



ABSTRACT

Labour Welfare – Industrial Relations Code, 2020 – Enacted by Government of India – Formulation of State Rules under the said Code – Industrial Relations (Tamil Nadu) Rules, 2022 – Preliminary Notification - Issued.

LABOUR WELFARE AND SKILL DEVELOPMENT (H2) DEPARTMENT

G.O. (Ms.) No.37

Dated: 11.04.2022

பிலவ வருடம், பங்குனி - 28
திருவள்ளூர் ஆண்டு 2053

Read:-

1. The Gazette of India – Extraordinary No.60, dated 29.09.2020 issued by Ministry of Law and Justice, Government of India, New Delhi.
2. From the Commissioner of Labour Letter No.S4/27746 /2020, dated 19.12.2020 and 07.02.2022.

ORDER:

The Ministry of Law and Justice, Government of India, New Delhi has notified the Industrial Relations Code, 2020 (Central Act No.35 of 2020) to consolidate and amend the laws relating to Trade Unions, Conditions of employment in Industrial establishment or undertaking, investigation and settlement of Industrial disputes and for matters connected therewith or incidental thereto, vide the Gazette of India notification first read above.

2. In the letters 2nd read above, the Commissioner of Labour has sent a proposal for formulation of State Rule namely, Industrial Relations (Tamil Nadu) Rules, 2022 under Industrial Relations Code, 2020 (Central Act No.35 of 2020).

3. After careful examination, the Government have decided to accept the above proposal of the Commissioner of Labour.

4. Accordingly, the appended Preliminary Notification shall be published in the Tamil Nadu Government Gazette Extraordinary dated 11.04.2022.

5. The Works Manager, Government Central Press, Chennai - 600 001 is requested to publish the Preliminary Notification and send 75 copies of the

Gazette Notification to the Government and 75 copies to the Commissioner of Labour, Chennai-600 006 directly.

(BY ORDER OF THE GOVERNOR)

R.KIRLOSH KUMAR,
SECRETARY TO GOVERNMENT.

To

The Works Manager, Government Central Press,
Chennai - 600 001.
(for publication in the Tamil Nadu Government Gazette
Extraordinary)
The Principal Secretary / Commissioner of Labour,
Chennai - 600 006.
The Director of Industrial Safety and Health,
Chennai - 600 032.

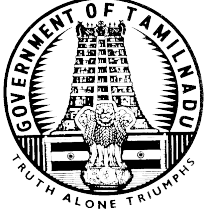
Copy to

The Hon'ble Chief Minister Office,
Chennai - 600 009.
The Special Personal Assistant to the Hon'ble Minister (LW&SD), Chennai - 600 009.
The Law Department, Chennai - 600 009.
The Senior Private Secretary to the Secretary to Government, Labour Welfare and Skill
Development Department, Chennai - 600 009.
All Sections,
Labour Welfare and Skill Development Department,
Chennai - 600 009.
Stock File/Spare copy/Clean Copy to file (C.No.15805/H2/2020)

//FORWARDED BY ORDER//

F. Praveen Kumar
SECTION OFFICER. 11/01/2022

Jm
11/4/22



TAMIL NADU GOVERNMENT GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 215]

CHENNAI, MONDAY, APRIL 11, 2022
Panguni 28, Pilava, Thiruvalluvar Aandu-2053

Part III—Section 1(a)

**General Statutory Rules, Notifications, Orders, Regulations, etc.,
issued by Secretariat Departments.**

NOTIFICATIONS BY GOVERNMENT

LABOUR WELFARE AND SKILL DEVELOPMENT DEPARTMENT

INDUSTRIAL RELATIONS (TAMIL NADU) RULES, 2022

[G.O. Ms. No. 37, Labour Welfare and Skill Development (H2), 11th April 2022,
பங்குனி 28, பிலவ, திருவள்ளுவர் ஆண்டு-2053.]

No. SRO A- 8(b)/2022.

The following draft rules, which the Government of Tamil Nadu proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (Central Act 35 of 2020) read with section 24 of the General Clauses Act, 1897 (Central Act 10 of 1897) and in supersession of –

- (i) The Tamil Nadu Trade Unions Regulations, 1927;
- (ii) The Tamil Nadu Industrial Employment (Standing Orders) Rules, 1947; and
- (iii) The Tamil Nadu Industrial Disputes Rules, 1958,

except as respects things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of the said section 99, 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 Tamil Nadu Government Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to the Secretary to Government, Labour Welfare and Skill Development Department, Fort St. George, Chennai – 600 009 through the Commissioner of Labour, DMS Campus, Chennai – 600 006 or by e-mail - com.tnlabour@nic.in. The objection or suggestion should be sent in a proforma containing columns (i) specifying the name and address of the persons and organisations (ii) specifying the rule or sub-rule which is proposed to be modified and (iii) specifying the revised rule or sub-rule proposed to be substituted and the reasons therefor;

The Objections and suggestions which may be received from any person or organisation with respect to the said draft notification before the expiry of the period specified above, will be considered by the Government of Tamil Nadu.

INDUSTRIAL RELATIONS (TAMIL NADU) RULES, 2022

Chapter - I

Preliminary

1. Short title, application and commencement.-

- (i) These rules may be called the Industrial Relations (Tamil Nadu) Rules, 2022.
- (ii) They extend to whole of the State of Tamil Nadu.
- (iii) They shall come into force after the date of their publication in the Tamil Nadu Government Gazette.

2. Definition.- (1) In these rules, unless the context otherwise requires,-

- (a) "Code" means the Industrial Relations Code, 2020 (Central Act 35 of 2020);
- (b) "Form" means a Form appended to these rules;
- (c) "Government" means the Government of Tamil Nadu;
- (d) "section" means the section of the Code;
- (e) "electronically" means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purpose of the Code.

(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 assigned to them in the Code.

3. Written Agreement for the settlement under clause (zi) of section 2.- The agreement made between the employer and worker shall be specified in Form-I and shall be signed by the parties in the agreement and a copy thereof shall be sent to the Conciliation Officer concerned.

Chapter II

Bi-partite Forums

4. Constitution of Works Committee under section 3.- (1) Every employer to whom an order made under sub-section (1) of section 3 of the Code relates, shall forthwith proceed to constitute a Works Committee in the manner hereinafter provided.

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

Provided that the total number of members of the Works Committee shall not exceed twenty:

Provided further that the number of representatives of the workers in the Works Committee shall not be less than the number of representatives of the employer therein:

Provided also that there shall be adequate representation for women workers in the Works Committee.

(3) Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall be officials in direct touch with, or associated with, the working of the industrial establishment.

(4) (a) Where workers of an industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –

- (i) how many of the workers are members of such Trade Union; and
- (ii) how their membership is distributed among the sections, shops or departments of the industrial establishment;

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Jurisdictional Conciliation Officer, who shall, after hearing the parties, decide the matter and his decision shall be final.

(5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the Works Committee as follows:-

(a) Registered Trade Union may choose their representatives as members for the Works Committee in the proportion of their membership; or

(b) Where there is no registered Trade Union, workers may choose amongst themselves representatives for the works committee.

