner as may be prescribed by the appropriate Government, of his intention to do so.	
	(6) If a nominee predeceases the employee, the interest of the nominee shall revert to the employee who shall make a fresh nomination, in the form prescribed by the appropriate Government, in respect of such interest.	
	(7) Every nomination, fresh nomination or alteration of nomination, as the case may be, shall be sent by the employee to his employer, who shall keep the same in his safe custody.	
	58.(1) A person who is eligible for payment of gratuity under this Chapter or any person authorised, in writing, to act on his behalf shall send a written application to the employer, within such time and in such form, as may be prescribed by appropriate Government, for payment of such gratuity.	Determination of amount of gratuity.
	(2) As soon as gratuity becomes payable, the employer shall, whether an application referred to in sub-section (1) has been made or not, determine the amount of gratuity and give notice in writing to the person to whom the gratuity is payable and also to the competent authority specifying the amount of gratuity so determined.	
	(3) The employer shall arrange to pay the amount of gratuity within thirty days from the date it becomes payable to the person to whom the gratuity is payable.	
	(4) If the amount of gratuity payable under sub-section (3) is not paid by the employer within the period specified in sub-section (3), the employer shall pay, from the date on which the gratuity becomes payable to the date on which it is paid, simple interest at such rate, not exceeding the rate notified by the Central Government from time to time for repayment of long term deposits: Provided that no such interest shall be payable if the delay in the payment is due to the fault of the employee and the employer has obtained permission in writing from the competent authority for the delayed payment on this ground.	
	(5) (a) If there is any dispute as to the amount of gratuity payable to an employee under this Chapter or as to the admissibility of any claim of, or in relation to, an employee for payment of gratuity, or as to the person entitled to receive the gratuity, the employer shall deposit with the competent authority such amount as he admits to be payable by him as gratuity. (b) Where there is a dispute with regard to any matter or matters specified in clause (a), the employer or employee or any other person raising the dispute may make an application to the competent authority in the form prescribed by the Central	

	Government for deciding the dispute. (c) the competent authority shall, after due inquiry and after giving the parties to the dispute a reasonable opportunity of being heard, determine the matter or matters in dispute and if, as a result of such inquiry any amount is found to be payable to the employee, the competent authority shall direct the employer to pay such amount or, as the case may be, such amount as reduced by the amount already deposited by the employer. (d) The competent authority shall pay the amount deposited, including the excess amount, if any, deposited by the employer, to the person entitled thereto. (e) As soon as may be after a deposit is made under clause (a), the competent authority shall pay the amount of the deposit- (i) to the applicant where he is the employee; or (ii) where the applicant is not the employee, to the nominee or, as the case may be, the guardian of such nominee or heir of the employee if the competent authority is satisfied that there is no dispute as to the right of the applicant to receive the amount of gratuity.	
41 of 1999	**59**. (1) With effect from such date as may be notified by the appropriate Government in this behalf, every employer, other than an employer or an establishment belonging to, or under the control of, the Central Government or a State Government, shall, subject to the provisions of sub-section (2), obtain an insurance in the manner prescribed by the Central Government, for his liability for payment towards the gratuity under this Chapter, from any insurance company regulated by the Authority as defined under clause (b) of the Insurance Regulatory and Development Authority of India Act, 1999: Provided that different dates may be appointed for different establishments or class of establishments or for different areas.	Compulsory insurance.
	(2) The appropriate Government may, subject to such conditions as may be prescribed by the Central Government, exempt every employer who had already established an approved gratuity fund in respect of his employees and who desires to continue such arrangement, and every employer employing five hundred or more persons who establishes an approved gratuity fund in the manner prescribed by the Central Government from the provisions of sub-section (1).	
	(3) For the purpose of effectively implementing the provisions of this section, every employer shall within such time as may be prescribed by the Central Government get his establishment registered with the competent authority in the manner prescribed by the Central Government and no employer shall be registered under the provisions of this section unless he has taken an insurance referred to in sub-section (1) or has established an approved gratuity fund referred to in sub-section (2).	
	(4) The appropriate Government may prescribe rules to give effect to the provisions of this section and the rules so prescribed may provide for the composition of the Board of Trustees of the approved gratuity fund and for the recovery by the competent authority of the amount of the gratuity payable to an employee from the insurer with whom an insurance has been taken under sub-section (1), or as the case may be, the Board of Trustees of the approved gratuity fund.	
	(5) Where an employer fails to make any payment by way of premium in respect of the insurance referred to in sub-section (1) or by way of contribution to an approved gratuity fund referred to in sub-section (2), he shall be liable to pay the amount of gratuity due under this Chapter (including interest, if any, for delayed payments) forthwith to the competent authority. Explanation.—In this section, "approved gratuity fund" shall have the same meaning as in clause (5) of section 2 of the Income-tax Act, 1961 (43 of 1961).	
	60. (1)The Appropriate Government may, by notification, appoint any person having such qualifications and experience as may be prescribed by the Central Government to be a competent authority for this Chapter for such area as may be specified in the notification.	Competent Authority.
	(2) Where more than one competent authority has been appointed for any area, the	

	appropriate Government may, by general or special order, regulate the distribution of business among them.	
	(3) Any competent authority may, for the purpose of deciding any matter referred to him for decision under this Chapter, choose one or more persons possessing special knowledge of any matter relevant to the matter under reference to assist him in holding the inquiry relating thereto.	

Chapter VI

Maternity Benefit

	61. (1) No employer shall knowingly employ a woman in any establishment during the six weeks immediately following the day of her delivery, miscarriage or medical termination of pregnancy.	Employment of, or work by, women prohibited during certain period.
	(2) No woman shall work in any establishment during the six weeks immediately following the day of her delivery, miscarriage or medical termination of pregnancy.	
	(3) Without prejudice to the provisions of section 64, no pregnant woman shall, on a request being made by her in this behalf, be required by her employer to do, during the period specified in sub-section (4), any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus or is likely to cause her miscarriage or otherwise to adversely affect her health.	
	(4) The period referred to in sub-section (3) shall be— (a) the period of one month immediately preceding the period of six weeks, before the date of her expected delivery; (b) Any period during the said period of six weeks for which the pregnant woman does not avail of leave of absence under section 64.	
29 of 2019	**62.** (1) Subject to the other provisions of this Code, every woman shall be entitled to, and her employer shall be liable for, the payment of maternity benefit at the rate of the average daily wage for the period of her actual absence, that is to say, the period immediately preceding the day of her delivery, and any period immediately following that day. Explanation.—For the purposes of this sub-section, “the average daily wage” means the average of the woman's wages payable to her for the days on which she has worked during the period of three calendar months immediately preceding the date from which she absents herself on account of maternity, subject to the minimum rate of wage fixed or revised under the Code on Wages, 2019.	Right to payment of maternity benefit.
	(2) No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than eighty days in the twelve months immediately preceding the date of her expected date of her delivery. Explanation.—For the purpose of calculating the period under this sub-section, the days on which a woman has actually worked in the establishment, the days for which she has been laid off or was on holidays declared under any law for the time being in force to be holidays with wages, during the period of twelve months immediately preceding the expected date of her delivery shall be taken into account.	
	(3) The maximum period for which any woman shall be entitled to maternity benefit shall be twenty-six weeks of which not more than eight weeks shall precede the expected date of her delivery: Provided that the maximum period entitled to maternity benefit by a woman having two or more surviving children shall be twelve weeks of which not more than six weeks shall precede the date of her expected delivery: Provided further that where a woman dies during this period, the maternity benefit shall be payable only for the days up to and including the day of her death: Provided also that where a woman, having been delivered of a child, dies during her delivery or during the period immediately following the date of her delivery for which she is entitled for the maternity benefit, leaving behind in either case the child, the employer shall be liable for the maternity benefit for that entire period but if the	

	child also dies during the said period, then, for the days upto and including the date of the death of the child. Explanation. – For the purposes of this sub-section, “child” includes a still-born child.	
	(4) A woman who legally adopts a child below the age of three months or a commissioning mother shall be entitled to maternity benefit for a period of twelve weeks from the date the child is handed over to the adopting mother or the commissioning mother, as the case may be.	
	(5) In case the work assigned to a woman is of such nature that she may work from home, the employer may allow her to do so after availing of the maternity benefit for such period and on such conditions as the employer and the woman may mutually agree.	
	63. Every woman entitled to the payment of maternity benefit under this Chapter, shall, notwithstanding the application of Chapter IV to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under section 34.	Continuance of payment of maternity benefit in certain cases.
	64. (1) Any woman employed in an establishment and entitled to maternity benefit under the provisions of this Chapter may give notice in writing in such form as may be prescribed by Central Government, to her employer, stating that her maternity benefit and any other amount to which she may be entitled under this Chapter may be paid to her or to such person as she may nominate in the notice and that she will not work in any establishment during the period for which she receives maternity benefit.	Notice of claim for maternity benefit and payment thereof.
	(2) In the case of a woman who is pregnant, such notice shall state the date from which she will be absent from work, not being a date earlier than six weeks from the date of her expected delivery.	
	(3) Any woman who has not given the notice when she was pregnant may give such notice as soon as possible after her delivery.	
	(4) On receipt of the notice, the employer shall permit such woman to absent herself from the establishment during the period for which she receives the maternity benefit.	
	(5) The amount of maternity benefit for the period preceding the date of her expected delivery shall be paid in advance by the employer to the woman on production of such proof as may be prescribed by the Central Government that the woman is pregnant, and the amount due for the subsequent period shall be paid by the employer to the woman within forty-eight hours of production of such proof as may be prescribed by the Central Government that the woman has been delivered of a child.	
	(6) The failure to give notice under this section shall not disentitle a woman to maternity benefit or any other amount under this Chapter if she is otherwise entitled to such benefit or amount and in any such case an Inspector cum Facilitator may either of his own motion or on an application made to him by the woman, order the payment of such benefit or amount within such period as may be specified in the order.	
	65. If a woman entitled to maternity benefit or any other amount under this Chapter, dies before receiving such maternity benefit or amount, or where the employer is liable for maternity benefit under the second proviso to sub-section (3) of section 62, the employer shall pay such benefit or amount to the person nominated by the woman in the notice given under section 64 and in case there is no such nominee, to her legal representative.	Payment of maternity benefit in case of death of a woman.
	66. Every woman entitled to maternity benefit under this Chapter shall also be entitled to receive from her employer a medical bonus of three thousand five hundred rupees or as such amount as may be notified by Central Government, if no pre-natal confinement and post-natal care is provided for by the employer free of charge.	Payment of medical bonus.
	67. (1) In case of miscarriage, or medical termination of pregnancy, a woman shall, on production of such proof as may be prescribed by the Central Government, be entitled to leave with wages at the rate of maternity benefit, for a period of six weeks immediately following the day of her miscarriage or, as the case may be, her medical termination of pregnancy.	Leave for miscarriage, etc.
	(2) In case of tubectomy operation, a woman shall, on production of such proof as may be prescribed by the Central Government, be entitled to leave with wages at the rate of maternity benefit for a period of two weeks immediately following the day of her	

	tubectomy operation.	
	(3) A woman suffering from illness arising out of pregnancy, delivery, premature birth of child, miscarriage, medical termination of pregnancy or tubectomy operation shall, on production of such proof as may be prescribed by the Central Government, be entitled, in addition to the period of absence allowed to her under section 64, or, as the case may be, under sub-section (1), to leave with wages at the rate of maternity benefit for a maximum period of one month.	
	68. Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work two breaks of such duration as may be prescribed by the Central Government, for nursing the child until the child attains the age of fifteen months.	Nursing breaks.
	68A.(1) Every establishment having fifty employees or such number of employees as may be prescribed by Central Government shall have the facility of crèche within such distance as may be prescribed by the Central Government, either separately or along with common facilities: Provided that the employer shall allow four visits a day to the crèche by the woman, which shall also include the intervals of rest allowed to her.	Creche facility.
	(2) Every establishment shall intimate in writing and electronically to every woman at the time of her initial appointment in such establishment regarding every benefit available under this Chapter.	
	69. (1) When a woman absents herself from work in accordance with the provisions of this Chapter, it shall be unlawful for her employer to discharge or dismiss her during or on account of such absence or to give notice of discharge or dismissal on such a day that the notice will expire during such absence, or to vary to her disadvantage any of the conditions of her service: Provided that the discharge or dismissal of a woman at any time during her pregnancy, if the woman but for such discharge or dismissal would have been entitled to maternity benefit or medical bonus under this Chapter, shall not have the effect of depriving her of the maternity benefit or medical bonus: Provided further that where the dismissal is for any gross misconduct as may be prescribed by the Central Government, the employer may, by order in writing, communicated to the woman, deprive her of the maternity benefit or medical bonus, or both.	Dismissal for absence during pregnancy.
	(2) Any woman deprived of maternity benefit or medical bonus, or both, or discharged or dismissed under sub-section (1), may, within sixty days from the date on which order of such deprivation or discharge or dismissal is communicated to her, appeal to the competent authority, and the decision of that authority on such appeal, whether the woman should or should not be deprived of maternity benefit or medical bonus or both, or discharged or dismissed shall be final.	
	70. No deduction from the normal and usual daily wages of a woman entitled to maternity benefit under the provisions of this Chapter shall be made by reason only of— (a) the nature of work assigned to her by virtue of the provisions contained in section 61; or (b) breaks for nursing the child allowed to her under the provisions of section 68.	No deduction of wages in certain cases.
	71. A woman who works for remuneration during the period she has been permitted by an employer to absent herself for availing the maternity benefits provided under this Chapter shall not be entitled to receive maternity benefit for such period.	Forfeiture of maternity benefit.
	72. An abstract of the provisions of this Chapter and the rules relating thereto in the language or languages of the locality shall be exhibited in a conspicuous place by the employer in every part of the establishment in which women are employed.	Duties of Employer.
	73. (1) Any woman claiming that,— (a) maternity benefit or any other amount to which she is entitled under this Chapter and any person claiming that payment due under this Chapter has been improperly withheld; (b) her employer has discharged or dismissed her during or on account of her absence from work in accordance with the provisions of this Chapter,	Power of Inspector-cum-Facilitator to direct payments to be made.

	may make a complaint to the Inspector-cum-Facilitator.	
	(2) The Inspector-cum-facilitator may, on receipt of a complaint referred to in sub-section (1), make an inquiry or cause an inquiry to be made and if satisfied that— (a) payment has been wrongfully withheld, may direct the payment to be made in accordance with his orders in writing; (b) she has been discharged or dismissed during or on account of her absence from work in accordance with the provisions of this Chapter, may pass such orders as he deems just and proper according to the circumstances of the case.	
	(3) Any person aggrieved by the order of the Inspector-cum-facilitator under sub-section (2) may, within thirty days from the date on which such order is communicated to such person, appeal to the authority prescribed by the appropriate Government.	
	(4) The decision of the authority referred to in sub-section (3), where an appeal has been preferred to it under that sub-section or of the Inspector-cum-Facilitator where no such appeal has been preferred shall be final.	

Chapter VII

Employee Compensation

	74. Every employer, in respect of factory or establishment to which this Chapter applies shall report or cause to be reported, electronically or otherwise in such manner and in such form to such competent authority as may be prescribed by the State Government in this behalf, every accident occurring in his factory or establishment or any occupational disease contacted by any employee while working in such factory or establishment and arising out of the employment of that employee within a period of twenty four hours of the occurrence of such accident or the occupational disease comes within the knowledge of the employer: Provided that any fatal accident shall be reported immediately to the competent authority.	Reporting of Accident, Injury, Death and Occupational Diseases.
	75. (1) If personal injury is caused to an employee by accident or an occupational disease listed in the Third Schedule arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter: Provided that the employer shall not be so liable in respect of any injury which does not result in the total or partial disablement of the employee for a period exceeding three days.	Employer's liability for compensation.
	(2) An accident or an occupational disease referred to in sub-section (1) shall be deemed to arise out of and in the course of an employee's employment notwithstanding that he is at the time of the accident or at the time of contacting the occupational disease, referred in that sub-section, acting in contravention of the provisions of any law applicable to him, or of any orders given by or on behalf of his employer or that he is acting without instructions from his employer, if — (a) such accident or contacting of such occupational disease would have been deemed so to have arisen had the act not been done in contravention as aforesaid or without instructions from his employer, as the case may be ; and (b) the act is done for the purpose of and in connection with the employer's trade or business.	
	(3) If an employee employed in any employment specified in the Second Schedule contracts any disease specified in the Third Schedule, being an occupational disease peculiar to that employment whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months, then, such disease shall be deemed to be an injury by accident within the meaning of this section and unless the contrary is proved, the accident shall be deemed to have arisen out of and in the course of the employment.	
	(4) An accident occurring to an employee while commuting from his residence to the place of employment for duty or from the place of employment to his residence after performing duty, shall be deemed to have arisen out of and in the course of employment if nexus between the circumstances, time and place in which the accident occurred and his employment is established.	
	(5) The Central Government or the State Government, after giving, by notification, not less than three months' notice of its intention so to do, may, by a like notification, modify or add any description of employment to the employments specified in the Second Schedule, and shall specify in the case of employments so modified or added, the diseases which shall be deemed for the purposes of this section to be occupational diseases peculiar to those employments respectively, and thereupon the provisions of sub-section (2) shall apply, in the case of a notification by the Central Government, within the territories to which this Code extends or, in case of a notification by the State Government, within that State as if such diseases had been declared by this Code to be occupational diseases peculiar to those employments.	
	(6) Save as provided by sub-sections (2), (3) and (4), no compensation shall be payable to an employee in respect of any accident or disease unless the accident or disease is directly attributable to a specific injury by accident or disease arising out of and in the course of his employment.	

