

MINISTRY OF LABOUR AND EMPLOYMENT

NOTIFICATION

New Delhi, the 3rd June, 2021

G.S.R. 385(E).— The following draft rules, which the Central Government proposes to make in exercise of the powers conferred by sections 155, 158 and 159 of the Code on Social Security, 2020 (36 of 2020) read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the –

- (i) Employee's Compensation Rules, 1924;
- (ii) Employee's Compensation (Transfer of Money) Rules, 1935; and
- (iii) Employee's Compensation (Venue of Proceedings) Rules, 1996;

made by the Central Government in exercise of the powers conferred by the Employee's Compensation Act, 1923 (8 of 1923) which is repealed by section 164 of the said Code on Social Security, 2020 except as respects things done or omitted to be done before such supersession, are hereby notified, as required by section 158, for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Shri Rahul Bhagat, Director, Ministry of Labour and Employment, Room No.302, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 or by e-mail – rahul.bhagat@ips.gov.in. The objections and suggestions should be sent in a proforma containing column (1) specifying the name and address of the person/organization, column (2) specifying the chapter and rule or sub-rule which is proposed to be modified, column (3) specifying the revised rule or sub-rule proposed to be substituted and column (4) reasons therefor;

Objections and suggestions, which may be received from any person with respect to the said draft rules before expiry of the period specified above, will be considered by the Central Government.

Draft Rules

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.- (1) These rules may be called the Code on Social Security (Employee's Compensation) (Central) Rules, 2021.

(2) They extend to the whole of India.

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

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

(a) “appeal” means an appeal preferred under sub-section (1) of section 99;

- (b) “Authorized Officer” means any officer whom the State Government may designate either generally or in respect of any area or class of areas, for the purpose of performing the functions assigned by these rules to the authorized officers;
 - (c) “Code” means the Code on Social Security, 2020 (36 of 2020);
 - (d) “Competent Authority” means an Authority appointed under section 91 for the purpose of Chapter VII of Code on Social Security, 2020 by the State Government;
 - (e) “electronically” means any information submitted by e-mail or uploading on the designated portal or digital payment in any mode for the purpose of Code;
 - (f) “form” means a form appended to these rules;
 - (g) “schedule” means the schedule of the Code;
 - (h) “section” means a section of the Code;
 - (i) “specified” means specified by an order of the Central Government or any State Government or any officer so authorised by such Government; and
 - (j) “Transferring Authority” means any authority in any country who transfer or caused to be transferred any lump sum awarded under the law relating to employees compensation under the Code on Social Security, 2020 in such country and applicable for the benefit of any person residing or about to reside in India.
- (2) The words and expressions used in these rules which are not defined therein, but are defined in the Code, shall have their respective meaning as assigned to them in the Code.

3. Rate of interest to be paid by the employer under clause (a) of sub-section (3) of section 77.- If the amount of compensation payable under sub-section (3) of section 77 is not paid by the employer within the period of thirty days, the employer shall pay, from the date on which the compensation become payable to the date on which it is paid, simple interest at the rate of twelve per cent. per annum or any other rate notified by the Central Government from time to time.

4. Manner of notice under sub-section (1) and the manner of transmitting money under sub-section (3), of section 92.- Money transmitted by one competent authority to another in accordance with sub-section (3) of section 92 shall be transmitted either by remittance receipt or by e-transfer or by net banking or by Demand Draft, as the competent authority transmitting the money may direct.

5. Form, manner and fee for application for claim or settlement under sub-section (3) of section 93.- (1) Any application of the nature referred to in section 93 may be sent to the competent authority by registered post or electronically or may be presented to him or to any of his subordinates authorized by him in this behalf, and, if so sent or presented, shall, unless the competent authority otherwise directs, be made in duplicate in **Form-A**, if any, and shall be signed by the applicant.

- (2) There shall be appended to every such application a certificate in **Form-B**, which shall be signed by the applicants to the effect that the statement of facts contained in the application is to the best of his knowledge and belief, accurate.
- (3) When the application for relief is based upon a document, the document shall be appended to the application.

6. Rules to give effect to arrangements with other countries for the transfer of money paid as compensation under section 159.- (1) When any sum is transmitted by any authority in India to any other authority in accordance with these rules, the costs of such transmission may be deducted from the sum so transmitted.

Money transmitted by any authority in India to any other authority in India in accordance with these rules, shall be transmitted by remittance transfer receipt or by money order.