(6) (a) The Works Committee shall have, among its office-bearers, a Chairman, a Vice- Chairman, a Secretary and a Joint Secretary. The Secretary and the Joint Secretary shall be elected every year;

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

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

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

(d) The Works Committee shall elect the Secretary and the Joint Secretary:

Provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workers and vice versa:

Provided further that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employers or the workers for two consecutive years:

Provided also that the representatives of the employers shall not take part in the election of the Secretary or Joint Secretary, as the case may be, from amongst the representatives of the workers and only the representatives of the workers shall be entitled to vote in such elections.

(e) In any election under clause (d), in the event of equality of votes, the matter shall be decided by a draw of lot.

(7) (a) The term of office of the representatives on the Works Committee other than a member chosen to fill a casual vacancy shall be two years;

(b) A member chosen to fill a casual vacancy shall hold office for the unexpired term of his predecessor; and

(c) A member, who without obtaining leave from the Works Committee, fails to attend three consecutive meetings of the Committee shall cease to be a member of the Committee.

(8) In the event of worker's representative ceasing to be a member under clause (c) of sub-rule (7) or ceasing to be employed in the establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in accordance with the provisions of this rule from the same group to which the member belonged.

(9) The Works Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Works Committee.

(10) (a) The Works Committee may meet as often as necessary;

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

(11) (a) The employer shall provide accommodation for holding meetings of the Works Committee. He shall also provide necessary facilities to the Works Committee and to the members thereof for carrying out the functions of the Works Committee. The Works Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representative of the workers shall be deemed to be on duty while attending the meeting;

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

5. Manner of choosing members from the employers and the workers for Grievance Redressal Committee under sub-section (2) of section 4.- (1) The Grievance Redressal Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.

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

(3) The representatives of the workers shall be chosen by the registered Trade Union. In case where there is no registered Trade Union, the member may be chosen by the workers of the industrial establishment:

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

Provided further that the tenure of the members of the Grievance Redressal Committee shall be co-terminus with the tenure of the members of the registered trade union:

Provided also that in the absence of a registered Trade Union, the tenure of members of the Grievance Redressal Committee shall be for a period of two years from the date of the constitution of the Committee.

(4) (a) Where workers of an industrial establishment are members of a registered Trade Union, the employer shall ask such Trade Union to inform him in writing as to –

- (i) how many of the workers are members of such Trade Union;
- (ii) how their membership is distributed among the sections, shops or departments of the industrial establishment;

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the Jurisdictional Conciliation officer, who shall, after hearing the parties, shall decide the matter and his decision shall be final.

(5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of worker's representative on the Grievance Redressal Committee as follows:-

- (a) registered Trade Union may choose their representatives as members for Committee in proportion to their membership;
- (b) such of the workers, who are not members of the registered Trade Union, may choose amongst themselves representatives for the Committee.

6. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker under sub-section (5) of section 4.- Any aggrieved worker may file an application stating his dispute therein before the Grievance Redressal Committee giving his name, designation, employee Code, Department where posted, length of service in years, category of worker, address for correspondence, contact number, details of grievances and relief sought. Such application may be sent electronically or otherwise, within one year from the date on which the cause of action of such dispute arises.

7. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to the Conciliation Officer under sub-section (8) of section 4.- Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application electronically or otherwise to the jurisdictional Conciliation Officer within a period of sixty days from the date of communication of the decision of the Grievance Redressal Committee or from the date on which the aforesaid period of thirty days expires, as the case may be, to the Conciliation Officer through the Trade Union, of which he is a member or otherwise:

Provided that in case of manual receipt of such application through registered post or speed post, the Conciliation Officer shall get the same digitised and enter the particulars of the applications in the online mechanism under intimation to the concerned worker.

Chapter III Trade Unions

8. Payment of subscription by members of the trade union and donation from such members and others under clause (f) of section 7 and payment of subscription under sub-section (4) of section 15.- (1) On request of the Trade Union, the employer may deduct the amount of subscription from the wages of the employee after obtaining their written consent. The amount so deducted shall be construed as an authorised deduction under the clause (k) of sub-section (2) of section 18 of the Code on Wages, 2019 (Central Act 29 of 2019).

(2) The payment of minimum subscription by members of the Trade Union shall be as provided under the rules of the Trade Union approved by the Registrar but shall not be less than sixty rupees per annum or any higher amount as fixed by the Government, from time to time.

9. Annual audit.- (1) The annual audit of the accounts of a registered Trade Union shall be conducted,-

(a) if the membership of the Trade Union exceeds 250 anytime during the financial year, by an auditor authorised to audit the accounts of companies under section 141 of the Companies Act, 2013 (Central Act 18 of 2013);

(b) if the membership of the Trade Union does not exceed 250 during the financial year, by any two members of the Trade Union;

(2) Where the Trade Union is a federation of unions, its accounts shall be audited by an auditor authorised to audit the accounts of companies under section 141 of the Companies Act, 2013 (Central Act 18 of 2013).

(3) Notwithstanding anything contained in this rule, no person who, at any time during the year, was entrusted with any part of the funds or securities belonging to the Trade Union shall be eligible to audit the accounts of the Trade Union.

(4) The auditor appointed in accordance with these rules shall be given access to all the books of the Trade Union and shall verify the annual return with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended to **Form XI**, indicating separately on that Form under his signature a statement showing in what respect he finds the return to be incorrect, unvouched or not in accordance with the Code. The particulars given in this statement shall indicate,-

(i) every payment which appears to be unauthorised by the rules of the Trade Union or contrary to the provisions of the Code;

(ii) the amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person; and

(iii) the amount of any sum which ought to have been but not brought to account by any person.

(5) Every registered Trade Union shall maintain the following books and registers to facilitate the audit of its accounts:—

(a) Applications for membership, register of membership and subscription in **Form- II**;

(b) Register of receipts and disbursements of the General Fund Account;

(c) Minutes book to record the proceedings of all meeting;

(d) Register of stock, tools and plant to show the furniture, fittings and valuable documents relating to the immovable property of the Trade Union;

(e) Machine-numbered subscription receipt book;

(f) Register of receipts and disbursements for the political fund (if there is a political fund); and

(g) a file of vouchers.

(6) The audit of political fund of a registered Trade Union shall be carried out along with the audit of the general account of the Trade Union and by the same auditor.

10. Application for registration of Trade Union.- (1) Application for registration of Trade Union shall be made in **Form-III** either electronically or otherwise along with documents as required under section 8 of the Code to the Registrar having jurisdiction.

(2) Every application for registration of a Trade Union under section 8 of the Code shall be accompanied by an affidavit in **Form-IV**, declaring that the provisions of the Code with respect to registration of Trade Union is strictly followed and will be complied.

(3) The general statement of assets and liabilities shall be made as per Schedule III of **Form- III**.

11. Registration of Trade Union.- (1) On receipt of an application for registration of Trade Union, the Registrar after due verification of information and particulars submitted with the application either by himself or through any other officer authorised by him and found proper, shall issue certificate of registration in **Form- V**.

(2) The Registrar shall dispose an application, for registration of a Trade Union either granting or refusing to grant registration, within a period of forty five days from the date of receipt of such application.

(3) The register of Trade Unions referred to in sub-section (1) and (3) of section 9 of the Code shall be maintained in **Form-VI**.