	(7) Nothing herein contained shall be deemed to confer any right to compensation on an employee in respect of any accident or disease if he has instituted in a Civil Court a suit for damages in respect of the accident or disease against the employer or any other person; and no suit for damages shall be maintainable by an employee in any Court of law in respect of any accident or injury— (a) if he has instituted a claim to compensation in respect of the accident or injury before a competent authority; or (b) if an agreement has been made between the employee and his employer providing for the payment of compensation in respect of the accident or injury in accordance with the provisions of this Chapter.	
	76. If death or injury is caused to any worker or a member of his family as a result of the collapse of a house provided by the employer in a plantation, and the collapse is not solely and directly attributable to a fault on the part of any occupant of the house or to a natural calamity, the employer shall be liable to pay compensation under section 75. Explanation.- For the purposes of this section, the expression "worker" means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical, and includes a person employed on contract for more than sixty days in a year, but does not include— (i) a medical officer employed in the plantation; (ii) any person employed in the plantation (including any member of the medical staff) whose monthly wages exceed the amount as determined by the appropriate Government, by notification, from time to time; (iii) any person employed in the plantation primarily in a managerial or administrative capacity, notwithstanding that his monthly wages do not exceed the amount as determined by the appropriate Government, by notification, from time to time; (iv) any person temporarily employed in the plantation in any work relating to the construction, development or maintenance of buildings, roads, bridges, drains or canals.	Compensation in case of death of or injury in plantation.
	77. (1) Subject to the provisions of this Chapter, the amount of compensation shall be,-	Amount of compensation.
	(a) where death results from the injury, an amount equal to fifty per cent of the monthly wages of the deceased employee multiplied by the relevant factor; or an amount as may be notified by the Central Government from time to time, whichever is more;	
	(b) where permanent total disablement results from the injury, an amount equal to sixty per cent of the monthly wages of the injured employee multiplied by the relevant factor; or an amount as may be notified by the Central Government from time to time or, whichever is more: Provided that the Central Government may, by notification from time to time, enhance the amount of compensation specified in clauses (a) and (b). Explanation.- For the purposes of clause (a) and clause (b), "relevant factor", in relation to an employee means the factor specified in column (2) of the Sixth Schedule relating to factors against the corresponding entry in column (1) thereof, specifying the number of years which are the same as the completed years of the age of the employee on his last birthday immediately preceding the date on which the compensation fell due;	
	(c) where permanent partial disablement results from the injury,- (i) in the case of an injury specified in Part II of the Fourth Schedule, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury; and (ii) in the case of an injury not specified in the Fourth Schedule, such percentage of the compensation payable in the case of permanent total disablement as is	

	proportionate to the loss of earning capacity (as assessed by the medical practitioner) permanently caused by the injury. Explanation 1.- For the purposes of this clause, where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries; Explanation 2.- In assessing the loss of earning capacity under sub-clause (ii), the medical practitioner shall have due regard to the percentage of loss of earning capacity in relation to different injuries specified in the Fourth Schedule;	
	(d) where temporary disablement, whether total or partial, results from the injury, a half-monthly payment of the sum equivalent to twenty-five per cent of monthly wages of the employee, to be paid in accordance with the provisions of sub-section (4).	
	(2) Notwithstanding anything contained in sub-section (1), while fixing the amount of compensation payable to an employee in respect of an accident occurred outside India, the competent authority shall take into account the amount of compensation, if any, awarded to such employee in accordance with the law of the country in which the accident occurred and shall reduce the amount fixed by him by the amount of compensation awarded to the employee in accordance with the law of that country.	
	(3) The Central Government may, by notification, specify for the purposes of sub-section (1), such monthly wages in relation to an employee as it may consider necessary.	
	(4) The half-monthly payment referred to in clause (d) of sub-section (1) shall be payable on the sixteenth day- (i) from the date of disablement where such disablement lasts for a period of twenty-eight days or more; or (ii) after the expiry of a waiting period of three days from the date of disablement, where such disablement lasts for a period of less than twenty-eight days; and thereafter half-monthly during the disablement or during a period of five years, whichever is shorter: Provided that— (a) there shall be deducted from any lump sum or half-monthly payments to which the employee is entitled the amount of any payment or allowance which the employee has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be, and such payment or allowance which the employee has received from the employer towards his medical treatment shall not be deemed to be a payment or allowance received by him by way of compensation; (b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the employee before the accident exceeds half the amount of such wages which he is earning after the accident.	
	(5) The employee shall be reimbursed, the actual medical expenditure incurred by him for treatment of injuries caused during the course of employment, by his employer.	
	(6) On the ceasing of the disablement before the date on which any half-monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.	
	(7) If the injury of the employee results in his death, the employer shall, in addition to the compensation under sub-section (1), deposit with the competent authority a sum of not less than fifteen thousand rupees for payment of the same to the eldest surviving dependent of the employee towards the expenditure of the funeral of such employee or where the employee did not have a dependent or was not living with his dependent at the time of his death, to the person who actually incurred such expenditure: Provided that the Central Government may, by notification from time to time, enhance the amount specified in this sub-section.	
	78. (1) Compensation under section 75 shall be paid as soon as it falls due.	Compensation to be paid when due and damages for default.
	(2) In cases where the employer does not accept the liability for compensation to the	

	extent claimed, he shall be bound to make provisional payment based on the extent of liability which he accepts, and, such payment shall be deposited with the competent authority or made to the employee, as the case may be, without prejudice to the right of the employee to make any further claim.	
2 of 1934	(3) Where any employer is in default in paying the compensation due under this Chapter within one month from the date it fell due, the competent authority shall- (a) direct that the employer shall, in addition to the amount of the arrears, pay simple interest thereon at the rate of twelve per cent per annum or at such higher rate not exceeding the maximum of the lending rates of any scheduled bank as may be specified by the Central Government, by notification, on the amount due; and (b) if in his opinion, there is no justification for the delay, direct that the employer shall, in addition to the amount of the arrears and interest thereon, pay a further sum not exceeding fifty per cent. of such amount of arrears by way of damages: Provided that an order for the payment of damages shall not be passed under clause (b) without giving a reasonable opportunity to the employer to show cause why it should not be passed. Explanation.- For the purposes of this sub-section, "scheduled bank" means a bank for the time being included in the Second Schedule to the Reserve Bank of India Act, 1934.	
	(4) The interest and the damages payable under sub-section (3) shall be paid to the employee or his dependent, as the case may be.	
	79. For the purposes of calculation of compensation under section 77, the expression "monthly wages" means the amount of wages deemed to be payable for a month's service (whether the wages are payable by the month or by whatever other period or at piece rates), and calculated as follows, namely:- (a) where the employee has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the employee shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period; (b) where the whole of the continuous period of service immediately preceding the accident during which the employee was in the service of the employer who is liable to pay the compensation was less than one month, the monthly wages of the employee shall be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by an employee employed on the same work by the same employer, or, if there was no employee so employed, by an employee employed on similar work in the same locality; (c) in other cases including cases in which it is not possible for want of necessary information to calculate the monthly wages under clause (b), the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period. Explanation. - For the purpose of this section, "a period of service" shall be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.	Method of calculating monthly wages for purposes of compensation.
	80. (1) Any half-monthly payment payable under this Chapter, either under an agreement between the parties or under the order of a competent authority, may be reviewed by the competent authority, on the application either of the employer or of the employee accompanied by the certificate of a medical practitioner that there has been a change in the condition of the employee or, subject to such conditions as may be prescribed by the State Government, on application made without such certificate.	Review.
	(2) Any half-monthly payment may, on review under this section, subject to the	

	provisions of this Chapter, be continued, increased, decreased or ended, or if the accident is found to have resulted in permanent disablement, be converted to the lump sum to which the employee is entitled less any amount which he has already received by way of half-monthly payments.	
	81. Any right to receive half-monthly payments may, by agreement between the parties or, if the parties cannot agree and the payments have been continued for not less than six months, on the application of either party to the competent authority be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the competent authority, as the case may be.	Commutation of half-monthly payments.
	82. (1) No payment of compensation in respect of an employee whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the competent authority, and no such payment made directly by an employer shall be deemed to be a payment of compensation: Provided that, in the case of a deceased employee, an employer may make to any dependent advances on account of compensation of an amount equal to three months' wages of such employee and so much of such amount as does not exceed the compensation payable to that dependent shall be deducted by the competent authority from such compensation and repaid to the employer.	Distribution of compensation.
	(2) Any other sum amounting to not less than five thousand rupees which is payable as compensation may be deposited with the competent authority on behalf of the person entitled thereto.	
	(3) The receipt of the competent authority shall be a sufficient discharge in respect of any compensation deposited with him.	
	(4) (a) On the deposit of any money under sub-section (1) as compensation in respect of a deceased employee, the competent authority shall, if he thinks necessary, cause notice to be published or to be served on each dependent in such manner as he thinks fit, calling upon the dependents to appear before him on such date as he may fix for determining the distribution of the compensation. (b) If the competent authority is satisfied after any inquiry which he may deem necessary, that no dependent exists, he shall repay the balance of the money to the employer by whom it was paid. (c)The competent authority shall, on an application by the employer, furnish a statement showing in detail all disbursements made.	
	(5) The compensation deposited in respect of a deceased employee shall, subject to any deduction made under sub-section (1), be apportioned by order by the competent authority among the dependents of the deceased employee or any of them in such proportion as the competent authority thinks fit, or may, in the discretion of the competent authority, be allotted to any one dependent: Provided that the competent authority shall not make any order under this sub-section without hearing the dependents and shall record reasons in the order for the apportionment of such compensation among dependents or any of them, as the case may be.	
	(6) Where any compensation deposited with the competent authority is payable to any person, other than a woman or a person under legal disability, the competent authority may pay the compensation to the person entitled thereto.	
	(7) Where any lump sum deposited with the competent authority is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the competent authority may direct; and where a half-monthly payment is payable to any person under a legal disability, the competent authority may, of his own motion or on an application made to him in this behalf, order that the payment be made during the disability to any dependent of the employee or to any other person, whom the competent authority thinks fit to provide for the welfare of the employee.	
	(8) Where, on application made to him in this behalf or otherwise, the competent	

	authority is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependent or for any other sufficient cause, an order of the competent authority as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependent is to be invested, applied or otherwise dealt with, ought to be varied, the competent authority may make such orders for the variation of the former order as he thinks just in the circumstances of the case: Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause as to why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependent of any sum already paid to him.	
	(9) Where the competent authority varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner as specified in sub-section (10).	
1 of 1890	(10) The competent authority may recover as an arrear of land revenue any amount referred to in sub-section (9), and for such purpose the competent authority shall be deemed to be a public officer within the meaning of section 5 of the Revenue Recovery Act, 1890.	
	83. (1) No claim for compensation shall be entertained by a competent authority unless notice of the accident has been given in the manner hereinafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within two years of the occurrence of the accident or, in case of death, within two years from the date of death: Provided that where the accident is the contracting of a disease in respect of which the provisions of sub-section (3) of section 75 are applicable, the accident shall be deemed to have occurred on the first of the days during which the employee was continuously absent from work in consequence of the disablement caused by the disease: Provided further that in case of partial disablement due to the contracting of any such disease and which does not force the employee to absent himself from work, the period of two years shall be counted from the day the employee gives notice of the disablement to his employer: Provided also that if an employee who, having been employed in an employment for a continuous period specified under sub-section (3) of section 75 in respect of that employment, ceases to be so employed and develops symptoms of an occupational disease peculiar to that employment within two years of the cessation of employment, the accident shall be deemed to have occurred on the day on which the symptoms were first detected.	Notice and claim.
	(2) The want of or any defect or irregularity, in a notice given under sub-section (1) shall not be a bar to the entertainment of a claim— (a) if the claim is preferred in respect of the death of an employee resulting from an accident which occurred on the premises of the employer, or at any place where the employee at the time of the accident was working under the control of the employer or of any person employed by him, and the employee died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or (b) if the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured employee was employed had knowledge of the accident from any other source at or about the time when it occurred: Provided that the competent authority may entertain and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been preferred in due time as provided under sub-section (1), if he is satisfied that the failure so to give the notice or prefer the claim, as the case may be, was due to sufficient cause.	

	(3) Every such notice shall give the name and address of the person injured and shall state the cause of the injury and the date on which the accident happened, and shall be served on the employer or upon any one of several employers, or upon any person responsible to the employer for the management of any branch of the trade or business in which the injured employee was employed.	
	(4) The appropriate Government may require that any class of employers as may be prescribed by that Government shall maintain, at their premises, at which employees are employed, a notice-book, in such form as may be prescribed by that Government, which shall be readily accessible at all reasonable times to any injured employee employed on the premises and to any person acting bonafide on his behalf.	
	(5) A notice under this section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or where possible, electronically or, where a notice-book is maintained, by entry in the notice book.	
59 of 1988	**84.** (1) The provisions of this section shall , subject to the modifications specified in this section, apply in case of employees who are – (a) masters of ships or seamen or; (b) captain and other members of crew of aircraft; (c) persons recruited by companies registered in India and working as such abroad; (d) Persons sent for work abroad along with motor vehicles registered under the Motor Vehicles Act, 1988 as drivers, helpers, mechanics, cleaners or other employees.	Special provisions relating to accidents occurring outside Indian territory.
	(2) The notice of the accident and the claim for compensation by a person injured may be served on the following persons, as if they were the employer – (a) in case of accident where the person injured is a seamen, but not the master of the ship, on the master of the ship; (b) in case of accident where the person injured is a member of crew of an aircraft, but not the captain of the aircraft, on the captain of the aircraft; (c) in case of persons recruited by companies registered in India and working as such abroad, on the local agent of the company; (d) in case of persons sent for work abroad along with motor vehicles as drivers, helpers, mechanics, cleaners or other employees, on the local agent of the owner of the motor vehicle, in the country of the accident: Provided that where the accident happened and the disablement commenced on board, the ship or aircraft, as the case may be, then, it shall not be necessary for any seaman or members of the crew of aircraft to give any notice of the accident.	
	(3) The claim of compensation shall be made – (a) in the case of the death of an employee referred to in sub-section (1), one year after the news of the death has been received by the claimant; (b) in the case where the ship or the aircraft as the case may be, has been or is deemed to have been lost with all hands, eighteen months of the date on which the ship or the aircraft was, or is deemed to have been, so lost: Provided that the competent authority may entertain any claim to compensation in any case notwithstanding that the claim has not been preferred in due time as provided in this sub-section, if he is satisfied that the failure so to prefer the claim was due to sufficient cause.	
	(4) Where an injured employee referred to in sub-section (1) is discharged or left behind in any part of India or in any foreign country, then, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to the Central Government or any State Government shall, in any proceedings for enforcing the claim, be admissible in evidence -	