- (2) When the whole or any part of a lump sum deposited with a competent authority for payment as compensation under the Code is payable to any person or persons residing or about to reside in any other country, the competent authority may order the transfer to that country of the sum so payable.
- (3) When the competent authority has ordered the transfer of any sum under sub-rule (2), he shall cause to be prepared and shall certify under his hand a memorandum containing a brief statement of the facts of the case, of the orders passed upon it and of the name and address of each person to whom payment is to be made.
- (4) If the competent authority is not himself the authorised officer he shall forward the memorandum in duplicate to the authorised officer and may either remit the sum to be transferred to the authorised officer

or retain it and dispose of it in accordance with the directions of the authorised officer. If the competent authority is himself the authorised officer, he shall proceed as provided in sub-rule (5).

- (5) The authorised officer, after satisfying himself that the memorandum is complete, shall forward it and remit or cause to be remitted the sum to which it relates by such means of safe transmission as he may consider convenient to the authority appointed in this behalf for the country to which the sum is to be transferred, or if no such authority as the State Government may, by general or special order, direct, and shall at the same time request the authority addressed—
- (a) to arrange for payment to be made in accordance with the directions contained in the memorandum; and
- (b) to furnish him with a report of the action taken upon the memorandum and return any sum the payment of which is for any reason impossible.
- (6) (a) The authorised officer shall, if he is not the competent authority with whom the matter originated, forward to such competent authority a copy of any report received in response to a request made under sub-rule (5).
- (b) Any sum returned in accordance with sub-rule (5) shall be disposed of in accordance with the Code.
- (7) (a) The authorised officer shall be the proper authority to receive moneys from transferring authorities.
- (b) If any competent authority or other Government servant, not being the authorised officer, receives any sum from a transferring authority he shall either forward such sum, together with any papers relating thereto, to the authorised officer for disposal, obtain the instructions of the authorised officer as to the disposal of the sum and papers and act in accordance with his instructions.
- (8) The authorised officer may himself dispose of any sum or part of any sum which he receives or of which he assumes control under sub-rule (7) or may send it or any part of it for disposal to such competent authority or competent authorities as he considers proper.
- (9) All sums received from a transferring authority shall be disposed of as far as possible in accordance with the provisions of the Code and the Rules made thereunder:
- Provided that the directions, if any, received from the transferring authority as to the manner in which the sum should be administered shall be complied with.
- (10) (a) The authorised officer shall forward to the transferring authority a report showing how the sum received from him has been disposed of.
- (b) Any competent authority, not being the authorised officer who has disposed of any part of the sum, shall make a report in duplicate as to the disposal of that part to the authorised officer, and, if the sum was received by him from another such competent authority in accordance with section 92 of the Code, shall forward his report through that competent authority.
- (11) Any part of the sum received from the transferring authority which shall have remained undisbursed after the completion of the proceedings shall be returned to the transferring authority by, or under the direction of the authorised officer.

7. Venue of proceedings and transfer of matters: (1) Processing of an application:- (a) An application under section 90 or section 93 shall be processed before or by a competent authority for the area in which—

- (i) The accident took place which resulted in the injury; or
- (ii) The employee or in case of his death the dependents claiming the compensation ordinarily reside; or
- (iii) The employer has his registered office:

Provided that no matter shall be processed before or by a competent authority other than the competent authority having the jurisdiction over the area in which the accident took place without his giving notice in **Form-C** to the competent authority having jurisdiction over the area and the State Government concerned.

- (b) The competent authority under clause (b) or clause (c) of sub-section (1) of section 92 may initiate the proceedings afresh or he may continue the previous proceedings initiated under clause (a) of sub-section (1) of section 91 as if the same or any of its part had been taken before him if he is satisfied that the interest of the parties shall not thereby be prejudiced.

(2) Transfer of records or money:- (a) If any matter under the Code is required to be processed before or by a competent authority other than the competent authority having jurisdiction over the area in which the accident took place the former may for the proper disposal of the matter call for in **Form-D** a

detailed report including transfer of any records or money remaining with the latter and on receipt of such a request he shall comply with the same:

Provided that if any further enquiry is necessary in the area in which the accident took place for framing of issues or for determining the amount of compensation, the competent authority, before whom the application has been filed, may require the competent authority of the area in which the accident took place to conduct such enquiries and to serve such notices or orders as may be necessary for the purpose of such enquiries.

- (b) Money deposited with one competent authority under section 81 shall be transmitted to another competent authority either by remittance transfer receipt or by e-transfer or by net banking or by demand draft.