12. Cancellation or withdrawal of registration.- (1) Every application for cancellation or withdrawal of registration under clause (i) of sub-section (5) of section 9 shall be signed by the Secretary and seven or more members of the Trade Union, and the seal of the Trade Union shall be affixed thereto. The application shall be sent to the Registrar in **Form- VII** either electronically or otherwise.

(2) On receipt of an application for the cancellation or withdrawal of registration of a Trade Union, the Registrar, if he has reason to believe that the applicants have not been duly authorised by such Union to make the same, may, for the purpose of ascertaining the fact, require from the applicants such evidence as deemed necessary and examine any office-bearer of such Union.

(3) The certificate of registration issued to a Trade Union under sub-rule (1) of rule 11 shall be surrendered by the Secretary of the Union when the Registrar decides to withdraw or cancel such certificate under clause (i) or clause (ii) of sub-section (5) of section 9.

13. Appeal to Tribunal.- Any appeal made under sub-section (1) of section 10 of the Code shall be filed within sixty days from the date of the order against which the appeal is made to the Industrial Tribunal accompanied with a copy of the order of the Registrar.

14. Sending of communication and notice under sub-section (1) and the manner to inform the Registrar under sub-section (3) of section 11.- (1) All communications and notices to a registered Trade Union shall be sent by the Registrar, either electronically or otherwise to the address of the head office of the Trade Union as entered in the register maintained by the Registrar.

(2) All communications and notices by a registered Trade Union with respect to any change in any of the particulars of the Trade Unions or its rules or membership shall be sent either electronically or otherwise to the Registrar to his official postal address or e-mail address within thirty days from the date of such change.

15. Matters in an industrial establishment having registered Trade Union for negotiation with employer for the workers employed in the industrial establishment under sub-section (1) of section 14. — The matters pertaining to workers which the negotiating union or negotiating council shall negotiate with the employer of the industrial establishment under sub-section (1) of section 14 are specified, as below, namely:-

- (i) classification of grades and categories of workers;
- (ii) order passed by an employer under the Standing Orders applicable in the industrial establishment;
- (iii) wages of the workers including their wage period, dearness allowance, bonus, increment, customary concession or privileges, compensatory and other allowances;
- (iv) hours of work of the workers, their rest days, number of working days in a week, rest intervals, working of shifts;
- (v) leave with wages and holidays;
- (vi) promotion and transfer policy and disciplinary procedures;
- (vii) quarters allotment policy for workers;
- (viii) safety, health and working conditions related standards;
- (ix) such other matter pertaining to conditions of service, terms of employment which are not covered in the foregoing clauses; and
- (x) any other matter which is agreed between employer of the industrial establishment and negotiating union or council.

16. Criteria for recognising a single registered Trade Union of workers as sole negotiating Union of workers under sub-section (2) of section 14.- Where there is only one registered Trade Union operating in an industrial establishment having its members not less than thirty per cent of the total workers employed in the industrial establishment, then, the employer of such industrial establishment shall recognise such Trade Union as the sole negotiating union of the workers.

17. Manner of verification of workers on the muster roll of industrial establishment under sub-sections (3) and (4) of section 14.- (1) (a) The employer of the industrial establishment shall appoint a verification officer for the purpose of verification of membership of the Trade Unions in the industrial establishment, who shall be an independent officer and shall not have any interest with any of the Trade Union, whose membership verification is to be carried out.

(b) The verification officer shall carry out the work of membership verification in the industrial establishment within a period of three months as may be determined by the employer.

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

(3) The Trade Unions which satisfy the following conditions, shall first submit an application to the employer of the industrial establishment to accord status of negotiating union of the workers, namely:-

(i) has a valid registration under the Trade Unions Act, 1926 (Central Act 16 of 1926) and continuing as such or has the registration under the Code as the case may be; and

(ii) the membership of the Trade Union be confined to the particular industrial establishment only.

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

(b) The date of reckoning shall be fixed by the employer of an industrial establishment for the purpose of verification of membership of the Trade Unions.

(c) The employer of the establishment shall forward the documents and records submitted by the Trade Unions, to the verification officer.

(d) On receipt of the documents and records, the verification officer shall scrutinize the records or documents submitted by the Trade Union to ascertain the status of registration of Trade Union and related matters.

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

(f) The employer may, with the mutual agreement with the Trade Unions of the industrial establishment, deploy an electronic process of conducting the election process over an information technology application, online platform or like other platform.

18. Verification of membership of Trade Unions through secret ballot (1) The verification officer shall convene meeting of representatives of all registered Trade Unions functioning in the industrial establishment at least sixty days before the date of actual voting, to decide -

(a) publication of voters list;

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

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

(d) other modalities relating to secret ballot.

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

(3) All workers whose names are borne on the industrial establishment on the date of reckoning, shall be eligible to cast their voting.

(4) The voter list shall be prepared by the employer of the industrial establishment on the basis of names of the workers borne on the muster roll referred to in sub-rule (3) and the voter list shall contain the name, father's name, designation, Universal Account Number (UAN), if any, and place of posting of the worker. The final voter list shall be published by the employer after obtaining the approval of verification officer and shall be displayed at notice board at the main entrance and website, if any, of the industrial establishment. A copy of such voters list shall also be sent to the participating Trade Unions by hand or by registered post or electronic mode.

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

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

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

19. Verification report to the employer. – The verification officer shall submit verification report with results of verification of membership of the Trade Unions to the employer of industrial establishment.

20. Recognition of Trade Union as negotiating union or constituents of negotiating council. – On the basis of verification report submitted by verification officer, the employer of the industrial establishment shall grant recognition to Trade Union as a negotiating union or constitute a negotiating council as per the provisions of sub-section (2) or sub-section (4), as the case may be, of section 14 of the Code, which shall be valid for three years from the date of recognition of the negotiating union or constitution of negotiating council or such further period not exceeding five years, in total, as may be mutually decided by the employer and the negotiating union or negotiating council, as the case may be;

Provided that tenure of the negotiating union and the negotiating council shall be decided prior to holding of secret ballot.

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

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

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

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

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

(e) employer to deduct subscription of the members of the Trade Unions on the basis of the written consent of the worker;

(f) treating on duty of the employed office bearers of the negotiating union or constituents of negotiating council, as the case may be, when the office bearers are holding meetings or discussing with the employer as per agreed schedule between the employer and such office bearers;

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

22. Objects of General Fund and membership subscription.- The general funds of a registered Trade Union shall not be spent on any other object other than the following, namely:—

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

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

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

(d) Conduct of trade disputes on behalf of the Trade Union or any member thereof;

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

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

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

(h) Provision of education, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependants of members;

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

(j) Payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general:

Provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year.

23. Objects of separate fund.- The separate fund of a registered Trade Union for promotion of civic or political interests under sub-section (2) of section 15, shall be utilised for the following objects, namely :-

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

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

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

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

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

24. Manner of making application for adjudication before the Tribunal under sub-section (1) of section 22.- Where any dispute arises between –

(a) one Trade Union and another; or

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

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

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

25. Manner of amalgamation under sub-section (2) and manner of sending signed amalgamation to the Registrar under sub-section (3) of section 24.- (1) Notice of every amalgamation shall be sent to the Registrar electronically or otherwise, in duplicate in **Form-IX** and where the head office of the amalgamated Trade Union is situated in a different State the same shall be sent to the Registrar of such State.