	(a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made; (b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross-examine the witness; and (c) if the deposition was made in the course of a criminal proceeding, on proof that the deposition was made in the presence of the person accused, and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and a certificate by such person that the defendant or the person accused had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.	
	(5) No half -monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being relating to merchant shipping, liable to defray the expenses of maintenance of the injured master or seaman.	
2&3 Geo. 6, c.83	(6) No compensation shall be payable under this Chapter in respect of any injury in respect of which provision is made for payment of a gratuity, allowance or pension under the War Pensions and Detention Allowances (Mercantile Marine, etc.) Scheme, 1939, or the War Pensions and Detention Allowances (Indian Seamen, etc.) Scheme, 1941, made under the Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939, or under War pensions and Detention Allowances (Indian Seaman) Scheme, 1942, made by the Central Government.	
	(7) Failure to give a notice or make a claim or commence proceedings within the time required by this section shall not be a bar to the maintenance of proceedings under this Chapter in respect of any personal injury, if— (a) an application has been made for payment in respect of the injury under any of the schemes referred to in sub-section (6), and (b) the appropriate Government certifies that the said application was made in the reasonable belief that the injury was one in respect of which the scheme under which the application was made makes provision for payments, and that the application was rejected or that payments made in pursuance of the application were discontinued on the ground that the injury was not such an injury, and (c) The proceedings under this Chapter are commenced within one month from the date on which the said certificate of the appropriate Government was furnished to the person commencing the proceedings.	
	85. (1) Where an employee has given notice of an accident, he, shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a medical practitioner, submit himself for such examination, and any employee who is in receipt of a half-monthly payment under this Chapter shall, if so required, submit himself for such examination from time to time: Provided that an employee shall not be required to submit himself for examination by a medical practitioner at more than such frequent interval as may be prescribed by the appropriate Government.	Medical examination.
	(2) If an employee, on being required to do so by the employer under sub-section (1) or by the competent authority at any time, refuses to submit himself for examination by a medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless in the case of refusal, he was prevented by any sufficient cause from so submitting himself.	
	(3) If an employee, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntarily leaves the vicinity of the place in which he was employed without having been so examined, his right to compensation shall be suspended until he returns and offers	

	himself for such examination: Provided that where such employee proves before the medical practitioner that he could not so submit himself for medical examination due to the circumstances beyond his control and he was also handicapped to communicate such information in writing, the medical practitioner may after recording such reasons in writing, condone the delay and his right to compensation shall be revived as if no such suspension was made.	
	(4) Where an employee, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the competent authority may, if he thinks fit, direct the payment of compensation to the dependents of the deceased employee.	
	(5) Where under sub-section (2) or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and, if the period of suspension commences before the expiry of the waiting period referred to in clause (ii) of sub-section (4) of section 77, the waiting period shall be increased by the period during which the suspension continues.	
	(6) Where an injured employee has refused to be attended by a medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is proved that the employee has not thereafter been regularly attended by a medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable in the circumstances of the case and that the injury has been aggravated thereby, the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the employee had been regularly attended by a medical practitioner, whose instructions he had followed, and compensation, if any, shall be payable accordingly.	
	86. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any employee employed in the execution of the work any benefits, such as gratuity, maternity benefits and compensation, which he would have been liable to pay if that employee had been immediately employed by him; and where such benefit is claimed from the principal, this Chapter shall apply as if references to the principal were substituted for references to the employer except that the amount of the benefits shall be calculated with reference to the wages of the employee under the employer by whom he is immediately employed.	Contracting.
	(2) Where the principal is liable to pay benefits under this section, he shall be entitled to be indemnified by the contractor, or any other person from whom the employee could have recovered the benefits and where a contractor who is himself a principal is liable to pay benefits or to indemnify a principal under this section, he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the employee could have recovered the benefits, and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the competent authority.	
	(3) Nothing in this section shall be construed as preventing an employee from recovering benefits referred to in sub-section (2) from the contractor instead of the principal.	
	(4) The provisions of this section shall not apply in any case where the accident occurred elsewhere than on, in or about the premises on which the principal has undertaken or usually undertakes, as the case may be, to execute the work or which are otherwise under his control or management.	
	87. Where an employee has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by	Remedies of employer against stranger.

	whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under section 86 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.	
	88. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Chapter to any employee, then, in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or, if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency or the winding up of companies, be transferred to and vest in the employee, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the employee than they would have been under the employer.	Insolvency of employer.
	(2) If the liability of the insurers to the employee is less than the liability of the employer to the employee, the burden of proof shall lie on the employee for the balance in the insolvency proceedings or liquidation.	
	(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premium), the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the employee : Provided that the provisions of this sub-section shall not apply in any case in which the employee fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.	
31 of 2016 18 of 2013	(4) There shall be deemed to be included among the debts which under section 53 of the Insolvency and Bankruptcy Code, 2016 or under section 320 of the Companies Act, 2013 are in the distribution of the assets of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts, the amount due in respect of any compensation, the liability accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and the provisions of that Code and Act shall have effect accordingly.	
	(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum for which the half-monthly payment could, if redeemable, be redeemed if applications were made for that purpose under section 81, and a certificate of the competent authority as to the amount of such sum shall be conclusive proof thereof.	
	(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section (3), but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).	
	(7) The provisions of this section shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.	
	89. (1) Where a competent authority receives information from any source that an employee has died as a result of an accident arising out of and in the course of his employment, he may send by registered post or where possible, electronically a notice to the employee's employer requiring him to submit, within thirty days of the service of the notice, a statement, in such form as may be prescribed by the appropriate Government, giving the circumstances attending the death of the employee, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death and a copy of such notice shall also be sent by the competent authority in the same manner to the dependents of such employee	Power to require from employers statements regarding fatal accidents.

	ascertained by the competent authority in such manner as may be prescribed by the appropriate Government.	
	(2) If the employer is of opinion that he is liable to deposit compensation, he shall make the deposit within thirty days of the service of the notice.	
	(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.	
	(4) Where the employer has so disclaimed liability, the competent authority, after such inquiry as he may think fit, may inform any of the dependents of the deceased employee, that it is open to the dependents to prefer a claim for compensation, and may give them such other further information as he may think fit.	
	(5) Where in the opinion of the competent authority, a dependent of the deceased employee is not in a position to engage an advocate to file a claim for compensation, the competent authority may provide an advocate to such dependent in such manner as may be prescribed from the panel of advocates maintained by the appropriate Government for such purpose.	
	90. (1) Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable to a woman, or a person under a legal disability, a memorandum thereof shall be sent by the employer to the competent authority, who shall, on being satisfied as to its genuineness, record the memorandum in a register in such manner as may be prescribed by the appropriate Government: Provided that— (a) no such memorandum shall be recorded before seven days after communication by the competent authority of notice to the parties concerned; (b) the competent authority may at any time rectify the register; (c) where it appears to the competent authority that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise, or an agreement as to the amount of compensation payable, to a woman or a person under a legal disability ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, the competent authority may refuse to record the memorandum of the agreement and may make such order including an order as to any sum already paid under the agreement, as the competent authority thinks just in the circumstances.	Registration of agreements.
9 of 1872	(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Code notwithstanding anything contained in the Indian Contract Act, 1872, or in any other law for the time being in force.	
	(3) Where a memorandum of any agreement, the registration of which is required under this section, is not sent to the competent authority as required by this section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Chapter, and notwithstanding anything contained in the proviso to sub-section (1) of section 77, shall not, unless the competent authority otherwise directs, be entitled to deduct more than half of any amount paid to the employee by way of compensation whether under the agreement or otherwise.	
	91. (1) If any question arises in any proceedings under this Chapter as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not an employee or as to the amount or duration of compensation (including any question as to the nature or extent of disablement), the question shall, in default of agreement, be settled by a competent authority.	Reference to competent Authority.
	(2) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Chapter required to be settled, decided or dealt with by a competent authority or to enforce any liability incurred under this Chapter.	
	92. (1) The State Government may, by notification, appoint any person who is or has been a member of a State Judicial Service for a period of not less than five years or is	Appointment of competent authority.

	or has been for not less than five years an advocate or is or has been a Gazetted officer for not less than five years having educational qualifications and experience in personnel management, human resource development, industrial relations and legal affairs or such other experience and qualifications as may be prescribed by the Central Government to be a competent authority for Employee's Compensation for such area as may be specified in the notification.	
	(2) Where more than one competent authority has been appointed for any area, the State Government may, by general or special order, regulate the distribution of business amongst them.	
	(3) Any competent authority may, for the purpose of deciding any matter referred to him for decision under this Chapter, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.	
	93. (1) Where any matter under this Chapter is to be done by or before a competent authority, the same shall, subject to the provisions of this Chapter and in the manner prescribed in this behalf by the State Government, be done by or before the competent authority for the area in which— (a) the accident took place which resulted in the injury; or (b) the employee or in case of his death, the dependant claiming the compensation ordinarily resides; or (c) the employer has his registered office:	Venue of proceedings and transfer.
	Provided that no matter shall be processed before or by a competent authority, other than the competent authority having jurisdiction over the area in which the accident took place, without his giving notice electronically or otherwise in the manner prescribed by the Central Government to the competent authority having jurisdiction over the area and the State Government concerned:	
	Provided further that, where the employee, being the master of a ship or a seaman or the captain or a member of the crew of an aircraft or an employee in a motor vehicle or a company, meets with the accident outside India, any such matter may be done by or before a competent authority for the area in which the owner or agent of the ship, aircraft or motor vehicle resides or carries on business or the registered office of the company is situate, as the case may be.	
	(2) If a competent authority, other than the competent authority with whom any money has been deposited under section 82, proceeds with a matter under this Chapter, the former may for the proper disposal of the matter call for transfer of any records or moneys remaining with the latter and on receipt of such a request, he shall comply with the same.	
	(3) If a competent authority is satisfied that any matter arising out of any proceedings pending before him can be more conveniently dealt with by any other competent authority, whether in the same State or not, he may, subject to rules made under this Code relating to this Chapter, order such matter to be transferred to such other competent authority either for report or for disposal, and, if he does so, shall forthwith transmit to such other competent authority all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the manner prescribed by the Central Government any money remaining in his hands or invested by him for the benefit of any party to the proceedings: Provided that the competent authority shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a lump sum without giving such party an opportunity of being heard.	
	(4) The competent authority to whom any matter is so transferred shall, subject to rules made under this Code relating to this Chapter, inquire therein to and, if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.	
	(5) On receipt of a report from a competent authority to whom any matter has been transferred for report under sub-section (3), the competent authority by whom it was referred shall decide the matter referred in conformity with such report.	
	(6) The State Government may transfer any matter from any competent authority	

	appointed by it to any other competent authority appointed by it.	
	94. (1) Where an accident occurs in respect of which liability to pay compensation under this chapter arises, a claim for such compensation may, subject to the provisions of this chapter, be made before the competent authority.	Form of application.
	(2) Subject to the provisions of sub-section (1), no application for the settlement of any matter by competent authority, other than an application by a dependant or joint application by dependants for compensation, shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.	
	(3) An application to a competent authority for claim under sub-section (1) or settlement under sub-section (2) may be made electronically or otherwise in such form and in such manner accompanied by such fee, if any, as may be prescribed by the Central Government.	
	(4) The time limit for the disposal of applications under this section and the costs incidental to the proceedings under this section to be imposed by the competent authority shall be such as may be prescribed by the State Government.	
	95. (1) Where any sum has been deposited by an employer as compensation payable in respect of an employee whose injury has resulted in death, and in the opinion of the competent authority such sum is insufficient, the competent authority may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.	Power of competent authority to require further deposit in cases of fatal accident.
	(2) If the employer fails to show cause to the satisfaction of the competent authority, the competent authority may make an award determining the total amount payable, and requiring the employer to deposit the deficiency.	
5 of 1908 2 of 1974	**96.** The competent authority shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908, for the purpose of taking evidence on oath (which such competent authority is hereby empowered to impose) and of enforcing the attendance of witnesses and compelling the production of documents and material objects, and the competent authority shall be deemed to be a Civil Court for all the purposes of section 195 and of Chapter XXVI of the Code of Criminal Procedure, 1973.	Powers and procedure of competent authority.
	97. Any appearance, application or act required to be made or done by any person before or to a competent authority (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company or a registered Trade Union or by an Inspector-cum-Facilitator appointed under sub-section (1) of section 118 or by any other officer specified by the State Government in this behalf, authorised in writing by such person, or, with the permission of the competent authority, by any other person so authorised.	Appearance of parties.
	98. The competent authority shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be authenticated under the hand of the competent authority or in the manner as may be prescribed by the State Government and shall form part of the record: Provided that, if the competent authority is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record: Provided further that the evidence of any medical witness shall be taken down as nearly as may be word for word.	Method of recording evidence.
	99. A competent authority may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.	Power to submit cases.
	100. (1) An appeal shall lie to the High Court from the following orders of a competent authority under this Chapter, namely:— (a) an order awarding as compensation a lump sum whether by way of redemption	Appeals.

	of a half-monthly payment or otherwise or disallowing a claim in full or in part for a lump sum; (b) an order awarding interest or penalty under section 78; (c) an order refusing to allow redemption of a half-monthly payment; (d) an order providing for the distribution of compensation among the dependants of a deceased employee, or disallowing any claim of a person alleging himself to be such dependant; (e) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (2) of section 86; or (f) an order refusing to register a memorandum of agreement or registering the same or providing for the registration of the same subject to conditions: Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal, and in the case of an order other than an order such as is referred to in clause (c), unless the amount in dispute in the appeal is not less than three hundred rupees: Provided further that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the competent authority, or in which the order of the competent authority gives effect to an agreement come to by the parties: Provided also that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the competent authority to the effect that the appellant has deposited with him the amount payable under the order appealed against.	
	(2) The period of limitation for an appeal under this section shall be sixty days.	
36 of 1963	(3) The provisions of section 5 of the Limitation Act, 1963, shall be applicable to appeals under this section.	

Chapter VIII

Building and Other Construction Workers Welfare Cess

	101. (1) There shall be levied and collected a cess for the purposes of social security and welfare of building workers at such rate not exceeding two per cent. but not less than one per cent. of the cost of construction incurred by an employer, as the Central Government may, by notification, from time to time specify.	Levy and collection of cess.
	(2) The cess levied under sub-section (1) shall be collected from every employer undertaking building or other construction work in such manner and at such time, including deduction at source in relation to a building or other construction work of a Government or of a public sector undertaking or advance collection through a local authority where an approval of such building or other construction work by such local authority or such other authority notified by the State Government is required, as may be prescribed by the Central Government.	
	(3) The proceeds of the cess collected under sub-section (2) shall be deposited by the local authority or such other authority notified by the State Government to the Board or any other authority in such manner as may be prescribed by the Central Government.	
27 of 1996	(4) Notwithstanding anything contained in sub-section (1) or sub-section (2), the cess leviable under this Chapter including payment of such cess in advance may, subject to final assessment to be made, be collected at a uniform rate or rates as may be prescribed by the Central Government on the basis of the quantum of the building or other construction work involved. Explanation.- For the purposes of this section the expression "Board" means a Building and Other Construction Workers' Welfare Board constituted by a State Government under sub-section (1) of section 18 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.	
	102. If any employer fails to pay any amount of cess payable under section 101 within such time as may be prescribed by the Central Government, such employer shall be liable to pay interest on the amount to be paid at the rate of twelve per cent or such other rate as may be prescribed for the period from the date on which such payment is due till such amount is actually paid.	Interest payable on delay in payment of cess.
	103. Notwithstanding anything contained in this Chapter, the Central Government may, by notification, exempt any employer or class of employers in a State from the payment of cess payable under this Chapter where such cess is already levied and payable under any corresponding law in force in that State.	Power to exempt from cess.
	104. (1) The officer or authority to whom or to which the return has been filed under clause (d) of Section 119 shall, after making or causing to be made such inquiry as he or it thinks fit and after satisfying himself or itself that the particulars stated in the return are correct, by order, assess the amount of cess payable by the employer.	Assessment of cess.
	(2) If the return has not been filed to the officer or authority under clause (d) of Section 119, he or it shall, after making or causing to be made such inquiry as he or it thinks fit, by order, asses the amount of cess payable by the employer.	
	(3) An order of assessment made under sub-section (1) or sub- section (2) shall specify the date within which the cess shall be paid by the employer.	
	104A. If any amount of cess payable by any employer under section 101 is not paid within the date specified in the order of assessment made under section 104, it shall be deemed to be in arrears and the authority prescribed by the Central Government in this behalf may, after making such inquiry as it deems fit, impose on such employer a penalty not exceeding the amount of cess: Provided that, before imposing any such penalty, such employer shall be given a reasonable opportunity of being heard and if after such hearing the said authority is	Penalty for non-payment of cess within the specified time.

	satisfied that the default was for any good and sufficient reason, no penalty shall be imposed under this section.	
	105. (1) Any employer aggrieved by an order of assessment made under section 104 or by an order imposing penalty made under section 104A may, within such time as may be prescribed by the Central Government, appeal to such appellate authority in such form and in such manner as may be prescribed by the Central Government.	Appeals.
	(2) Every appeal preferred under sub-section (1) shall be accompanied by such fees as may be prescribed by the appropriate Government.	
	(3) After the receipt of any appeal under sub-section (1), the appellate authority shall, after giving the appellant an opportunity of being heard in the matter, dispose of the appeal as expeditiously as possible.	
	(4) Every order passed in appeal under this section shall be final and shall not be called in question in any court of law.	