FORM-A

[See Rule 5(1)]

Application for Compensation by Employee

To
The Competent authority for Employee's Compensation.

Applicant residing at
Versus
Opposite Party residing at

It is hereby submitted that: -

(1) The applicant, an Employee employed by (a contractor with) the opposite party on the ___ day of ___ 20__ received personal injury by accident arising out of and in the course of his employment. The cause of the injury was (here insert briefly in ordinary language the cause of the injury)

(2)The applicant sustained the following injuries namely: --

(3) The monthly wages of the applicant amount to Rs.____. The applicant is over/under the age of 15 years.

(4) (a) Notice of the accident was served on the ___ day of ____

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of.

(5) The applicant is accordingly entitled to receive: --

(a) half monthly payment of Rs. from the _____ 20_____ to ____

(b) a lump sum payment of Rs. _____

(6)The applicant has taken the following steps to secure a settlement by agreement, namely, ___ but it has proved impossible to settle the question in dispute because _____.

*You are therefore requested to determine the following questions in dispute, namely: --

(a) Whether the applicant is an Employee within the meaning of the Code;

(b) Whether the accident arose out of or in the course of the applicants' employment;

(c) Whether the amount of compensation claimed is due, or any part of that amount;

(d) Whether the opposite party is liable to pay such compensation as is due;

(e) etc., (as required)

Date _____ 20 .

Applicant

* Strike out the clauses which are not applicable.

FORM-B

[See Rule 5(2)]

Application for order to Deposit Compensation

To

The Competent authority for Employee's Compensation

Applicant Residing at

Versus

Opposite Party Residing at

It is hereby submitted that: --

(1) An employee employed by (a contractor with) the opposite party on the ___day of___, 20___ received personal injury by accident arising out of and in the course of employment resulting in his death on the day___ of _____20_____. The cause of injury was (here insert briefly in ordinary language the cause of the injury)_____.

(2)The applicant(s) is/are dependant(s) of the deceased Employee being his_____.

(3)The monthly wages of the deceased amount to Rs._____. The deceased was over/under the age of 15 years at the time of his death.

*4(a) Notice of the accident was served on the ___day of_____.

(b) Notice was served as soon as practicable.

(c) Notice of the accident was not served (in due time) by reason of_____.

(5)The deceased before his death received as compensation the total sum of Rs. _____. The applicant(s) is/are accordingly entitled to receive a lump sum payment of Rs._____.

You are, therefore, requested to award to the applicant the said compensation or any other compensation to which he may be entitled.

Dated:

Applicant.

* Strike out the clauses which are not applicable.

FORM-C

[See Rule 7(1)(a)]

Whereas a claim for compensation has been made by (applicant) against.....and the said applicant has claimed that he is entitled to file an application under clause (b) or (c) of sub-section (1) of section 92 of the Chapter VII under the Code on Social Security, 2020;

And whereas the undersigned is satisfied that the said applicant is entitled to file the aforesaid claim;

Now, therefore, the competent authority for Employees Compensation...../Government of.....is hereby given notice that the undersigned proposes to settle the claim of the applicant as provided under the Code.

Dated:

Competent authority

FORM-D
[See Rule 7(2)(a)]

To

.....

Sir,

The report about an accident which occurred on.....at.....(here enter details of premises) and which resulted in death/disablement of the employee is furnished as given below :—

1. (a) Name of the employee ----- Sex ----- Age -----
 (b) Monthly wages
 (c) Nature of employment
 (d) Name of the employer
 (e) Full postal address of the employee/dependents (local and permanent both).
 (f) Full postal address of the factory/establishment where its registered office is located.
2. The circumstances leading to death/disablement of the employee :—
 (a) Time of the accident
 (b) Place where the accident occurred
 (c) Manner in which deceased was/were employed at that time
 (d) Cause of the accident
3. The amount of money deposited by the employer with the competent authority under section 81.
4. (a) Details of compensation paid, if any
 (b) Particulars of money invested for the benefit of dependents of deceased employee.
5. Documents forwarded (in original) as under :—
 (a) Death certificate
 (b) Disablement certificate from the competent medical authority
 (c) Receipt for Deposit of Compensation by the employer
 (d) Statement of Disbursement
 (e) Receipt of compensation from the employee/dependants
 (f) Memorandum of Agreement, if any

Dated:

Competent authority.

[F.No.R-11011/01/2021-SS-II]
ANURADHA PRASAD, Special Secy.