(2) The Registrar if he is satisfied that the provisions of the Code in respect of amalgamation have been complied with, shall register the amalgamation and shall communicate the change in the name of the Trade Union, electronically or otherwise to the Trade Union concerned.

26. Distribution of funds of the Trade Union on dissolution by Registrar.-

(1) Along with the notice of dissolution in **Form-X** under sub-section (1) of section 25 the certificate of Registration of the Trade Union shall be surrendered. On Registration of the dissolution of the Trade Union, the Registrar shall send an intimation of the fact of such registration under his signature to the Secretary of the Trade Union.

(2) When the rules of the Trade Union do not provide for distribution of funds of the Trade Union on dissolution the Registrar, shall divide the funds in proportion to the amounts contributed by the members on roll at the time of dissolution by way of subscription to the several funds of the Trade Union during their membership. In the event of death of a member of a Trade Union subsequent to the date of its dissolution but prior to the distribution of funds, the Registrar shall pay the sum payable to the legal representative of such member.

27. Annual returns of the Trade Union.- (1) The annual returns to be furnished under clause (a) of sub-section (1) of section 26 shall be submitted either electronically or otherwise to the Registrar in **Form-XI** by the Secretary of the Trade Union on or before the 30th day of April in each year.

(2) Every Trade Union shall also submit such other particulars or information that may be required by the Registrar in connection with the annual return and relating to matters affecting the by-laws.

28. Manner and purpose of recognition of a Trade Union under sub-section (2) of section 27.- (1) In case a Trade Union or a federation of Trade Unions, intends to be recognised as a State Trade Union, may make an application in **Form XII** to the Government or an Officer authorised by the Government in this regard.

(2) The Government or the authorised officer, as the case may be, shall, after due enquiry, decide such application within thirty days of its receipt and send copies of the decision to the applicant, the Commissioner of Labour and the Registrar.

(3) If any dispute arises in relation to such recognition, the Government or the authorised officer shall refer the dispute to the Tribunal. The Tribunal shall, after giving an opportunity of hearing to the applicant decide the appeal within forty five days and the order shall be binding upon the parties.

Chapter IV Standing Orders

29. Manner of forwarding information to Certifying Officer under sub-section (3) of section 30.- (1) If the employer adopts the model Standing Order of the Central Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically the specific date from which the provisions of the model Standing Order which are relevant to his establishment have been adopted.

(2) On receipt of information under sub-rule (1), the Certifying Officer within a period of thirty days from such receipt shall require the employer to include provisions which are relevant to his establishment, if need be and indicate those relevant provisions of the model Standing Orders which have not been adopted and shall also direct the employer to amend the Standing Order so adopted, by way of addition, deletion or modification within a period of thirty days from the date of the receipt of such direction and ask for compliance report only in respect of provisions which the Certifying Officer seeks to get so amended and such report shall be sent either electronically or otherwise by the employer.

(3) If no observation is made by the Certifying Officer within a period of thirty days from the date of the receipt of the information as specified in sub-rules (1) and (2), then, the Standing Order shall be deemed to have been adopted by the employer.

30. Manner of choosing representatives of workers of the industrial establishment or undertaking for issuing notice by Certifying Officer, where there is no Trade Union operating.- Where there is no such Trade Union as is referred to in clause (ii) of sub-section (5) of section 30, then, the Certifying Officer himself or any officer authorised by him shall call a meeting of the workers to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the Standing Order requiring objections, if any, which the workers may desire to make to the draft Standing Order to be submitted within fifteen days from the date of receipt of the notice.

31. Manner of authentication of certified Standing Orders under sub-section (8) of section 30.- Standing Orders or modification in the Standing Orders, certified in pursuance of sub-section (8) of section 30 or the copies of the order of the appellate authority under sub-section (1) of section 33 shall be authenticated by the Certifying Officer or the appellate authority, as the case may be, and shall be sent either electronically or otherwise within a week to all concerned, but there shall not be any requirement of certification in cases of deemed certification under sub-section (3) of section 30 and in cases where the employer has certified adoption of model Standing Orders.

32. Statement to be accompanied with draft Standing Orders under sub-section (9) of section 30.- The statement to be accompanied with-

(i) draft Standing Order shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and strength and details of workers employed therein including particulars of Trade Union to which such workers belong; and

(ii) draft modification in the existing Standing Orders shall contain, the particulars of such Standing Orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provision of Standing Order in force and proposed modification therein and reasons thereof and such statement shall be signed by a person authorised by the industrial establishment or undertaking.

33. Conditions for submission of draft Standing Order in similar establishments under sub-section (10) of section 30.- A group of employers engaged in similar Industrial Establishments may submit a joint draft Standing Order under section 30 and for the purposes of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof, after consultation with all the concerned Trade Unions or negotiating union or negotiating council, if any:

Provided that the Joint draft Standing Order, shall be drafted and submitted to the Commissioner of Labour who shall, in consultation with the Certifying Officer concerned, certify or refuse to certify the joint draft Standing Order, after recording reasons thereof.

34. Manner of disposal of appeal by appellate authority under section 32.- (1) An employer or Trade Union or negotiating union desirous of preferring an appeal against the order of the certifying officer given under sub-section (5) of section 30 shall, within sixty days of the receipt of such order, draw up a memorandum of appeal in a tabular form stating therein the provisions of the Standing Orders which are required to be modified or deleted or added and reasons thereof and shall be filed either electronically or otherwise to the appellate authority.

(2) Where the appellate authority does not confirm the Standing Orders, he shall fix a date for the hearing of the appeal and direct notice thereof to be given –

(a) where the appeal is filed by the employer or a worker, to the Trade Union of the workers of the industrial establishment or to the representative body of the workers concerned or to the employer, as the case may be;

(b) where the appeal is filed by a Trade Union, to the employer and all other Trade Unions of the workers of the industrial establishment; and

(c) where the appeal is filed by the representative of the workers, to the employer and any other worker whom the appellate authority includes as a party to the appeal.

(3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

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

(5) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or consider to be relevant if produced and after hearing the parties dispose of the appeal.

(6) The appellate authority shall pass an order within sixty days from the date of the filing of appeal, either confirming the Standing Orders or directing the employer to modify the Standing Orders.

35. The language and the manner of maintaining Standing Order under sub-section (1) and (2) of section 33.- (1) The Standing Order finally certified by Certifying Officer shall be sent electronically except in the case of deemed certification under section 30.

(2) The text of the Standing Order as finally certified or deemed to have been certified or adopted model Standing Order under this Chapter shall be maintained by the employer in Tamil and English.

36. Register for final certified copy of Standing Order under section 34.- (1) The Certifying Officer shall maintain electronically, a register in **Form-XIII** of all Standing Orders certified or deemed to have been certified or adopted model Standing Orders of all the concerned industrial establishments, inter-alia, containing the details of –

(a) the unique number assigned to each Standing Order;

(b) name of industrial establishment;

(c) nature of industrial establishment;

(d) date of certification or deemed certification or date of adoption of model Standing Order by the industrial establishment or undertaking;

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

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

(2) The Certifying Officer shall furnish a copy thereof to any person applying therefor on payment of two rupees per page of the certified Standing Orders or deemed certified Standing Orders, as the case may be. The payment for such purpose can also be made through electronic mode.