Chapter IX

Social Security for Unorganised Workers

	106. (1) The Central Government shall formulate and notify, from time to time, suitable welfare schemes for unorganised workers on matter relating to- (i) life and disability cover; (ii) health and maternity benefits; (iii) old age protection; and (iv) any other benefit as may be determined by the Central Government.	Framing of scheme.
	(2) The schemes included in the Seventh Schedule shall be deemed to be the welfare schemes under sub-section (1).	
	(4) The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to- (i) provident fund; (ii) employment injury benefit; (iii) housing; (iv) educational schemes for children; (v) skill up gradation of workers; (vi) funeral assistance; and (vii) Old age homes.	
18 of 2013	(5) Any scheme notified by the Central Government may be- (i) wholly funded by the Central Government; or (ii) partly funded by the Central Government and partly funded by the State Government; or (iii) partly funded by the Central Government, partly funded by the State Government and partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be specified in the scheme by the Central Government; or (iv) funded from any source including corporate social responsibility fund within the meaning of Companies Act, 2013 or any other such source as may be specified in the scheme;	
	(6) Every scheme notified by the Central Government shall provide for such matters that are necessary for the efficient implementation of the scheme including the matters relating to all or any of the following, namely,- (i) scope of the scheme; (ii) authority to implement the scheme; (iii) beneficiaries of the scheme; (iv) resources of the scheme; (v) agency or agencies that will implement the scheme; (vi) redressal of grievances; and (vii) any other relevant matter; and a special purpose vehicle may also be constituted by the Central Government for the purpose of implementation of such scheme.	
	107. (1) Any scheme notified by the State Government may be— (a) wholly funded by the State Government; or (b) partly funded by the State Government, partly funded through contributions collected from the beneficiaries of the scheme or the employers as may be specified in the scheme by the State Government. (c) funded from any source including corporate social responsibility fund	Funding of State Government Schemes.

	referred to in clause (iv) of sub-section (5) of section 106 or any other such source as may be specified in the scheme.	
	(2) The State Government may seek financial assistance from the Central Government for the schemes formulated by it.	
	(3) The Central Government may provide such financial assistance to the State Governments for the purpose of schemes for such period and on such terms and conditions as it may deem fit.	
	108. The Government formulating and notifying the scheme under this chapter shall provide therein the form and manner of keeping the records electronically or otherwise relating to the scheme and the authority by whom such records shall be maintained: Provided that such records, as far as may be possible, shall bear continuous number for the purpose of proper management of the scheme and for avoiding any duplication and overlapping in records.	Record keeping.
	109. The Central Government or the State Government may set-up such workers facilitation centres as may be considered necessary from time to time to perform the following functions, namely:- (a) disseminate information on available social security schemes for the unorganised workers; (b) facilitate filling, processing and forwarding of application forms for registration of unorganised workers; (c) assist unorganised worker to obtain registration from the authority specified in the scheme; and (d) facilitate the enrolment of the registered unorganised workers in social security schemes.	Workers facilitation centres.
	110. (1)Every unorganised worker shall be eligible for registration, for the purposes of this Chapter, subject to the fulfilment of the following conditions, namely:- (a) he has completed sixteen years of age or such age as may be prescribed by the Central Government; (b) he meets such socio economic criteria as may be prescribed by the Central Government; and (c) he has submitted a self-declaration electronically or otherwise in such form, in such manner and to such authority containing such information as may be prescribed by the Central Government.	Registration of unorganised worker.
	(2) Every eligible unorganised worker under sub-section (1) shall make an application for registration in such form accompanied with such documents, to such registering authority as may be prescribed by the Central Government and such unorganised worker shall be registered by such registering authority by assigning a distinguishable number to his application or by linking the application to the Aadhaar number.	
	(3) A registered unorganised worker shall be eligible to avail the benefit of a scheme framed under this Chapter on making such contribution, if any, as may be specified in the scheme.	
	(4) The Central Government, or as the case may be, the State Government shall make such contribution in a scheme as may be specified therein.	
	110A. (1) The Central Government may formulate and notify, from time to time, suitable social security schemes for gig workers and platform workers on matter relating to:- (a) life and disability cover; (b) health and maternity benefits; (c) old age protection; and (d) any other benefit as may be determined by the Central Government.	Schemes for gig workers and platform workers.
	(2) Every scheme formulated and notified under sub-section (1) may provide for- (a) the manner of administration of the scheme; (b) the agency or agencies for implementing the scheme; (c) the role of aggregators in the scheme; (d) the sources of funding of the scheme; and (e) any other matter as the Central Government may consider necessary for the efficient administration of the scheme.	

Chapter X

Finance and Accounts

	111. Each of the Social Security Organisations shall maintain proper accounts of its income and expenditure in such form and in such manner as the Central Government may, after consultation with the Comptroller and Auditor-General of India, specify.	Accounts.
	112. (1) The accounts of each of the Social Security Organisations shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the respective Social Security Organisation to the Comptroller and Auditor-General of India.	Audit.
	(2) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of a Social Security Organisation shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General has, in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers, documents and papers and to inspect any of the offices of the Social Security Organisation.	
	(3) The accounts of a Social Security Organisation as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded to the Social Security Organisation which shall along with its comments on the audit report of the Comptroller and Auditor-General of India forward the same to the appropriate Government.	
	113. (1) Each of the Social Security Organisations shall in each year frame a budget showing the probable receipts and the expenditure which it proposes to incur during the following year and shall submit a copy of the budget for the approval of the appropriate Government before such date as may be fixed by it in that behalf.	Budget Estimates.
	(2) The budget shall contain provisions adequate in the opinion of the appropriate Government for the discharge of the liabilities incurred by the Social Security Organisation and for the maintenance of a working balance.	
	114. (1) Each of the Social Security Organisations shall submit to the appropriate Government an annual report of its work and activities along with the budget finally adopted by the Social Security Organisation.	Annual Report.
	(2) The appropriate Government shall cause a copy of the annual report, Budget and the audited accounts together with the report of the Comptroller and Auditor-General of India and the comments of the respective social security organisation thereon to be laid before each House of Parliament or the State legislature, as the case may be.	
	115. Each of the fund maintained by a Social Security Organisation or by an establishment under this Code shall have a valuation of its assets and liabilities made by a valuer appointed, with the prior approval of the appropriate Government, by such Social Security Organisation or the establishment, as the case may be, in the following manner, namely:- (a) in case of Central Board, annually; (b) in case of Corporation, once in every three years; (c) in case of any other Social Security Organisation or establishment, as specified by the appropriate Government, by order: Provided that the appropriate Government, if it consider necessary, may direct such valuation to be made at such intervals other than provided in this section.	Valuation of assets and liabilities.
	116. (1) A Social Security Organisation may, subject to such conditions as may be prescribed by the appropriate Government, acquire and hold property, both movable and immovable, sell or otherwise transfer any movable or immovable property which may have become vested in or have been acquired by it and do all things necessary for such purposes and for the purposes for which the said Social Security Organisation is established.	Holding of property, etc.
	(2) Subject to such conditions as may be prescribed by the appropriate Government, a Social Security Organisation may, from time to time invest any moneys vested in it, which are not immediately required for expenses properly defrayable and may, subject to as aforesaid, from time to time re-invest or realise such investments.	

	(3) Each of the Social Security Organisations may, with the previous sanction of the appropriate Government and on such terms as may be prescribed by such Government, raise loans and take measures for discharging such loans.	
	(4) Each of the Social Security Organisations, may, constitute for the benefit of its officers and staff or any class of them, such provident or other benefit funds as it may think fit.	
	117. Subject to the conditions as may be prescribed by the appropriate Government, where any of the Social Security Organisations is of opinion that the amount of contribution, cess, interest and damages due to it, under this Code, is irrecoverable, the concerned Social Security Organisation may sanction the writing off of the said amount in the manner as may be prescribed by the appropriate Government.	Writing off of losses.

Chapter XI

Authorities, Assessment, Compliance and Recovery

	118. (1) The Central Board for the purposes of Chapter III and the provisions in this Code relating to that Chapter, the Corporation for the purposes of Chapter IV and the provisions in this Code relating to that Chapter, and the appropriate Government for the purposes of other provisions of this Code, may, by notification, appoint Inspector-cum-Facilitators for such purposes, as the case may be, who shall exercise the powers conferred on them under sub-section (6) in accordance with the inspection scheme referred to in sub-section (2).	Appointment of Inspector-cum-Facilitators and their powers.
	(2) The Central Government for the purposes of Chapter III and Chapter IV and the provisions in this Code relating to those Chapters and the appropriate Government in respect of other provisions of this Code, may, by notification, lay down an inspection scheme which may also provide for generation of a web-based inspection and calling of information relating to the inspection under this Code electronically and such scheme shall, inter-alia, have provisions to cater to special circumstances for assigning inspections and calling for information from the establishment or any other person.	
	(3) Without prejudice to the provisions of sub-section (2), the Central Government for the purposes of Chapter III and Chapter IV and the other provisions in this Code relating to those Chapters and the appropriate Government in relation to other provisions of this Code, than the said Chapters, may by notification, confer such jurisdiction of randomised selection of inspection for the purposes of this Code, as the case may be, to the Inspector-cum-Facilitators as may be specified in such notification.	
	(4) Without prejudice to the powers of the Central Government or the appropriate Government, as the case may be, under this section, the inspection scheme may be designed taking into account, inter-alia, the following factors, namely:- (a) assignment of unique number to each establishment, each Inspector-cum-Facilitator and each inspection in such manner as may be notified for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code as aforesaid, by the appropriate Government; (b) timely uploading of inspection reports in such manner and subject to such conditions as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code as aforesaid, by the appropriate Government; (c) provisions for special inspections based on such parameters as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code as aforesaid, by the appropriate Government; and (d) the characteristics of employment relationships, the nature of work and characteristics of the workplaces based on such parameters as may be notified, for the purposes of Chapter III and Chapter IV and the other provisions of this Code relating to those Chapters, by the Central Government, and in respect of other provisions of this Code as aforesaid, by the appropriate Government.	
	(5) The Inspector-cum-Facilitator may—	

	(a) advice to employers and workers relating to compliance with the provisions of this Code; and (b) inspect the establishments as assigned to him under the provisions of this Code, subject to the instructions or guidelines issued by the appropriate Government from time to time.	
	(6) Subject to the provisions of sub-section (4), the Inspector-cum-Facilitator may, — (a) examine any person who is found in any premises of the establishment, whom the Inspector-cum-Facilitator has reasonable cause to believe, is a worker of the establishment; (b) require any person to give any information, which is in his power to give with respect to the names and addresses of the persons; (c) search, seize or take copies of such register, record of wages or notices or portions thereof as the Inspector-cum-Facilitator may consider relevant in respect of an offence under this Code and which the Inspector-cum-Facilitator has reason to believe has been committed by the employer; (d) bring to the notice of the appropriate Government defects or abuses not covered by any law for the time being in force; and (e) exercise such other powers as may be prescribed by the appropriate Government.	
	(7) Any person required to produce any document or to give any information required by an Inspector-cum-Facilitator for the purposes of sub-section (5), shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.	
	(8) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure for the purposes of sub-section (5), as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.	
	119. An employer of an establishment shall- (a) maintain records and registers in the form prescribed by the appropriate Government, electronically or otherwise, containing such particulars and details with regard to persons employed, muster roll, wages and such other particulars and details, in such manner, as may be prescribed by the appropriate Government including - (i) number of days for which work performed; (ii) number of hours of work performed by a workers; (iii) wage paid; (iv) leave, leave wages, wages for overtime work and attendance; (v) employees identification number, by whatever nomenclature it may be called; (vi) number of dangerous occurrences, accidents, injuries in respect of which compensation has been paid by the employer and the amount of such compensation relating to Chapter IV and Chapter VII, as the case may be; (vii) statutory deductions made by employer from the wages of an employee in respect of Chapter III and Chapter IV; and (viii) details as to cess paid in respect of building and other construction work;	Maintenance of records, registers, returns, etc.
	(b) display notices at the work places of the workers in the manner and form	

	as may be prescribed by appropriate Government;	
	(c) issue wage slips to the workers, in electronic forms or otherwise; and	
	(d) file such return electronically or otherwise to such officer or authority in such manner and during such periods as may be prescribed by appropriate Government.	
	120. No employer in relation to an establishment to which this code or any scheme framed thereunder applies shall, by reason only of his liability for the payment of any contribution under this code, or any charges there-under reduce whether directly or indirectly, the wages of any employee to whom the provisions of this Code or any scheme framed thereunder applies or the total quantum of benefits to which such employee is entitled under the terms of his employment, express or implied.	Employer not to reduce wages, etc.
	121. (1) The Central Government may, by notification, authorise, such officers of the Central Board or the Corporation, as the case may be, not below the rank of Group A officer of that Government, to function as the Authorised officers for the purposes of Chapter III or Chapter IV, as the case may be, who may, by order- (a) in a case where a dispute arises regarding the applicability of Chapter III or Chapter IV, as the case may be, to an establishment, decide such dispute; and (b) determine the amount due from any employer under any provision of Chapter III or Chapter IV, as the case may be, or the schemes made under such Chapter; and (c) for any of the purposes relating to clause (a) and clause (b) conduct such inquiry, as he may deem necessary for such purposes: Provided that no inquiry under clause (c) shall be initiated after the expiry of the period of five years from the date on which the dispute referred to in clause (a) is alleged to have been arisen or, as the case may be, the amount referred to in clause (b) alleged to have been due from an employer.	Assessment and determination of money dues from employer.
5 of 1908	(2) Notwithstanding anything contained in the Code of Civil Procedure, 1908, the inquiry under sub-section (1), as far as practicable, shall be held on day-to-day basis and endeavour shall be made to ensure that the inquiry is concluded within a period of two years: Provided that where the inquiry is not concluded within the said period of two years, the Authorised officer conducting such inquiry shall record the circumstances and reasons for not having concluded so and submit the circumstances and reasons so recorded to the Chief Executive Officer of the concerned Social Security Organisation, or such other officer authorised by him on this behalf: Provided further that the Chief Executive Officer or such other officer so authorised after considering the circumstances and the reasons which have been submitted by the Authorised Officer may grant an extension of two years to conclude the said inquiry and any further extension, if required, may only be granted by the Chief Executive Officer of the concerned Social Security Organisation .	
5 of 1908	(3) The Authorised officer conducting the inquiry under sub-section (1) shall, for the purposes of such inquiry have the same powers as are vested in a court under the Code of Civil Procedure, 1908, for trying a suit in respect of the following matters, namely:- (a) enforcing the attendance of any person or examining him on oath; (b) requiring the discovery and production of documents;	