37. Application for modification of Standing Order under sub-section (2) of section 35.- The application for modification of an existing Standing Order under sub-section (2) of section 35 shall be submitted electronically and shall contain the particulars of such Standing Order which are proposed to be modified along with a tabular statement containing details of each of the relevant provisions of the Standing Order in force, and proposed modification therein, reasons thereof and the details of registered Trade Union(s) operating therein, and such statement shall be signed by a person authorised by the industrial establishment or undertaking.

Chapter V

Notice of Change

38. The manner of giving of notice for change proposed to be effected under clause (i) of section 40.- (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form-XIV** to such worker affected by such change or to the negotiating Trade Union / member of the negotiating council.

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

Provided that where there is a registered Trade Union or registered Trade Unions relating to the industrial establishment, a copy of such notice shall also be served simultaneously on the Secretary of such Trade Union or each of the Secretaries of such Unions, as the case may be.

Chapter VI

Voluntary Reference of Disputes to Arbitration

39. Form of arbitration agreement and the manner thereof under sub-section (3) of section 42. - (1) Where the employer and workers agree to refer the dispute to arbitration, the Arbitration Agreement shall be in **Form-XV** and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent either in writing or electronically of arbitrator or arbitrators.

(2) The Arbitration Agreement referred to in sub-rule (1) shall be signed,-

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

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

(iii) in case of an individual worker, by the worker himself or by an officer of the registered Trade Union of which the worker is a member.

Explanation.-(1) In this rule, the expression "officer" means any officer of a registered Trade Union or an association of the employer authorised for such purpose.

(2) In this rule "officer" means any of the following officers, namely:-

(a) the President;

(b) the Vice-President;

(c) the Secretary (including the General Secretary);

(d) a Joint Secretary; and

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

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

41. Manner of choosing representatives of workers where there is no Trade Union.- Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators in pursuance of clause (c) of the proviso to sub-section (5) of section 42, shall be chosen by a resolution passed by the majority of workers and authorised in Form-XVI. Such workers shall be bound by the acts of the representatives, so authorised.

Chapter VII

Mechanism for Resolution of Industrial Disputes

42. Manner of filling up of vacancy under sub-section (9) of section 44, procedure for selection, salaries and allowances and other terms and conditions of Judicial Member of the Industrial Tribunal of the State under sub-sections (4) and (5) of section 44.- (1) A person shall be qualified for appointment as the Judicial Member of a Industrial Tribunal if-

(a) he is, or has been, a Judge of the High Court of Madras; or

(b) he has, for a period of not less than three years, been a District Judge or an Additional District Judge; or

(c) he has been the Presiding Officer of a Labour Court constituted under the Industrial Disputes Act, 1947 (Central Act 14 of 1947), for not less than five years.

(2) The Judicial Member shall be appointed by the Government on the recommendation of a Search-Cum-Selection Committee specified in sub-rule (3).

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

(i) Chief Justice of the High Court of Madras or a Judge of High Court nominated by him – Chairperson;

(ii) Secretary to the Government in charge of Labour Welfare and Skill Development Department – Member;

(iii) Secretary to Government in charge of Human Resources Management Department – Member;

(iv) Secretary to Government in charge of Law Department – Member; and

(v) Commissioner of Labour - Member

(4) The Search-cum-Selection Committee (SCSC) shall determine its procedure for making its recommendation and, after taking into account the qualification, suitability, record of past performance, integrity as well as adjudicatory experience keeping in view of the requirement of the Industrial Tribunal, and recommend a person for appointment to each post.

(5) No serving Judicial Officer can be appointed to the Industrial Tribunal by the Government without obtaining prior concurrence of the Hon'ble High Court of Madras.

(6) No appointment of a Judicial Member shall be declared invalid merely by reason of a vacancy or absence of any member in the Search-cum-Selection Committee.

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

(8) In case of casual vacancy in the office of Judicial Member, the Government shall appoint the Judicial Member of any other Industrial Tribunal to officiate as Judicial Member.

(9) (a) A Judicial Member shall be paid a salary of rupees 2,25,000/- per month or as fixed by the Government, from time to time, and shall be entitled to draw allowances as are admissible to an officer of the Government holding Group A post carrying the same pay.

(b) In case of appointment of retired High Court Judge, his pay shall be reduced by the gross amount of pension drawn by him.

(10) (a) In case of serving High Court Judges, the service rendered in the Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service to which they belong and they shall be governed by the provisions of General Provident Fund (Central Service) Rules, 1960 and the rules for pension applicable to them.

(b) In case of retired High Court Judges, they shall be entitled to join Contributory Provident Fund Scheme as per rules during the period of their re-employment and additional gratuity shall not be paid for the service rendered in the Industrial Tribunal.

(11) A Judicial Member shall be entitled for house rent allowance at the rate as admissible to an officer of the Government holding Group A post carrying the same pay or may be allotted a suitable Government accommodation.

(12) (a) In case of serving High Court Judges, leave shall be admissible as admissible to the serving High Court Judges.

(b) In case of retired High Court Judges, leave shall be admissible as are admissible to an officer of the Government holding Group A post carrying the same pay.

(13) (a) The Government shall be the leave sanctioning authority for the Judicial Member.

(b) The Government shall be the sanctioning authority for foreign travel to the Judicial Member.

(14) Government Health Scheme facilities as admissible to an officer of the Government holding Group A post carrying the same pay shall be applicable.

(15) (a) Travelling allowance to a Judicial member shall be admissible as per the entitlement of an officer of the Government holding Group A post carrying the same pay.

(b) In the case of retired High Court Judge, transfer travelling allowance for joining the Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the Government holding Group A post carrying the same pay.

(16) A Judicial Member shall be entitled for leave travel concession as admissible to an officer of the Government holding Group A post carrying the same pay.

(17) A Judicial Member shall be entitled for transport allowance as admissible to an officer of the Government holding Group A post carrying the same pay.

(18) No person shall be appointed as Judicial Member unless he is declared medically fit by an authority specified by the Government in this behalf.

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

(b) If on preliminary scrutiny, the Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of a Judicial Member, it shall make a reference to the Search-Cum-Selection Committee to conduct the inquiry.

(c) The Search-Cum-Selection Committee shall complete the inquiry within six months time or such further time as may be specified by the Government.

(d) After conclusion of the inquiry, the Search-Cum-Selection Committee shall submit its report to the Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.

(e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (Central Act 5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

(20) A Judicial Member may resign his office at any time by giving notice to this effect in writing under his hand addressed to the Government:

Provided that the Judicial Member shall, unless he is permitted by the Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

(21) (a) The Government shall, on the recommendation of Search-Cum-Selection Committee, remove from office any Judicial Member, who,—

- (a) has been adjudged as an insolvent; or
- (b) has been convicted of an offence which involves moral turpitude; or
- (c) has become physically or mentally incapable of acting as such a Judicial Member; or
- (d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Judicial Member; or
- (e) has so abused his position as to render his continuance in office prejudicial to the public interest:

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

(22) Every person appointed as Judicial Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in **Form-XVII**.