45 of 1860	(c) receiving evidence on affidavit; and (d) issuing commissions for the examination of witnesses, and any such inquiry shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purpose of section 196 of the Indian Penal Code.	
	(4) No order shall be made under sub-section (1), unless the employer concerned is given a reasonable opportunity of representing his case.	
	(5) Where the employer, employee or any other person required to attend the inquiry under sub- section (1) fails to attend such inquiry without assigning any valid reason or fails to produce any document or to file any report or return when called upon to do so by the Authorised officer conducting the inquiry, such inquiry officer may decide the applicability of the relevant provisions of this Code or determine the amount due from any employer, as the case may be, on the basis of the evidence adduced during such inquiry and other documents available on record.	
	(6) Where an order under sub-section (1) is passed against an employer ex-parte, he may, within three months from the date of communication of such order, apply to the Authorised officer who conducted the inquiry for setting aside such order and if the Authorised officer is satisfied that the show cause notice was not duly served or that such employer was prevented by any sufficient cause from appearing when the inquiry was held, the Authorised officer shall make an order setting aside his earlier order and shall appoint a date for proceeding with the inquiry: Provided that no such order shall be set aside merely on the ground that there has been an irregularity in the service of the show cause notice if the Authorised officer is satisfied that the employer had notice of the date of hearing and had sufficient time to appear before the Authorised officer. Explanation. - Where an appeal has been preferred under this Code against an order passed ex-parte and such appeal has been disposed of otherwise than on the ground that the appellant has withdrawn the appeal, no application shall lie under this sub-section for setting aside the ex-parte order.	
	(7) No order passed under this section shall be aside on any application under sub-section (4) unless notice thereof has been served on the opposite party.	
	122. (1) Any person considering himself aggrieved by an order made under section 121, but from which no appeal has been preferred under section 123, and if such person, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of such order made against him, may apply for a review of that order to the Authorised officer who made the order: Provided that such Authorised officer may also on his own motion review his order if he is satisfied that it is necessary so to do in the interest of justice.	Review of orders passed under Section 121.
	(2) Every application for review under sub-section (1) shall be filed in such form and manner and within such time as may be prescribed by the Central Government.	
	(3) Where it appears to the Authorised officer, receiving an application for review under sub-section (2), that there is no sufficient ground for review, he shall reject the application.	
	(4) Where the Authorised officer is of the opinion that such application for review should be granted, be shall grant the same: Provided that no such application shall be granted,- (a) without previous notice to all the opposite parties in the application to enable them to appear and be heard in support of the order against which the review is filed, and (b) on the ground of discovery of new matter or evidence which the	

	applicant alleges was not within his knowledge or could not be produced by him when the order was made, without proof of such allegation.	
	123. If an employer is not satisfied with the order made under section 121, he may prefer an appeal to an appellate authority as may be prescribed by the Central Government, within sixty days of the date of such order only after depositing twenty-five per cent. of the contribution so ordered or the contribution as per his own calculation, whichever is higher, with the concerned Social Security Organisation: Provided that if the employer finally succeeds in the appeal, the concerned Social Security Organisation shall refund such deposit to the employer together with such interest not exceeding ten percent. per annum as may be specified by the Appellate authority specified in the final order in appeal.	Appeal against the order of the authorised officer.
	124. Where an order determining the amount due from an employer under section 121 or section 122 has been passed and if the Authorised officer who passed the orders- (a) has reason to believe that by reason of the omission or failure on the part of the employer to make any document or report available, or to disclose, fully and truly, all material facts necessary for determining the correct amount due from the employer, any amount so due from such employer for any period has escaped his notice; (b) has, in consequence of information in his possession, reason to believe that any amount to be determined under section 121 or section 122 has escaped from his determination for any period notwithstanding that there has been no omission or failure as mentioned in clause (a) on the part of the employer, he may, within a period of five years from the date of communication of the order passed under section 121or section 122, re-open the case and pass appropriate orders re-determining the amount due from the employer in accordance with the provisions of this Chapter: Provided that no order re- determining the amount due from the employer shall be passed under this section unless the employer is given reasonable opportunity of representing his case.	Determination of escaped amount.
	125. Except where expressly provided otherwise in this Code, the employer shall be liable to pay simple interest at the rate of ten percent. per annum or any other rate as may be specified by the appropriate Government, by notification, from the date on which any amount has become due under this Code till the date of its actual payment.	Interest on amount due.
31 of 2016	**126**. Where an employer makes default in the payment of any contribution which he is liable to pay in accordance with the provisions of Chapter III or Chapter IV, as the case may be, or any scheme framed thereunder or in the transfer of accumulations under Chapter IV, or in the payment of any charges payable under any other provision of this Code, the Chief Executive Officer of the Central Board or the Corporation or any other Social Security Organisation, as the case may be, or such other officer as may be authorised, by notification, by the appropriate Government, may levy on, and recover from, the employer by way of damages, an amount not exceeding the amount of arrears, in such manner as may be prescribed by the Central Government: Provided that before levying and recovering such damages, the employer shall be given an opportunity of being heard: Provided further that the Central Board, the Corporation or other Social Security Organisation, as the case may be, may reduce or waive the damages levied under this section in relation to an establishment for which a resolution plan or repayment plan recommending such waiver has been approved by the adjudicating authority established under Insolvency and Bankruptcy Code, 2016 subject to terms and conditions as may be specified by notification, by the Central Government.	Power to recover damages.

	127. (1) Any amount due from an employer or any other person in relation to an establishment including any contribution or cess payable, charges, interest, damages, or benefit or any other amount may, if the amount is in arrear, be recovered in the manner specified in sections 127 to 130.	Recovery of amount due.
	(2) Where any amount is in arrear under this Code, the Authorised officer, or the Competent Authority, as the case may be, shall issue, to the Recovery Officer referred to in sub-section (4), a certificate under his signature, electronically or otherwise, specifying the amount of arrears and the Recovery Officer, on receipt of such certificate, shall proceed to recover the amount specified therein from the establishment or, as the case may be, the employer by one or more of the modes mentioned below, namely:- (a) attachment and sale of the moveable or immovable property of the establishment or, as the case may be, of the employer; (b) arrest of the employer and his detention in prison; (c) appointing a receiver for the management of the movable or immovable properties of the defaulter: Provided that the attachment and sale of any property under this section shall first be effected against the properties of the establishment and where such attachment and sale is insufficient for recovering the whole of the amount or arrears specified in the certificate, the Recovery Officer may take such proceeding against the property of the employer for recovery of the whole or any part of such arrears.	
	(3) The Authorised officer or the Competent Authority, as the case may be, may issue a certificate under sub-section (2), notwithstanding that proceeding for recovery of the arrears by any other mode has been taken.	
	(4) The Authorised officer or the Competent Authority, as the case may be, may forward the certificate issued under this section, to the Recovery Officer within whose jurisdiction the employer- (a) carries on his business or profession or within whose jurisdiction the principal place of his establishment is situate; or (b) resides or any movable or immovable property of the establishment or the employer is situate.	
	(5) Where an establishment or the employer has property within the jurisdiction of more than one Recovery Officers and the Recovery Officer to whom a certificate is sent by the Authorised officer or the Competent Authority, as the case may be- (a) is not able to recover the entire amount by the sale of the property, movable or immovable, within his jurisdiction, or (b) is of the opinion that, for the purpose of expediting or securing the recovery of the whole or any part of the amount, it is necessary so to do, he may send the certificate or, where only a part of the amount is to be recovered, a copy of the certificate certified in the manner prescribed by the Central Government, specifying the amount to be recovered to the Recovery Officer within whose jurisdiction the establishment or the employer has property or the employer resides, and thereupon that Recovery Officer shall also proceed to recover the amount due under this section as if the certificate or the copy thereof had been the certificate sent to him by the Authorised officer or the Competent Authority, as the case may be.	
	128. (1) When the Authorised officer or the Competent Authority, as the case may be, issues a certificate to a Recovery Officer under section 127, it shall not be open to the employer to dispute before the Recovery Officer the correctness of the amount, and no objection to the certificate on any other ground shall be entertained by the Recovery Officer.	Validity of certificate, and amendment thereof.
	(2) Notwithstanding the issue of a certificate to a Recovery Officer, the Authorised officer or the Competent Authority, as the case may be, shall have power to withdraw the certificate or correct any clerical or arithmetical mistake in the certificate by sending intimation to the Recovery Officer.	

	(3) The Authorised officer or the Competent Authority, as the case may be, shall intimate to the Recovery Office any orders of withdrawing or cancelling a certificate or any correction made by him in respect of the said certificate under sub-section (2).	
	(4) Notwithstanding that a certificate has been issued to the Recovery Officer for the recovery of any amount, the Authorised officer or the Competent Authority, as the case may be, may grant time to the employer for payment of the amount recoverable under the certificate and thereupon the Recovery Officer shall stay the proceedings until the expiry of the time so granted.	
	(5) Where a certificate for the recovery of amount has been issued, the Authorised officer or the Competent Authority, as the case may be, shall keep the Recovery Officer informed of any amount paid or time granted for payment, subsequent to the issue of such certificate.	
	(6) Where the order giving rise to a demand of amount for which a certificate for recovery has been issued under section 127 has been modified in appeal or other proceeding under this Code, and, on a consequence thereof, the demand is reduced but the order is the subject- matter of further proceeding under this Code, the Authorised officer or the Competent Authority, as the case may be, shall stay the recovery of such part of the amount of the certificate as pertains to the said reduction for the period for which the appeal or other proceeding remains pending.	
	(7) Where a certificate for the recovery of amount has been issued and subsequently the amount of the outstanding demand is reduced as a result of an appeal or other proceeding under this Code, the Authorised officer or the Competent Authority, as the case may be, shall, when the order which was the subject- matter of such appeal or other proceeding has become final and conclusive, amend the certificate or withdraw it, as the case may be in consonance with such finality or conclusion.	
	129. (1) Notwithstanding the issue of a certificate to the Recovery Officer under section 127, the Chief Executive Officer of a Social Security Organisation or any other officer of such Social Security Organisation so authorised by it in this behalf, may, recover the amount by any one or more of the modes provided in this section.	Other modes of recovery.
5 of 1908	(2) If any amount is due from any person to any employer who is in arrears, the Chief Executive Officer of a Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf, may, require such person to deduct from the said amount the arrears so due, and such person shall comply with any such requisition and shall pay the sum so deducted to the credit of the Chief Executive Officer of the Social Security Organisation or any other officer of such Social Security Organisation so authorised by it in this behalf, as the case may be: Provided that nothing in this sub-section shall apply to any part of the amount exempt from attachment in execution of a decree of a civil court under section 60 of the Code of Civil Procedure, 1908.	
	(3) (a) The Chief Executive Officer of a Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf may, at any time or from time to time, by notice in writing, require any person from whom money is due or may become due to the employer or, as the case may be, the establishment or any person who holds or may subsequently hold money for or on account of the employer or, as the case may be, the establishment, to pay to the Chief Executive Officer of the Social Security Organisation or any other officer authorised by it in this behalf either forthwith upon the money becoming due or being held at or within the time specified in the notice (not being before the money becomes due or is held) so much of the money as is sufficient to pay the amount due from the employer in respect of arrears or the whole of the money when it is equal to or less than that amount. (b) A notice under this sub-section may be issued to any person who	

	holds or may subsequently hold any money for or on account of the employer jointly with any other person and for the purposes of this sub-section, the shares of the joint holders in such account shall be presumed, until the contrary is proved, to be equal. (c) A copy of the notice shall be forwarded to the employer at his last address know to the Chief Executive Officer of a Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf and in the case of a joint account to all the joint holders at their last addresses so known. (d) Save as otherwise provided in this sub-section, every person to whom a notice is issued under this sub-section shall be bound to comply with such notice, and, in particular, where any such notice is issued to a post office, bank or an insurer, it shall not be necessary for any pass book, deposit receipt, policy or any other document to be produced for the purpose of any entry, endorsement or the like being made before payment is made notwithstanding any rule, practice or requirement to the contrary. (e) Any claim respecting any property in relation to which a notice under this sub-section has been issued arising after the date of the notice shall be void as against any demand contained in the notice. (f) where a person to whom a notice under this sub-section is sent objects to it by statement on oath that the sum demanded or any part thereof is not due to the employer or that he does not hold any money for or on account of the employer, then, nothing contained in this sub-section shall be deemed to require such person to pay any such sum or part thereof, as the case may be, but if it is discovered that such statement was false in any material particular, such person shall be personally liable to the Chief Executive Officer of the Social Security Organisation concerned or any other officer of such Social Security Organisation authorised by it in this behalf, to the extent of his own liability to the employer on the date of the notice, or to the extent of the employer's liability for any sum due under this Code, whichever is less. (g) The Chief Executive Officer of a Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf, may, at any time or from time to time, amend or revoke any notice issued under this sub-section or extend the time for making any payment in pursuance of such notice. (h) The Chief Executive Officer of a Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf, shall grant a receipt for any amount paid in compliance with a notice issued under this sub-section, and the person so paying shall be fully discharged from his liability to the employer to the extent of the amount so paid. (i) Any person discharging any liability to the employer after the receipt of a notice under this sub-section shall be personally liable to the Chief Executive Officer of the concerned Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf, to the extent of his own liability to the employer so discharged or to the extent of the employer's liability for any sum due under this Code, whichever is less. (j) If the person to whom a notice under this sub-section is sent fails to make payment in pursuance thereof to the Chief Executive Officer of the concerned Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf, he shall be deemed to be an employer in default in respect of the amount specified in the notice and further proceeding may be taken against him for the realisation of the amount as if it were an arrear due from	

	him, in the manner provided in sections 127 to 130 and the notice shall have the same effect as an attachment of amount in arrear by the Recovery Officer in exercise of his powers under section 127.	
	(4) The Chief Executive Officer of a Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf may apply to the court in whose custody there is money belonging to the employer for payment to him of the entire amount of such money, or if it is more than the amount due, an amount sufficient to discharge the amount due.	
43 of 1961	(5) The Chief Executive Officer of a Social Security Organisation or any other officer of such Social Security Organisation authorised by it in this behalf, if so authorised by the Central Government by general or special order, recover any arrears of amount due from an employer or, as the case may be, from the establishment by distraint and sale of his or its movable property in the manner laid down in the Third Schedule to the Income-Tax Act, 1961.	
43 of 1961	**130.** The provisions of the Second and Third Schedules to the Income- tax Act, 1961 and the Income- tax (Certificate Proceedings) rules, 1962, as in force from time to time, shall apply with necessary modifications as if the said provisions and the rules referred to the amount in arrears of the amount mentioned in section 127 of this Code instead of to the income-tax: Provided that any reference in the said provisions and the rules to the "assesses" shall be construed as a reference to an employer as defined in this Code.	Application of certain provisions of Income- tax Act
	131. (1) Notwithstanding anything contained in 130, any person aggrieved by an order of the Recovery Officer made under this Chapter may, within thirty days from the date on which a copy of the order is issued to him, prefer an appeal to the Tribunal.	Appeal against the order of Recovery Officer.
	(2) On receipt of an appeal under sub-section (1), the Tribunal may, after giving an opportunity to the appellant to be heard, and after making such inquiry as it deems fit, confirm, modify or set aside the order made by the Recovery Officer in exercise of his powers under sections 127 to 130 (both inclusive).	

Chapter XII

Offences and Penalties

	132. If any person,- (a) being an employer, fails to pay any contribution, charges, benefits or any other amount which he is liable to pay under this Code or rules, regulations or schemes made thereunder; or (b) deducts or attempts to deduct from the wages of an employee, the whole or any part of employer's contribution; or (c) in contravention of the provisions of this Code, reduces the wages or any privilege or benefits admissible to an employee; or (d) in contravention of the provisions of Chapter IV or Chapter VI or rules, regulations or schemes made or framed under this Code relating respectively to such Chapters, dismisses, discharges, reduces in rank or otherwise penalizes a woman employee; or (e) fails or refuses to submit any return, report, statement or any other information required under this Code or any rules, regulations or schemes made or framed thereunder, or dishonestly makes a false return, report, statement or information to be submitted thereunder; or (f) obstructs any Inspector cum Facilitator or other officer or staff of the Central Board or the Corporation or other Social Security Organisation or a Competent Authority in the discharge of his duties; or (g) fails to pay any amount of gratuity or compensation or any other benefit to which an employee is entitled under this Code; or (h) fails to provide any maternity benefit to which a woman is entitled under this Code; or (i) fails to send to a Competent Authority a Statement which he is required to send under Chapter VII; or (j) fails to produce on demand by the Inspector cum Facilitator any register or document in his custody kept in pursuance of this Code or the rules, regulations or schemes made or framed thereunder; (k) fails to pay the cess for building workers which he is liable to pay under the Code; or (l) is guilty of any contravention of or non-compliance with any of the requirements of this Code or the rules or the regulations or schemes made or framed thereunder in respect of which no special penalty is provided in this Chapter, he shall be punishable– (i) where he commits an offence under clause (a) with imprisonment for a term which may extend to three years but— (a) which shall not be less than one year, in case of failure to pay the employee's contribution which has been deducted by him from the employee's wages and shall also be liable to fine of one lakh rupees; (b) which shall not be less than six months, in any other case and shall also be liable to fine of fifty thousand rupees: Provided that the court may, for any adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a lesser term; (ii) where he commits an offence under any of the clauses (b) to (l) with imprisonment for a term which may extend to one year or with fine which	Penalty for failure to pay contributions, etc.

	may extend to fifty thousand rupees, or with both.	
	133. Whoever, having been convicted by a court of an offence punishable under this Code, commits the same offence shall, for second, or every subsequent, such offence, be punishable with imprisonment for a term which may extend to two years and with fine of two lakh rupees: Provided that where such second or subsequent offence is for failure by the employer to pay any contribution, charges, cess, maternity benefit, gratuity or compensation which under this Code he is liable to pay, he shall, for such second or subsequent offence, be punishable with imprisonment for a term which may extend to five years but which shall not be less than two years and shall also be liable to fine of three lakh rupees.	Enhanced punishment in certain cases after previous con-viction.
	134. (1) Where an offence under this Chapter has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.	Offences by companies.
	(2) Notwithstanding anything contained in sub-section (1), where an offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation.-For the purposes of this section,- (a) "company" means any Body Corporate, and includes a firm or other association of individuals; and (b) "Director", in relation to a firm, means a partner in the firm.	
	135. (1) No court shall take cognizance of an offence punishable under this Code except on a complaint made by such officer or other person as may be prescribed for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters, by the Central Government; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto, by the appropriate Government.	Cognizance of offences.
	(2) Notwithstanding anything contained in sub-section (1), no prosecution under this Code shall be instituted except by or with the previous sanction of the authority prescribed for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters, by the Central Government; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto, by the appropriate Government.	
	(3) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Chapter.	
	136. Notwithstanding anything contained in this Chapter, the Inspector-cum-facilitator or any other officer notified for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes	Prior opportunity before prosecution.

	made or framed under this Code relating to those Chapters, by the Central Government; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto, by the appropriate Government, shall, before initiation of prosecution proceeding against an employer for any offence under this Chapter, give an opportunity to the employer to comply with the aforesaid relevant provisions by way of a written direction, which shall lay down a time period for such compliance, and, if the employer complies with the direction within such period, then, no such proceeding shall be initiated against the employer; but no such opportunity shall be accorded to an employer, if the violation of the same nature of such provisions is repeated within a period of five years from the date on which such first violation was committed and in such case the prosecution shall be initiated in accordance with the provisions of this Chapter.	
	137. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence committed for the first time, punishable under this Chapter, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application made, either before or after the institution of any prosecution, be compounded by an officer authorised by the Central Government for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters, by the Central Government; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto, by the appropriate Government, in such manner as may be prescribed by the Central Government.	Compounding of offences.
	(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date – (a) of commission of a similar offence which was earlier compounded; or (b) of commission of similar offence for which such person was earlier convicted.	
	(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the Central Government for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters, by the Central Government; and for the purposes of offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto, by the appropriate Government.	
	(4) Every application for the compounding of an offence shall be made in such form and in such manner as may be prescribed by the Central Government.	
	(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.	
	(6) Where the compounding of any offence is made after the institution of any prosecution, such compounding shall be brought to the notice of the court in which the prosecution is pending in writing by the officer referred to in sub-section (1), and on such notice of the compounding of the offence being given and its acceptance by the court, the person against whom the offence is so compounded shall be discharged.	
	(7) Any person who fails to comply with the order made by the officer referred to in sub-section (1), shall be liable to pay a sum equivalent to twenty per cent of the maximum fine provided for the offence, in addition to such fine.	

Chapter XIII

Miscellaneous

18 of 2016	**138**. An employee or worker or any other person, as the case may be, for- (a) registration as member or beneficiary; or (b) seeking benefit whether in kind, cash or medical sickness benefit or pension, gratuity or maternity benefit or any other benefit or for withdrawal of fund; or (c) receiving any payment or medical attendance as insured person himself or for his dependents, under this Code or rules, regulations or schemes made or framed thereunder has to establish his identity or, as the case may be, the identity of his family members or dependents through Aadhaar number in such manner as may be prescribed by the Central Government and for such purpose the expression "Aadhaar" shall have the meaning as defined in clause (a) of section 2 of the Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016.	Application of Aadhaar.
	139. (1) Notwithstanding anything contained in this Code, the appropriate Government may, by notification, and subject to the conditions as may be prescribed by the Central Government in this behalf, grant exemption to an establishment or class of establishments (including factory or other establishments under the control of Central Government or State Government or local bodies, as the case may be) or employees or class of employees, from any or all of the provisions of this Code as may be specified in the notification and may renew for further period such exemption by like notification: Provided that no such exemption:- (i) in respect of Chapter III without prior consultation with the Central Board; and (ii) in respect of Chapter IV without prior consultation with the Corporation, shall be granted or renewed and the Central Board or the Corporation, as the case may be, shall on such consultation forward its view to the Central Government within such time limit as may be prescribed by that Government. Provided further that in case such exemption is in respect of Chapter V and Chapter VII or in respect of any of them, the establishment or class of establishments so exempted shall, in order to provide benefits which are substantially similar or superior to the benefits provided in Chapters V and Chapter VII or any of them, as the case may be, arrange insurance of such value which the appropriate Government considers appropriate for granting such exemption.	Power to exempt establishment.
	(2) The appropriate Government may, in the notification referred to in sub-section (1), specify therein conditions as may be prescribed which the exempted establishment or the class of establishment or class of employees as the case may be, shall comply after such exemption.	
	(3) The exemption granted under sub-section (1) to an establishment or class of establishment or class of employees, as the case may be, shall be initially for a period of three years from the date of publication of such notification and may be extended by the appropriate Government to the extent of such period as may be prescribed by the Central Government.	
	(4) The exemption granted under sub-section (1) shall only be granted if the employees in the establishment or class of establishments or the class of employees so exempted are otherwise in receipt of benefits substantially similar or superior to the benefits provided in the provisions of the Code to be so exempted.	

	(5) The establishment or class of establishments or class of employees in respect of whom the exemption has been granted under sub-section (1), fails to comply with, any conditions specified under that sub-section, then, the appropriate Government may on such failure cancel the exemption so granted.	
9 of 2013	**140**. Where an employer transfers his establishment in whole or in part, by sale, gift, lease or license or in any other manner whatsoever, the employer and the person to whom the establishment is so transferred shall jointly and severally be liable to pay the amount due in respect of any liabilities, cess or any other amount payable under this Code in respect of the periods up to the date of such transfer: Provided that the liability of the transferee shall be limited to the value of the assets obtained by him by such transfer: Provided further that in case of transfer of the establishment as a result of public auction by the Central Government or the State Government or the local authorities or other authorities constituted by the Central Government or the State Government or public financial institution, such amount due shall not be transferred. Explanation.- For the purposes of this section, the expression "public financial institution" shall have the meaning as defined in clause (72) of section 2 of the Companies Act, 2013.	Liability in case of transfer of establishment.
45 of 1860	**141**. Every member of a Social Security Organisation and the officers and staff thereof, any Inspector cum Facilitator, Competent Authority, Authorised officer, Recovery Officer and any other person discharging any function under this Code shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.	The members, officers and staff to be public servants.
	142. No suit, prosecution or other legal proceeding shall lie against – (i) the Central Government; (ii) a State Government; (iii) a Social Security Organisation; (iv) a Competent Authority; (v) Any officer or staff of a Social Security Organisation ; or (vi) any other person or authority, discharging the functions or exercising the powers under this Code, for anything which is in good faith done or intended to be done in pursuance of this Code or of any rules, regulations or schemes made or framed thereunder.	Protection of action taken in good faith.
	143. If the appropriate Government is satisfied in the manner prescribed by it that any establishment or any other person has misused any benefit provided to him under this Code or rules, regulations or schemes made or framed thereunder, then, such Government may, by notification, deprive such establishment or other person, as the case may be, from such benefit for such time as may be specified in the notification: Provided that no such order shall be passed unless an opportunity of being heard is given to such establishment or other person, as the case may be.	Misuse of Benefits.
	144. The Central Government may give directions to the Social Security Organisations in respect of matters relating to the implementation of the provisions of this Code.	Power of Central Government to give directions.
	145. The appropriate Government may, subject to the condition of previous publication, frame schemes not inconsistent with this Code, for the purposes of giving effect to the provisions thereof.	Power to frame schemes.
	146. (1) Notwithstanding anything contained in any law for the time being in force, the amount standing to be credited in favour, of the employee or the worker, as the case may be, under Chapters III, IV, V, VI or VII or, of any member in the Fund, or of any exempted employee in a provident fund maintained by his employer, shall not in any way be capable of being	Protection against attachment etc.

	assigned or charged and shall not be liable to attachment under any decree or order of any Court in respect of any debt or liability incurred by such employee or the worker or member or the exempted employee, as the case may be.	
	(2) Any amount standing to the credit of a member in the Fund or of an exempted employee in a provident fund maintained by his employer at the time of the death of such member or the exempted employee, as the case may be, and payable to his nominee under the scheme or the rules of the Fund shall, subject to any deduction authorised by the said scheme or rules, as the case may be, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before his death and shall also not be liable to attachment under any decree or order of any court.	
	(3) Notwithstanding anything contained in any other law for the time being in force, any amount due under this Code shall be the first charge on the assets of the establishment to which it relates and shall be paid in priority to all other debts.	
	147. (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification amend any schedule by way of addition or deletion therein and upon such addition or deletion, the schedule shall stand to have been amended accordingly.	Powers to amend Schedule.
	(2) If the State Government is satisfied that it is necessary or expedient so to do, it may, by notification amend the Second schedule by way of addition therein and not otherwise, and upon such addition, the schedule shall stand to have been amended accordingly.	
	148. (1) The appropriate Government may, by notification, and subject to the condition of previous publication, make rules not inconsistent with this Code, for the purpose of giving effect to the provisions thereof.	Power of appropriate Government to make rules.
	(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:- (i) amount in connection with premium under clause (c) of sub-section (6) of section 6; (ii) financial assistance for the education of children under clause (d) of sub-section (6) of section 6; (iii) medical expenses for treatment of major ailments under clause (e) of sub-section (6) of section 6; (iv) the bank and other financial institution under the second proviso to sub-section (1) of section 55; (v) time, form and manner under sub-section (1) of section 57; (vi) time under sub-section (4) of section 57; (vii) form and manner under sub-section (5) of section 57; (viii) form of nomination under sub-section (6) of section 57; (ix) time and form under sub-section (1) of section 58; (x) rules under sub-section (4) of section 59; (xi) authority under sub-section (3) of section 73; (xii) frequent interval under proviso to sub-section (1) of section 85; (xiii) form under sub-section (1) of section 89; (xiv) the manner of ascertaining the dependents under sub-section (1) of section 89; (xv) manner of providing an advocate under sub-section (5) of section 89; (xvi) manner of recording memorandum under sub-section (1) of section 90; (xvii) conditions under sub-section (1) of section 116; (xviii) conditions under sub-section (2) of section 116; (xix) terms under sub-section (3) of section 116; (xx) conditions under section 117;	

	(xxi) the manner of writing off under section 117; (xxii) other powers of the Inspector-cum-Facilitator under clause (e) of sub-section (6) of section 118; (xxiii) maintenance of records and form of register under clause (a) of section 119; (xxiv) other particulars and details and the manner under clause (a) of section 119; (xxv) manner and form of notices under clause (b) of section 119; (xxvi) return, officer or authority, manner and periods under clause (d) of section 119; (xxvii) officers or other persons for the purposes of the offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto under sub-section (1) of section 135; (xxviii) authority for the purposes of the offences relating to other provisions of this Code and the rules, regulations or schemes made or framed under this Code relating thereto under sub-section (2) of section 135; (xxix) the manner of satisfaction under section 143; (xxx) any other matter which has to be, or may be, prescribed by rules under this Code.	
	149. (1) The Central Government may, by notification, and subject to the conditions of previous publication, make rules not inconsistent with this Code, for the purpose of giving effect to the provisions thereof.	Power of Central Government to make rules.
	(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: (i) income under sub-clause (e) of clause (xxv) of section 2; (ii) other Authority under clause (c) of the first proviso to clause (xxxxi) of section 2; (iii) matters under second proviso to clause (c) of the first proviso to clause (xxxxi) of section 2; (iv) the time limit and manner of registration of establishment under section 2A; (v) manner of administration of fund under sub-section (1) of section 3; (vi) manner of assisting the Central Board under sub section (3) of section 3; (vii) terms and conditions including tenure of office under sub-section (5) of section 3; (viii) other functions and the manner of performing such functions under sub-section (6) of section 3; (ix) the manner of administration of Scheme of Employees' State Insurance under sub-section (1) of section 4; (x) the manner of representing States under clause (d) of sub-section(1) of section 4; (xi) the manner of constituting standing committee under sub-section (3) of section 4; (xii) the manner of exercising the powers and performing the functions by standing committee under clause (a) of sub-section (4) of section 4; (xiii) the constitution of Medical Benefit Committee under sub-section (5) of section 4; (xiv) the terms and conditions including terms of office of Corporation and Standing Committee under sub-section (7) of section 4;	

	(xv)	the manner of exercising the powers and performing the functions by the National Social Security Board under sub-section (1) of section 5;	
	(xvi)	other measures and welfare facilities under clause (g) of sub-section (6) of section 6;	
	(xvii)	procedure in regard to the transactions of business under sub-section (1) of section 8;	
	(xviii)	chief executive officer or such other members under sub-section (2) of section 8;	
	(xix)	members of a Social Security Organisation or Committee thereof and their entitlement of fee and allowances under sub-section (4) of section 8;	
	(xx)	amount under the proviso to sub-section (3) of section 9;	
	(xxi)	terms and conditions (including terms of office) subject to which a member may be appointed and time, place and procedure of meetings under clause (i) of sub-section (5) of section 9;	
	(xxii)	members of Central Advisory Committee and their entitlement for fee and allowances under sub-section (6) of section 9;	
	(xxiii)	manner of re-constitution under sub-section (1) of section 11;	
	(xxiv)	alternate arrangements for the purpose of administration under sub-section (2) of section 11;	
	(xxv)	the manner of establishing the Fund under clause (a) of section 16;	
	(xxvi)	the manner of establishing the Pension Fund under clause (b) of section 16;	
	(xxvii)	the manner of establishing the Insurance Fund under clause (c) of section 16;	
	(xxviii)	the form of application under sub-section (1) of section 18;	
	(xxix)	the manner and method to exercise option and the transfer of accumulation from National Pension System under sub-section (2) of section 19;	
	(xxx)	the manner of maintaining provident fund account under sub-section (1) of section 23;	
	(xxxi)	the manner of transferring or dealing with the accumulated amount in provident fund account or pension account under section 24;	
	(xxxii)	the form and manner of filing appeal and the time within which such appeal may be filed and the fee to be accompanied therewith under sub-section (2) of section 25;	
	(xxxiii)	the salary and allowances under sub-section (3) of section 26;	
	(xxxiv)	the salary under proviso to sub-section (6) of section 26;	
	(xxxv)	limits after consultation with the Corporation under clause (k) of section 28;	
	(xxxvi)	conditions after consultation with the Corporation under sub-section (1) of section 29;	
	(xxxvii)	conditions after consultation with the Corporation under sub-section (2) of section 29;	
	(xxxviii)	terms for raising loans and measures for discharging such loans within sub-section(3) of section 29;	
	(xxxix)	manner of insuring electronically or otherwise under section 30;	
	(xl)	rates under sub-section (2) of section 31;	
	(xli)	days on which the contributions fall due under sub-section (4) of section 31;	
	(xlii)	the types of expenses which may be termed as administrative expenses and the percentage of the income of the Corporation which may be spent for such expenses under section 32;	