(23) Matter relating to the terms and conditions of services of the Judicial Member with respect to which no express provision has been made in these rules, shall be referred by the Industrial Tribunal to the Government for its decision, and the decision of the Government thereon shall be binding.

(24) The Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

(25) If, for any reason a permanent vacancy occurs in the office of the tribunal, the Government shall fill up the vacancy in accordance with the provisions of this Code.

43. Manner of filling up of vacancy under sub-section (9) of section 44 and procedure for selection, salaries and allowances and other terms and conditions of Administrative Member of the Industrial Tribunal of the State under sub-sections (4) and (5) of section 44.- (1) A person shall be qualified for appointment as an Administrative Member of the Industrial Tribunal if-

- (a) he is or has been a member of Indian Administrative Service with experience of handling labour related matters; or
- (b) he is or has been an Additional Secretary to Government having experience of handling labour related matters; or
- (c) he is or has been an Additional Commissioner of Labour in the Tamil Nadu Labour Service; or
- (d) he is or has been a Joint Commissioner of Labour in the Tamil Nadu Labour Service for a period of 3 years.

(2) The Administrative Member shall be appointed by the Government on the recommendation of a Search-Cum-Selection Committee specified in sub-rule (3).

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

- (i) The Chief Secretary to Government – Chairperson;
- (ii) Secretary to Government in charge of Labour Welfare and Skill Development Department – Member;
- (iii) Secretary to Government in charge of Human Resources Management Department – Member;
- (iv) Secretary to Government in charge of Law Department – Member; and
- (v) The Commissioner of Labour - Member

(4) The Search-cum-Selection Committee shall determine its procedure for making its recommendation and, after taking into account the qualification, suitability, record of past performance, integrity as well as experience keeping in view of the requirement of the Tribunal and recommend a person for appointment to the said post.

(5) No appointment of Administrative Member shall be declared invalid merely by reason of vacancy or absence of any Member in the Search-cum-Selection Committee.

(6) An administrative Member shall hold office for a term of four years or till he attains the age of sixty-five years, whichever is earlier.

(7) In case of casual vacancy in the office of Administrative Member, the Government shall appoint the Administrative Member of any other Industrial Tribunal to officiate as Administrative Member.

(8) The Administrative Member shall be paid a salary of rupees 2,25,000/- per month or fixed by the Government, from time to time and shall be entitled to draw allowances as are admissible to an officer of the State holding Group A post carrying the same pay. In the case of retired Government Officer, his pay shall be reduced by the gross amount of pension drawn by him.

(9) (a) In the case of a serving Government Officer, the service rendered in Industrial Tribunal shall be counted for pension to be drawn in accordance with the extant rules of the service which he belong and shall be governed by the prevalent Provident Fund Rules in the State.

(b) In the case of retired Government Officer, they shall be entitled to join Contributory Provident Fund Scheme as per extant rules during period of their re-employment. Additional gratuity shall not be admissible for the service rendered by the Administrative Member in the Industrial Tribunal.

(10) The Administrative Member shall be entitled for house rent allowance at the rate as admissible to an officer of the Government holding Group A post carrying the same pay or may be allotted a suitable Government accommodation.

(11) (a) In case of serving Government Officer, leave shall be admissible in accordance with the extant rules of the service which he belongs.

(b) In case of retired Government Officer, leave shall be admissible as are admissible to an officer of the Government holding Group A post carrying the same pay.

(12) (a) The Government shall be the leave sanctioning authority for the Member.

(b) The Government shall be the sanctioning authority for foreign travel to the Administrative Member.

(13) Government Health Scheme facilities as admissible to an officer of the Government holding Group A post carrying the same pay shall be applicable.

(14) (a) Travelling allowance to an Administrative Member shall be admissible as per the entitlement of an officer of the Government holding Group A post carrying the same pay.

(b) In the case of retired Government Officer, transfer travelling allowance for joining the State Industrial Tribunal from home town to head quarter and vice-versa at the end of assignment shall also be admissible as entitlement of an officer of the Government holding Group A post carrying the same pay.

(15) An Administrative Member shall be entitled for leave travel concession as admissible to an officer of the Government holding Group A post carrying the same pay.

(16) An Administrative Member shall be entitled for transport allowance as admissible to an officer of the Government holding Group A post carrying the same pay.

(17) No person shall be appointed as an Administrative Member, unless he is declared medically fit by an authority specified by the Government in this behalf.

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

(b) If on preliminary scrutiny, the Government is of the opinion that there are reasonable grounds for making an inquiry into the truth of any misbehaviour or incapacity of an Administrative Member, it shall make a reference to the Search-cum-Selection Committee to conduct the inquiry.

(c) The Search-cum-Selection Committee shall complete the inquiry within six months' time or such further time as may be specified by the Government.

(d) After conclusion of the inquiry, the Search-cum-Selection Committee shall submit its report to the Government stating therein its findings and the reasons thereof on each of the charges separately with such observations on the whole case as it may think fit.

(e) The Search-Cum-Selection Committee shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 (Central Act 5 of 1908) but shall be guided by the principles of natural justice and shall have power to regulate its own procedure, including the fixing of date, place and time of its inquiry.

(19) An Administrative Member may, resign his office at any time by giving notice to this effect in writing under his hand addressed to the Government:

Provided that the Administrative Member shall, unless he is permitted by the Government to relinquish office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as a successor enters upon his office or until the expiry of his term of the office, whichever is earlier.

(20) The Government shall, on the recommendation of the Search-cum-Selection Committee, remove from office any Administrative Member, who-

(a) has been adjudged as an insolvent; or

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

(c) has become physically or mentally incapable of acting as such Member; or

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

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

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

(21) Every person appointed as Administrative Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in **Form XVII**.

(22) Matter relating to the terms and conditions of services of the Administrative Member with respect to which no express provision has been made in these rules, shall be referred by the Industrial Tribunal to the Government for its decision, and the decision of the Government thereon shall be binding.

(23) The Government shall have power to relax the provision of any of these rules in respect of any class or categories of persons for the reasons to be recorded in writing.

(24) If, for any reason a permanent vacancy occurs in the office of the tribunal, the Government shall fill up the vacancy in accordance with the provision of this Code.

44. Holding of conciliation proceedings under sub-section (1), full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.- (1) Where the conciliation officer, –

- (a) receives a notice of a strike or lockout given under section 62; or
- (b) receives an application in respect to an existing industrial dispute; or
- (c) receives information regarding apprehended industrial dispute,

then, he shall in case of clause (a) hold conciliation proceedings and inform the concerned parties, the date of sitting for such purpose and in case of clause (b) examine the application and if he finds that such dispute pertains to the jurisdiction of the Central Government, transfer the application to the concerned authority or otherwise proceed with the application and hold the conciliation in respect thereof and in case of clause (c) issue fresh notice to the parties concerned declaring his intention to commence conciliation proceedings.

(2) The employer or the workers' representative in the first meeting shall submit their respective statement in the matter of the said dispute.

(3) The conciliation officer shall hold conciliation proceedings for the purpose of bringing about a settlement of the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement.