	(xliii)	amount under proviso to sub-section (1) of section 34;	
	(xliv)	qualifications, conditions, rate and period under sub-section (3) of section 34;	
	(xlv)	limits under section 35;	
	(xlvi)	rates, periods and conditions under sub-section (1) of section 40;	
	(xlvii)	rates, periods and conditions under sub-section (2) of section 40;	
	(xlviii)	qualifications of an insured person (where such benefit is extended to his family) his family to claim medical benefit and the conditions subject to which such benefit may be given and the scale and period thereof after consultation with the Corporation under sub-section (3) of section 41;	
	(xlix)	manner of opting out under sub-section (1) of section 42;	
	(l)	extended period under clause (a) of sub-section (1) of section 45;	
	(li)	manner of satisfaction of the Corporation under sub-section (1) of section 45;	
	(lii)	manner of calculating benefit sub-section (1) of section 45;	
	(liii)	terms and conditions under section 47;	
	(liv)	form under clause (b) of sub-section (5) of section 58;	
	(lv)	manner of obtaining insurance under sub-section (1) of section 59;	
	(lvi)	condition under sub-section (2) of section 59;	
	(lvii)	manner of establishing approved gratuity fund under sub-section (2) of section 59;	
	(lviii)	time and manner of registering the establishment under sub-section (3) of section 59;	
	(lix)	qualifications and experience of competent authority under sub-section (1) of section 60;	
	(lx)	form of notice under sub-section (1) of section 64;	
	(lxi)	proof of pregnancy under sub-section (5) of section 64;	
	(lxii)	proof of delivery under sub-section (5) of section 64;	
	(lxiii)	proof under sub-section (1) of section 67;	
	(lxiv)	proof under sub-section (2) of section 67;	
	(lxv)	proof under sub-section (3) of section 67;	
	(lxvi)	duration under section 68;	
	(lxvii)	distance under sub-section (1) of section 68A;	
	(lxviii)	gross misconduct under second provision to sub-section (1) of section 69;	
	(lxix)	other experience and qualifications under sub-section (1) of section 92;	
	(lxx)	manner of transmitting money under sub-section (3) of section 93;	
	(lxxi)	form, manner and fee under sub-section (3) of section 94;	
	(lxxii)	the manner, time including deduction at source or advance collection under sub-section (2) of section 101;	
	(lxxiii)	The manner of depositing the proceeds of the cess under sub-section (3) of section 101;	
	(lxxiv)	uniform rate or rates under sub-section (4) of section 101;	
	(lxxv)	time and other rate of interest under section 102;	
	(lxxvi)	authority under section 104A;	
	(lxxvii)	time limit, form and manner of appeal under sub-section (1) of section 105;	
	(lxxviii)	fee under sub-section (2) of section 105;	
	(lxxix)	age under clause (a) under sub-section (1) of section 110;	
	(lxxx)	socio-economic criteria under clause (b) of sub-section (1) of section 110;	
	(lxxxi)	form, manner, authority and information under clause (c) of	

	sub-section (1) of section 110; (lxxxii) form, documents to be accompanied and the registering authority under sub-section (2) of section 110; (lxxxiii) form and manner of filing application and the time of filing of such application under sub-section (2) of section 122; (lxxxiv) appellate authority under section 123; (lxxxv) manner of levy of, and recovery of, damages under section 126; (lxxxvi) manner of certifying the certificate under sub-section (5) of section 127; (lxxxvii) Officer or other person for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters under sub-section (1) of section 135; (lxxxviii) authority for the purposes of offences relating to Chapter III and Chapter IV and the rules, regulations or schemes made or framed under this Code relating to those Chapters under sub-section (2) of section 135; (lxxxix) manner of compounding the offences under sub-section (1) of section 137; (xc) form and manner of application under sub-section (1) of section 137; (xci) manner of establishing identity through Aadhaar number under section 138; (xcii) conditions under sub-section (1) of section 139; (xciii) time limit under first proviso to sub-section (1) of section 139; (xciv) conditions under sub-section (2) of section 139; (xcv) period under sub-section (3) of section 139; (xcvi) rules under sub-section (1) of section 153; (xcvii) any other matter which has to be, or may be, prescribed by rules under this Code.	
	150. (1) The State Government may, by notification, and subject to the conditions of previous publication, make rules not inconsistent with this Code, for the purpose of giving effect to the provisions thereof.	Power of State Government to make rules.
	(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: (i) the manner of exercising the powers and performing the functions by the State Unorganised Workers' Board under sub-section (3) of section 5; (ii) condition of appointment, salaries and other allowances payable and the manner of filling casual vacancies under sub-section (4) of section 6; (iii) terms and conditions of appointment and the salary and allowances payable under clause (c) of sub-section (5) of section 6; (iv) terms and conditions (including terms of office) subject to which a member may be appointed and time, lace and procedure of meetings under clause (ii) of sub-section (5) of section 9; (v) members of State Advisory Committee and their entitlement of fee and allowances under sub-section (6) of section 9; (vi) structure of organisation, discharge of functions, exercise of powers and undertaking of activities under sub-section (6) of section 43; (vii) procedure under sub-section (2) of section 52; (viii) rules under sub-section (3) of section 52;	

	(ix) manner of commencement of proceedings, time limit of filing, fees and procedure under sub-section (1) of section 52; (x) manner of responding, its form and the competent authority under section 74; (xi) conditions under sub-section (1) of section 80; (xii) class of employers under sub-section (4) of section 83; (xiii) form of notice-book under sub-section (4) of section 83; (xiv) manner of giving notice under proviso to sub-section (1) of section 93; (xv) manner under sub-section (1) of section 93; (xvi) time limit and costs incidental to the proceedings under sub-section (4) of section 94; (xvii) the manner of authentication under section 98; (xviii) any other matter which has to be, or may be, prescribed by rules under this Code.	
	151. (1) The Corporation may, by notification, and subject to the condition of previous publication, make regulations, not inconsistent with this Code and the rules and schemes made or framed thereunder, for the administration of the affairs of the Corporation and for carrying into effect the provisions of Chapter IV and the provisions of this Code relating to that Chapter.	Power of Corporation to make regulations.
	(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:— (i) the cases and matters to be submitted for the decision of the Corporation under clause (b) of sub-section (4) of section 4; (ii) composition of committees under sub-section (6) of section 4; (iii) the method of recruitment, salary and allowances, discipline and other conditions of services of the officers and employees under clause (a) of sub-section (7) of section 26; (iv) unit under sub-section (iii) of section 31; (v) register of employees by or through the contractor under sub-section (7) of section 33; (vi) conditions under sub-section (8) of section 33; (vii) any matter relating or incidental to the payment and collection of contribution under sub-section (9) of section 33; (viii) qualifications and experience under clause (a) of sub-section (1) of section 34; (ix) authority under clause (b) of sub-section (1) of section 34; (x) authority under clause (c) of sub-section (1) of section 34; (xi) conditions under sub-section (2) of section 34; (xii) any matter relating or incidental to the accrual and payment of benefits under sub-section (4) of section 34; (xiii) continuous period under sub-section (1) of section 38; (xiv) constitution of medical board under sub-section (1) of section 39; (xv) constitution of medical appeal tribunal under sub-section (5) of section 39; (xvi) conditions under proviso to sub-section (3) of section 41; (xvii) the manner to join back the medical benefit and sickness benefit under sub-section (2) of section 42; (xviii) time period under sub-section (2) of section 42; (xix) other authority under clause (c) of sub-section (3) of section 44; (xx) form of nomination under sub-section (6) of section 44; (xxi) the authority under sub-section (9) of section 44; (xxii) Manner of filing appeals before the medical appeal tribunal; (xxiii) user charges after prior approval of the Central Government under clause (c) of the Explanation to section 47. (xxiv) any matter in respect of which regulations are required or permitted to be made by this Code.	

	152. (1) The power to make rules, regulations and schemes under this Code shall be subject to the condition of the previous publication of the same being made, in the following manner, namely:—	Prior publication of rules, regulations, etc.
	(2) (a) The date to be specified after a draft of rules, regulations and schemes proposed to be made will be taken under consideration, shall not be less than forty-five days from the date on which the draft of the proposed rules, regulations and schemes is published for general information in the Official Gazette;	
	(b) Rules, regulations and schemes shall finally be published in the Official Gazette and, on such publication, shall have effect as if enacted in this Code.	
	153. (1) The Central Government may, by notification, make rules for the transfer to any foreign country of money deposited with a Competent authority under chapter VII which has been awarded to or may be due to, any person residing or about to reside in such foreign country and for the receipt, distribution and administration in any State of any money deposited under the law relating to employees' compensation in any foreign country, which has been awarded to, or may be due to any person residing or about to reside in any State: Provided that no sum deposited under Chapter VII in respect of fatal accidents shall be so transferred without the consent of the employer concerned under the Competent Authority receiving the sum has passed orders determining its distribution and apportionment under section 82.	Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.
	(2) Where money deposited with a Competent Authority has been so transferred in accordance with the rules made under this section, the provisions elsewhere contained in this Code regarding distribution by the Competent Authority of compensation deposited with him shall cease to apply in respect of any such money.	
	154. (1) Every rule, regulation, notification and scheme made or framed by the Central Government or the Corporation, as the case may be, under this Code shall be laid, as soon as may be after it is made or framed, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, regulation, notification or scheme, as the case may be, or both Houses agree that the rule, regulation, notification or scheme, as the case may be, should not be made, such rule, regulation, notification or scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule, regulation, notification or scheme, as the case may be.	Laying of Rules, Regulations and schemes, etc.
	(2) Every rule and scheme made or framed, and every notification issued by, the State Government under this Code, shall be laid as soon as may be after it is made or framed, before the State Legislatures, where it consists of two Houses, or where such legislature consists of one house, before that House.	
	155. (1) The provisions of this Code shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Code: Provided that where under any such award, agreement, contract of service or otherwise, a person is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Code, the person shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he is entitled to receive benefits in respect of other matters under this Code.	Effect of laws and agreements inconsistent with this Code.
	(2) Nothing contained in this Code shall be construed to preclude a person from entering into an agreement with his employer for granting him rights or privileges in respect of any matter which are more favourable to him than	

	those to which he would be entitled under this Code.	
	156. (1) If any difficulty arises in giving effect to the provisions of this Code, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Code, as may be necessary or expedient for removing the difficulty: Provided that no such order shall be made under this section after the expiry of a period of two years from the commencement of this Code.	Power to remove difficulties.
	(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.	
8 of 1923 34 of 1948 19 of 1952 53 of 1961 39 of 1972 33 of 1981 28 of 1996 33 of 2008	**157.** (1) The following enactments are hereby repealed, namely.- 1. The Employees' Compensation Act, 1923; 2. The Employees' State Insurance Act, 1948; 3. The Employees' Provident Funds and Miscellaneous Provisions Act, 1952; 4. The Maternity Benefit Act, 1961; 5. The Payment of Gratuity Act, 1972; 6. The Cine Workers Welfare Fund Act, 1981; 7. The Building and Other Construction Workers Cess Act, 1996; 8. The Unorganized Workers' Social Security Act, 2008.	Repeal and savings.
	(2) Notwithstanding such repeal,- (a) anything done or any action taken under the enactments so repealed including any rule, regulation, notification, scheme, appointment, order or direction made thereunder or any benefit provided given under any provision of such enactments, rules, regulations, notifications or schemes made thereunder for any purpose shall be deemed to have been done or taken or provided for such purpose under the corresponding provisions of this Code including any rule, regulation, notification, scheme, appointment, order or direction made thereunder and shall be in force to the extent they are not contrary to the provisions of this Code including any rule, regulation, notification, scheme, appointment, order or direction made thereunder till they are repealed under the corresponding provisions of this Code including any rule, regulation, notification, scheme, appointment, order or direction made thereunder by the appropriate Government. (b) The Central Board and the Executive Committee constituted under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 so repealed and the Corporation, Standing Committee and the Medical Benefit Council constituted under Employees' State Insurance Act, 1948 so repealed shall remain so constituted and discharge respectively the functions and exercise the powers of the Central Board, Executive Committee, Corporation, Standing Committee and Medical Benefit Committee under this Code, till such Central Board, Executive Committee, Corporation, Standing Committee and Medical Benefit Committee are constituted in accordance with the provisions of this Code. (c) any exemption given under any enactments so repealed shall continue to be in force till its validity expires or it is ceased to be in operation under the provisions of this Code or any direction made thereunder for such purpose.	
10 of 1897	(3) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply to the repeal of such enactments.	

FIRST SCHEDULE

[See section 1(4)]
APPLICABILITY

Chapter No. (1)	**Chapter Heading (2)**	**Applicability (3)**
III	Employees Provident Fund	Every establishment in which 20 or more employees are employed or were employed on any day during the preceding twelve months.
IV	Employees State Insurance Corporation	Every establishment in which 10 or more employees are employed or were employed on any day during the preceding twelve months, other than a seasonal factory.
V	Gratuity	(a) every factory, mine, oilfield, plantation, port and railway company; and (b) every shop and establishment in which ten or more persons are employed, or were employed, on any day of the preceding twelve months or such shops and establishments as may be notified by the Central Government from time to time;
VI	Maternity Benefit	(a) to every establishment being a factory, mine or plantation including any such establishment belonging to Government; and (b) to every shop and establishment in which ten or more persons are employed, or were employed, on any day of the preceding twelve months; and such other shops and establishments notified by the State Government after prior approval of the Central Government.
VII	Employees Compensation	Subject to the provisions of the Second Schedule, it applies to the employers and employees to whom chapter IV does not apply.
VIII	Building and Other Construction Workers Welfare Cess	Employers who employ building workers in any building or other construction work.
IX	Social Security for Unorganised Sector	Unorganised Sector and Unorganised Workers

SECOND SCHEDULE

[See section 2(xx)]

LIST OF PERSONS WHO ARE EMPLOYEES WITHIN THE MEANING OF PROVISO TO CLAUSE (xx) OF SECTION 2

The following persons are employees within the meaning of proviso to clause (xx) of section 2 and subject to the provisions of that section, that is to say, any person who is-

(i) employed in railways, in connection with the operation, repair or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity or in connection with the loading or unloading of any such vehicle; or

(ii) employed, in any premises wherein or within the precincts whereof a manufacturing process as defined in clause (k) of section 2 of the Factories Act, 1948 (63 of 1948), is being carried on, or in any kind of work whatsoever incidental to or connected with any such manufacturing process or with the article made whether or not employment in any such work is within such premises or precincts, and steam, water or other mechanical power or electrical power is used; or

(iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises.

Explanation.--For the purposes of this clause, persons employed outside such premises or precincts but in any work incidental to, or connected with, the work relating to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale of any article or part of an article shall be deemed to be employed within such premises or precincts; or

(iv) employed in the manufacture or handling of explosives in connection with the employer's trade or business; or

(v) employed, in any mine as defined in clause (j) of section 2 of the Mines Act, 1952 (35 of 1952), in any mining operation or in any kind of work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground; or

(vi) employed as the master or as a seaman of.--

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled; or

(b) Omitted

(c) any sea going ship not included in sub-clause (a) provided with sufficient area for navigation under sails alone; or

(vii) employed for the purpose of --

(a) loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or handling or transport within the limits of any port subject to the Ports Act, 1908 (15 of 1908), or the Major Port Trusts Act, 1963 (38 of 1963)], of goods which have been discharged from or are to be loaded into any vessel; or

(b) warping a ship through the lock; or

(c) mooring and unmooring ships at harbour wall berths or in pier; or

(d) removing or replacing dry dock caissons when vessels are entering or leaving dry docks; or

(e) the docking or undocking of any vessel during an emergency; or

(f) preparing splicing coir springs and check wires, painting depth marks on lock-sides, removing or replacing fenders whenever necessary, landing of gangways, maintaining life-buoys up to standard or any other maintenance work of a like nature; or

(g) any work on jolly-boats for bringing a ship's line to the wharf; or

(viii) employed in the construction, maintenance, repair or demolition of --

(a) any building which is designed to be or is or has been more than one storey in height above the ground or twelve feet or more from the ground level to the apex of the roof; or

(b) any dam or embankment which is twelve feet or more in height from its lowest to its highest point; or

(c) any road, bridge, tunnel or canal; or

(d) any wharf, quay, sea-wall or other marine work including any moorings of ships; or

(ix) employed in setting up, maintaining, repairing or taking down any telegraph or telephone line or post or any overhead electric line or cable or post or standard or fittings and fixtures for the same; or

(x) employed, in the construction, working, repair or demolition of any aerial ropeway, canal, pipeline or sewer; or

(xi) employed in the service of any fire brigade; or

(xii) employed upon a railway as defined in clause (31) of section 2 and subsection (1) of section 197 of the Railways Act, 1989 (24 of 1989), either directly or through a sub-contractor, by a person fulfilling a contract with the railway administration; or

(xiii) employed as an inspector, mail guard, sorter or van peon in the Railway Mail Service or as a telegraphist or as a postal or railway signaller, or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department; or

(xiv) employed, in connection with operation for winning natural petroleum or natural gas; or

(xv) employed in any occupation involving blasting operations; or

(xvi) employed in the making of any excavation or explosives have been used, or whose depth from its highest to its lowest point exceeds twelve feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(xviii) employed on any estate which is maintained for the purpose of growing cardamom, cinchona, coffee, rubber or tea; or;

(xix) employed, , in the generating, transforming transmitting or distribution of electrical energy or in generation or supply of gas; or

(xx) employed in a lighthouse as defined in clause (d) of section 2 of the Indian Lighthouse, Act 1927 (17 of 1927); or

(xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(xxii) employed in the training, keeping or working of elephants or wild animals; or

(xxiii) employed in the tapping of palm-trees or the felling or logging of trees, or the transport of timber by inland waters, or the control or extinguishing of forests fires; or

(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or

(xxv) employed as a diver; or

(xxvi) employed in the handling or transport of goods in, or within the precincts of,-
(a) any warehouse or other place in which goods are stored, or,
(b) any market; or

(xxvii) employed in any occupation involving the handling and manipulation of radium or X-rays apparatus, or contact with radioactive substances; or

(xxviii) employed in or in connection with the construction, erection, dismantling, operation or maintenance of an aircraft as defined in section 2 of the Indian Aircraft Act, 1934 (22 of 1934); or

(xxix) employed in horticultural operations, forestry, bee-keeping or farming by tractors or other contrivances driven by steam or other mechanical power or by electricity; or

(xxx) employed, in the construction, working, repair or maintenance of a tube-well; or

(xxxi) employed in the maintenance, repair or renewal of electric fittings in a building; or

(xxxii) employed in a circus.

(xxxiii) employed as watchman in any factory or establishment; or

(xxxiv) employed in any operation in the sea for catching fish; or

(xxxv) employed in any employment which requires handling of snakes for the purpose of extraction of venom or for the purpose of looking after snakes or handling any other poisonous animal or insect; or

(xxxvi) employed in handling animals like horses, mules and bulls; or

(xxxvii) employed for the purpose of loading or unloading any mechanically propelled vehicle or in the handling or transport of goods which have been loaded in such vehicles; or

(xxxviii) employed in cleaning of sewer lines or septic tanks within the limits of a local authority; or

(xxxix) employed on surveys and investigation, exploration or gauge or discharge observation of rivers including drilling operations, hydrological observations and flood forecasting activities, ground water surveys and exploration; or

(xl) employed in cleaning of jungles or reclaiming land or ponds; or

(xli) employed in cultivation of land or rearing and maintenance of live-stock or forest operations or fishing; or

(xlii) employed in installation, maintenance or repair of pumping equipment used for lifting of water from wells, tube-wells, ponds, lakes, streams and the like; or

(xliii) employed in the construction, boring or deepening of an open well or dug well, bore well, bore-cum-dug well, filter point and the like; or

(xliv) employed in spraying and dusting or insecticides of pesticides in agricultural operations or plantations; or

(xlv) employed in mechanised harvesting and threshing operations; or

(xlvi) employed in working or repair or maintenance of bulldozers, tractors, power tillers and the like; or

(xlvii) employed as artist for drawing pictures on advertisement boards at a height of 3.66 metres or more from the ground level; or

(xlviii) employed in any newspaper establishment as defined in the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and engaged in outdoor work;

(xlix) any other employee or class of employee employed in an establishment or class of establishment to which the Employees' Compensation Act, 1923 was applicable in any State immediately before the commencement of this Code.

THIRD SCHEDULE
[See sections 38 and 75]

LIST OF OCCUPATIONAL DISEASES

Serial No. (1)	Occupational disease (2)	Employment (3)
	PART A	
1.	Infectious and parasitic diseases contracted in an occupation where there is a particular risk of contamination.	All work involving exposure to health or laboratory work; (b) All work involving exposure to veterinary work; (c) Work relating to handling animals, animal carcasses, part of such carcasses, or merchandise which may have been contaminated by animals or animal carcasses; (d) Other work carrying a particular risk of contamination.
2.	Diseases caused by work in compressed air	All work involving exposure to the risk concerned
3.	Diseases caused by lead or its toxic compounds	All work involving exposure to the risk concerned
4.	Poisoning by nitrous fumes	All work involving exposure to the risk concerned
5.	Poisoning by organo phosphorus compounds	All work involving exposure to the risk concerned
	PART B	
1.	Diseases caused by phosphorus or its toxic compounds	All work involving exposure to the risk concerned
2.	Diseases caused by mercury or its toxic compounds	All work involving exposure to the risk concerned
3.	Diseases caused by benzene or its toxic homologues	All work involving exposure to the risk concerned
4.	Diseases caused by nitro and amido toxic derivatives of benzene or its homologues	All work involving exposure to the risk concerned
5.	Diseases caused by chromium or its toxic compounds	All work involving exposure to the risk concerned.
6.	Diseases caused by arsenic or its toxic compounds	All work involving exposure to the risk concerned.
7.	Diseases caused by radioactive substances and ionising radiations	All work involving exposure to the action of radioactive substances or ionising radiations
8.	Primary epitheliomatous cancer of the skin caused by tar, pitch, bitumen, mineral oil, anthracene, or the compounds, products or residues of these substances	All work involving exposure to the risk concerned.
9.	Diseases caused by the toxic halogen derivatives of hydrocarbons (of the aliphatic and aromatic series).	All work involving exposure to the risk concerned.
10.	Diseases caused by carbon disulphide	All work involving exposure to the risk concerned.
11.	Occupational cataract due to infra-red radiations.	All work involving exposure to the risk concerned.
12.	Diseases caused by manganese or its toxic compounds	All work involving exposure to the risk concerned.
13.	Skin diseases caused by physical, chemical or biological agents not included in other items	All work involving exposure to the risk concerned.

14.	Hearing impairment caused by noise	All work involving exposure to the risk concerned.
15.	Poisoning by dinitrophenol or a homologue or by substituted dinitrophenol or by the salts of such substances	All work involving exposure to the risk concerned.
16.	Diseases caused by beryllium or its toxic compounds	All work involving exposure to the risk concerned.
17.	Diseases caused by cadmium or its toxic compounds	All work involving exposure to the risk concerned.
18.	Occupational asthma caused by recognised sensitising agents inherent to the work process	All work involving exposure to the risk concerned.
19.	Diseases caused by fluorine or its toxic compounds	All work involving exposure to the risk concerned.
20.	Diseases caused by nitroglycerin or other nitroacid esters	All work involving exposure to the risk concerned.
21.	Diseases caused by alcohols and ketones	All work involving exposure to the risk concerned.
22.	Diseases caused by asphyxiants, carbon monoxide, and its toxic derivatives, hydrogen sulphide	All work involving exposure to the risk concerned.
23.	Lung cancer and mesotheliomas caused by asbestos	All work involving exposure to the risk concerned.
24.	Primary neoplasm of the epithelial lining of the urinary bladder or the kidney or the ureter	All work involving exposure to the risk concerned.
25.	Snow blindness in snow bound areas	All work involving exposure to the risk concerned.
26.	Disease due to effect of heat in extreme hot climate	All work involving exposure to the risk concerned.
27.	Disease due to effect of cold in extreme cold climate	All work involving exposure to the risk concerned.
	PART C	
1.	Pneumoconioses caused by sclerogenic mineral dust (silicoses, anthraoosilicosis, asbestosis) and silico-tuberculosis provided that silicosis is an essential factor in causing the resultant incapacity or death	All work involving exposure to the risk concerned.
2.	Bagassosis	All work involving exposure to the risk concerned.
3.	Bronchopulmonary diseases caused by cotton, flax hemp and sisal dust (Byssionsis).	All work involving exposure to the risk concerned.
4.	Extrinsic allergic alveelitis caused by the inhalation of organic dusts	All work involving exposure to the risk concerned.
5.	Bronchopulmonary diseases caused by hard metals	All work involving exposure to the risk concerned.
6.	Acute Pulmonary oedema of high altitude.	All work involving exposure to the risk concerned.

FOURTH SCHEDULE

[See sections 2(xxxxv)]

PART I
LIST OF INJURIES DEEMED TO RESULT IN PERMANENT
TOTAL DISABLEMENT

Serial No **(1)**	**Description of Injury** **(2)**	**Percentage of loss of earning capacity** **(3)**
1.	Loss of both hands or amputation at higher sites	100
2.	Loss of a hand and a foot	100
3.	Double amputation through leg or thigh, or amputation through leg or thigh on one side and loss of other foot	100
4.	Loss of sight to such an extent as to render the claimant unable to perform any work for which eye-sight is essential	100
5.	Very severe facial disfigurement	100
6.	Absolute deafness	100

PART II
LIST OF INJURIES DEEMED TO RESULT IN PERMANENT
PARTIAL DISABLEMENT

Serial No **(1)**	**Description of Injury** **(2)**	**Percentage of loss of earning capacity** **(3)**
1.	Amputation through shoulder joint	90
2.	Amputation below shoulder with stump less than [20.32 Cms.] from tip of acromion	80
3.	Amputation form [20.32 Cms.] from tip of acromion to less than [11.43 Cms.] below tip of olecranon	70
4.	Loss of a hand or of the thumb and four fingers of one hand or amputation from [11.43 Cms.] below tip of olecranon	60
5.	Loss of thumb	30
6.	Loss of thumb and its metacarpal bone	40
7.	Loss of four fingers of one hand	50
8.	Loss of three fingers of one hand	30
9.	Loss of two fingers of one hand	20
10.	Loss of terminal phalanx of thumb	20
10A.	Guillotine amputation of tip of thumb without loss of bone	10
	Amputation cases—lower limbs	
11.	Amputation of both feet resulting in end bearing stumps	90
12.	Amputation through both feet proximal to the metatarsophalangeal joint	80
13.	Loss of all toes of both feet through the metatarso-phalangeal joint	40
14.	Loss of all toes of both feet proximal to the proximal interphalangeal joint	30
15.	Loss of all toes of both feet distal to the proximal inter-phalangeal joint	20
16.	Amputation at hip	90
17.	Amputation below hip with stump not exceeding [12.70 Cms.] in length measured from tip of great trenchanter	80
18.	Amputation below hip with stump exceeding [12.70 Cms.] in length measured from tip of great trenchanter but not beyond middle thigh	70
19.	Amputation below middle thigh to [8.89 Cms.] below knee	60
20.	Amputation below knee with stump exceeding [8.89 Cms.] but not	50

Serial No (1)	Description of Injury (2)	Percentage of loss of earning capacity (3)
	exceeding [12.70 Cms.]	
21.	Amputation below knee with stump exceeding [12.70 Cms]	50
22.	Amputation of one foot resulting in end bearing	50
23.	Amputation through one foot proximal to the metatarsophalangeal joint	50
24.	Loss of all toes of one foot through the metatarsophalangeal joint	20
	Other injuries	
25.	Loss of one eye, without complications, the other being normal	40
26.	Loss of vision of one eye, without complications or disfigurement of eye-ball, the other being normal	30
26A	Loss of partial vision of one eye	10
	Loss of— A—Fingers of right or left hand Index finger	
27.	Whole	14
28.	Two phalanges	11
29.	One phalanx	09
30.	Guillotine amputation of tip without loss of bone	05
	Middle finger	
31.	Whole	12
32.	Two phalanges	9
33.	One phalanx	7
34.	Guillotine amputation of tip without loss of bone	4
	Ring or little finger	
35.	Whole	7
36.	Two phalanges	6
37.	One phalanx	5
38.	Guillotine amputation of tip without loss of bone	2
	B—Toes of right or left foot Great toe	
39.	Through metatarso-phalangeal joint	14
40.	Part, with some loss of bone	3
	Any other toe	
41.	Through metatarso-phalangeal joint	3
42.	Part, with some loss of bone	1
	Two toes of one foot, excluding great toe	
43.	Through metatarso-phalangeal joint	5
44.	Part, with some loss of bone	2
	Three toes of one foot, excluding great toe	
45.	Through metatarso-phalangeal joint	6
46.	Part, with some loss of bone	3
	Four toes of one foot, excluding great toe	
47.	Through metatarso-phalangeal joint	9
48.	Part-with some loss of bone	3

FIFTH SCHEDULE

[See section 15(2)]
MATTERS THAT MAY BE PROVIDED FOR IN THE SCHEMES

Any Scheme framed under section 15 may provide for any of the following matters:-

Serial No. (1)	Matters on which the Scheme may make provisions (2)
1	Scope and purpose of the Scheme
2	Date of Commencement of the Scheme
3	Authority that will administer the scheme
4	Agency or agencies that will implement the scheme
5	The application of the scheme to establishments or classes of establishments, employees or classes of employees, persons or classes of persons, specifying the mode of admission to the scheme
6	Eligibility conditions for becoming a member of the Scheme
7	Exclusions from coverage under the Scheme
8	Compulsory nature for certain class of persons to join
9	Continuation of membership from any old Scheme
10	Retention of membership of the Scheme
11	Registration of the establishments or employers and person to whom the scheme applies
12	Fixation of the rates of contribution or premium for the scheme;
13	Manner of Collection of contributions/ premium for the Scheme, Contribution to be apportioned from Social Security Fund to the Scheme
14	Disposal of Fund
15	Benefits under the Scheme that will accrue to an eligible scheme member
16	Conditions for entitlement of benefits under the Scheme
17	The time period for which the benefits shall accrue
18	Minimum and Maximum amount of benefits payable under the Scheme
19	Procedure of submission of claims, and admitting claims of benefits
20	Certifications and documentation required for claiming benefits
21	Evidence required for establishing the claim.
22	When claim of benefits becomes due, and when it is payable
23	Manner of Dispensation of the benefits, Procedure for payment of Benefits
24	Restrictions, if any, on a person availing benefits under the scheme over claiming any other compensation or benefits provided under this Code or any other scheme.
25	Commutation of benefits, if applicable
26	Review or suspension of benefits, if applicable
27	Requirements for preparation and publication of Annual reports
28	Grievance Redress Mechanism
29	other incidental and supplementary matters
30	any other matter necessary for administration of the Scheme

SIXTH SCHEDULE

[See section 77(b)]

FACTORS FOR WORKING OUT LUMP SUM EQUIVALENT OF COMPENSATION AMOUNT IN CASE OF PERMANENT DISABLEMENT AND DEATH

(1)	Completed years of age on the last birthday of the employee immediately preceding the date on which the compensation fell due (2)	Factors (3)
Not more than	16	228.54
	17	227.49
	18	226.38
	19	225.22
	20	224.00
	21	222.71
	22	221.37
	23	219.95
	24	218.47
	25	216.91
	26	215.28
	27	213.57
	28	211.79
	29	209.92
	30	207.98
	31	205.95
	32	203.85
	33	201.66
	34	199.40
	35	197.06
	36	194.64
	37	192.14
	38	189.56
	39	186.90
	40	184.17
	41	181.37
	42	178.49
	43	175.54
	44	172.52
	45	169.44
	46	166.29
	47	163.07
	48	159.80
	49	156.47
	50	153.09
	51	149.67
	52	146.20
	53	142.68
	54	139.13
	55	135.56
	56	131.95
	57	128.33
	58	124.70
	59	121.05
	60	117.41
	61	113.77
	62	110.14
	63	106.52
	64	102.93
	65 or more	99.37

SEVENTH SCHEDULE

[See section 106(2)]

SOCIAL SECURITY SCHEMES FOR THE UNORGANISED WORKERS

Serial No. (1)	**Name of the Scheme** (2)
1	Pradhan Mantri Shram Yogi Manndhan.
2	Pradhan Mantri Laghu Vyapari Manndhan Yojana.
3	Indira Gandhi National Old Age Pension Scheme.
4	National Family Benefit Scheme.
5	Janani Suraksha Yojana.
6	Handloom Weavers' Comprehensive Welfare Scheme.
7	Handloom Artisans' Comprehensive Welfare Scheme.
8	Pension to Master Craft Persons.
9	National Scheme for Welfare of Fishermen and Training and Extension.
10	Janshree Bima Yojana.
11	Aaam Admi Bima Yojana.
12	Rashtriya Swasthya Bima Yojana.
13	Pradhan Mantri Kisan Pension Yojana