(4) If no such settlement is arrived at in the conciliation proceedings referred to in sub-rule (1), the conciliation officer shall submit a report to the Government electronically or by registered post or by speed post or on the designated portal of the Labour Welfare and Skill Development Department of the Government within seven days from the date on which the conciliation proceedings are concluded.

(5) If a settlement of dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the Conciliation Officer shall, apart from sending a report thereof to the Government or an officer authorised in this behalf by the Government, send a memorandum of the settlement signed by the parties to the dispute, electronically or by registered post or by speed post or upload on the designated portal of the Labour Welfare and Skill Development Department of the Government.

(6) The report referred to in sub-rule (4) shall be sent to the parties concerned electronically or by registered post or by speed post or shall be accessible to the parties on the designated portal of the Labour Welfare and Skill Development Department of the Government.

(7) The conciliation officer shall send his report to the concerned parties and to the Government within a period of forty-five days from the date of commencement of the conciliation proceedings.

(8) All the evidences except documentary evidence, before the conciliation officer shall be filed in the form of affidavit and the opposite party shall be given opportunity to file reply thereto in the affidavit form.

(9) The report referred to in sub-rule (4) shall contain inter-alia the submissions of the employer, worker or Trade Union, as the case may be, and it shall also contain the efforts made by the conciliation officer to bring the parties to an amicable settlement, reason for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.

45. Proceedings before Tribunal.-(1) Any dispute which is not settled during the conciliation proceedings, then, either of the concerned party may make an application in **Form-XVIII**, before the Tribunal either electronically or by registered post or by speed post or on the designated portal of the Labour Welfare and Skill Development Department of the Government within ninety days from the date of the report under sub-rule (4) of rule 45.

(2) On receipt of an application referred to in sub-rule(1), the Tribunal shall direct the party raising the dispute to file a statement of claim with complete details along with relevant documents, list of supporting documents and witnesses within thirty days from the date on which the application is filed and a copy of such statement may be sent electronically or by registered post or by speed post or uploaded on the designated portal of the Labour Welfare and Skill Development Department of the Government for service on each of the opposite parties to the dispute.

(3) The Tribunal, after ascertaining that copies of statement of claim and other related documents are furnished to the other side by the party raising the dispute, shall fix the first hearing as soon as possible and within a period of one month from the date of receipt of the application and the opposite party shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party for service.

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

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

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

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

Provided that the Tribunal for reasons to be recorded in writing, grant an adjournment exceeding a week at a time but not in any case more than three adjournments, at the instance of any one of the parties to the dispute, shall be granted.

(8) A tribunal or arbitrator may, at any time, correct any clerical or arithmetical mistake or error arising from an accidental slip or omission in any proceedings, report, award or decision either on his own motion or on application of any of the parties.

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

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

(10) The Tribunal shall communicate its award either electronically or by registered post or by speed post to the parties concerned and the Government or upload on the designated portal of the Labour Welfare and Skill Development Department of the Government within one month from the date of the award.

(11) The Tribunal may summon and examine any person whose evidence appears to it to be material for deciding the case and shall be deemed to be a civil court within the meaning of sections 345, 346 and 348 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

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

(13) A party to an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee either electronically or by bank draft in the Tribunal in the following manner, namely :-

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

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

(c) Copying and certifying fees shall be payable electronically; and

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

(14) The representatives of the parties appearing before a Tribunal or an Arbitrator shall have the right of examination, cross-examination and of addressing the tribunal or the arbitrator, when evidence has been called.

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

Provided that the proceedings before the Tribunal may be, at the request of the parties or of the directions of the Tribunal, held by video conferencing:

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

(16) A conciliation officer, Judicial Member or Administrative Member of the Tribunal or any person authorised in writing by the conciliation officer or Tribunal in this behalf may, for the purposes of any conciliation or adjudication under the Code at

any time between the hours of sunrise and sunset and in the case of person so authorized after giving reasonable notice in writing, may enter any building, factory, workshop, or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject matter of conciliation or adjudication, as the case may be.

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

Chapter VIII

Strikes and Lock-outs

46. Notice of strike under sub-section (1) of section 62. – (1) The notice of strike shall be given to the employer of an industrial establishment in **Form-XIX** which shall be duly signed by the Secretary of the registered Trade Union, or where there is no registered Trade Union, by five elected representatives relating to such industrial establishment, endorsing copies thereof either electronically or by registered post or by speed post or in person to the conciliation officer, the Commissioner of Labour and the Government.

(2) If the employer of an industrial establishment receives from any person employed by him any notice of strike then he shall within five days from the date of receiving of such notice, intimate the same either electronically or otherwise to the concerned conciliation officer and the Commissioner of Labour.

47. Notice of lock-out under sub-section (2) of section 62. – (1) The notice of lock-out shall be given by the employer of an industrial establishment in **Form-XX** to the Secretary of every registered Trade Union relating to such industrial establishment endorsing copies thereof to the concerned conciliation officer, the Commissioner of Labour and the Government either electronically or otherwise. The notice shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

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

Chapter IX

Lay-off, Retrenchment and Closure

48. Notice of retrenchment under clause (c) of section 70. - If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of such retrenchment, in **Form-XXI** to the authority notified by the Government, through e-mail or, by registered post or speed post.

49. Re-employment to the retrenched workers under section 72.- Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall offer an opportunity at least 10 days before by registered post or speed post and through e-mail to such retrenched workers who are citizens of India. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy.

50. Notice of closure under sub- section (1) of section 74. — If an employer intendsto close down an industrial establishment he shall give notice of such closure in **Form-XXI** to the Government and a copy thereof to the Commissioner of Labour, by e-mail and by registered post or speed post.

Chapter X

Special Provisions Relating to Lay-off, Retrenchment and Closure in Certain Establishments

51. Notice of lay-off under sub-section (2) of section 78.- An application for permission shall be made by the employer in **Form-XXII** stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to both the worker, the Trade Union concerned and the Conciliation officer, electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

52. Time-limit for review under sub-section (7) of section 78.- The Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of the section 78 within a period of thirty days from the date on which such order is made.

53. Application for the intended retrenchment and manner of serving copies to workers under sub-section (2) of section 79.- An application for permission referred to in sub-section (1) of section 79 shall be made by the employer in **Form-XXII** to the Government stating therein the reasons for the intended retrenchment and a copy of such application shall

also be sent to both the workers and the Trade Union concerned, electronically and by registered post or speed post. Such application shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

54. Time-limit for review under sub-section (6) of section 79.- The Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79 within a period of thirty days from the date on which such order is made.

55. Application for intended closing down of industrial establishment and manner of serving copy of such application to representatives of workers under sub-section (1) of section 80.- An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply either electronically or otherwise in **Form-XXII** for prior permission at least ninety days before the date on which intended closure is to become effective to the Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers or the Trade Union in the industrial establishment electronically and by registered post or speed post.

56. Time-limit for review under sub-section (5) of section 80.- The Government may, either on its own motion or on an application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80 within a period of thirty days from the date on which such order is made.

Chapter XI

Worker Re-Skilling Fund

57. Sources of contribution to worker re-skilling fund under clause (b) of sub-section (2) of Section 83.- In addition to contribution of employer under clause (a) of sub-section (2) of section 83, the fund shall consist of.—

- (a) contribution from the Central Government or any body or authority of the Central Government; and
- (b) contribution from the State Government or any body or authority of the Government.

58. Manner of utilisation of fund under sub-section (3) of section 83.- Every employer who has retrenched a worker under this Code, shall, within ten days of retrenching a worker shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker in the account (name of the account shall be displayed in the website of the Labour department) to be maintained by the Conciliation Officer. The fund so received shall be transferred by the Conciliation Officer to each worker's account electronically within forty five days of receipt of funds from the employer and the worker shall utilise such amount for his re-skilling. The employer shall also submit the list containing the name of each worker retrenched, the amount equivalent to fifteen days of wages last drawn in respect of each such worker along with their bank account details to enable the Conciliation Officer to transfer the amount to their respective account.

Chapter XII

Offences and Penalties

59. Manner of composition of offence by Gazetted Officer specified under sub-section (1) of section 89 and manner of making application for compounding of offence specified under sub-section (4) of section 89.- (1) The officer notified by the Government for the purpose of compounding of offences (hereinafter referred to as the compounding officer), shall in the case of an offence in which prosecution is not instituted, and the compounding officer is of the opinion that the offence is permissible for compounding under section 89, he shall send a notice through Labour Department Portal of the Government to the accused in **Form-XXIII** consisting of three parts. In Part-I of such Form, the compounding officer shall *inter-alia* specify the name of the offender and his other particulars, the details of the offence and the relevant section, and the amount to be paid towards composition of the offence. Part-II of the Form shall specify the consequences, if the offence is not compounded and Part-III of the Form shall contain the application to be filed by the accused if he desires to compound the offence. Each notice shall have a continuous unique number containing alphabets or numeric and other details such as officer sending notice, year, place, type of inspection for the purpose of easy identification.

(2) The accused to whom the notice referred to in sub-rule (1) is served, may send Part-III of the Form duly filled by him to the compounding officer electronically and deposit the compounding amount either electronically or otherwise, within fifteen days from the date of receipt of the notice, in the account specified by the compounding officer.

(3) Where prosecution has already been instituted against the accused in the competent Court, he may make an application to the Court to compound the offence against him and the Court, after considering the application, may allow composition of the offence by the Compounding officer in accordance with the provisions of section 89.

(4) If the accused complies with the requirement of sub-rule (2), the Compounding officer shall allow the accused to compound the offence and-

(a) if the offence is compounded before the prosecution, then no complaint for prosecution shall be instituted against the accused; and

(b) if the offence is compounded after institution of prosecution under sub-rule (3) then with the permission of the Court, the compounding officer shall treat the case as closed as if no prosecution had been launched and will proceed in accordance with composition as under clause (a) and intimate the composition of offence to the competent Court in which the prosecution is pending and after receiving such intimation, the Court shall discharge the accused and close the prosecution.

(5) The compounding officer shall exercise the powers to compound the offence under this rule, subject to the direction, control and supervision of the Government.

Chapter XIII

Miscellaneous

60. Protected workers under sub-sections (3) and (4) of section 90.- (1) Every registered Trade Union connected with an industrial establishment, to which the Code applies, shall communicate to the employer, before the 30th September of every year, the names and addresses of such of the officers of the Trade Union who are employed in that establishment and as in its opinion, should be recognized as "protected workers" during the subsequent calendar year. Any change in the incumbency of any such officer shall be communicated to the employer by the Trade Union within fifteen days of such change. In case of any dispute between the employer and any registered Trade Union in respect of matters connected with the recognition of "protected workers" the 30th September of every year shall be taken as the date for determining the representative character of each Trade Union for the purpose of this rule.

(2) The employer shall, recognise such workmen to be "protected workers" and communicate to the Trade Union, in writing, within fifteen days from the date of the receipt of the names and addresses under sub-rule (1), the list of workmen recognised as "protected workers" for the period of twelve months from the date of such communication:

Provided that where the number of officers suggested for recognition as "protected workers" falls short of the number of officers for whom recognition can be given in respect of the Trade Union, the employer shall intimate the fact to the Trade Union and the Trade Union shall thereupon be entitled to select additional officers to be recognised as "protected workers". Such selection shall be made by the Trade Union and communicated to the employer within five days from the date of receipt of the employer's letter. On receipt of the communication, the employer shall act as specified in this sub-rule.

(3) Where the number of officers suggested for recognition by the Trade Union exceeds that for which recognition can be given according to sub-section (4) of section 90, the required number shall be selected according to the order of priority suggested by the Trade Union.

(4) Where there is more than one registered Trade Union in the establishment, the maximum number of workmen to be recognised as "protected workers" shall be so distributed by the employer among the Trade Unions, that the number of recognised "protected workers" in the individual Trade Union bear, as nearly as possible, the same proportion to one another as the membership figures of the Trade Unions. The employer shall, in that case, intimate in writing to the Secretary or Principal Officer of the Trade Union the number of "protected workers" allotted to it.

(5) When a dispute arises between the employer and any registered Trade Union in respect of matters connected with the recognition of "protected workers" under this rule, the dispute shall be referred to the concerned conciliation officer. The conciliation officer may call for and scrutinize such of the records as may be considered to be relevant and shall give the parties a reasonable opportunity of stating their case before giving a decision. The decision of the conciliation officer shall be final.

61. Manner of making complaint by an aggrieved worker under section 91.- (1) Every complaint shall be made electronically and by registered post or speed post in **Form-XXIV** and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.

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

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

(2) Where the employer, is not a member of any association of employers, may authorise in **Form-XVI** an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged to represent him in any proceeding under the Code relating to a dispute in which the employer is a party.

FORM- I

(see rule 3)

(MEMORANDUM OF SETTLEMENT ARRIVED AT DURING CONCILIATION OR SETTLEMENT ARRIVED AT BETWEEN THE EMPLOYER AND HIS WORKERS OTHERWISE THAN IN THE COURSE OF CONCILIATION PROCEEDING)

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties

Witnesses:

(1)

(2)

*Signature of Conciliation Officer

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

FORM-II**REGISTER OF MEMBERSHIP AND SUBSCRIPTION****[see rule 9 (5)]**

	(1)	Sl. No.	
	(2)	Token or works number	
	(3)	Name	
	(4)	Date of admission	
	(5)	Occupation	
	(6)	Rate Pay	
	(7)	Rate Subscription	
	(a)	January	Subscription Paid (8)
	(b)	February	
	(c)	March	
	(d)	April	
	(e)	May	
	(f)	June	
	(g)	July	
	(h)	August	
	(i)	September	
	(j)	October	
	(k)	November	
	(l)	December	
	(9)	Rs. p.	Total
	(10)	Rs. p.	Amount outstanding at the end of the year

FORM-III**APPLICATION FOR REGISTRATION OF TRADE UNION****[see rule 10(1) and (3)]**

Dated the _____ day of _____ 20____

1	We hereby apply for the registration of a trade union under the name of	
2	The address of the head office of the union is	
3	The union came into existence on the.....day of 20 .	
4	The union is a union of employers/workers engaged in the industry.	
5	A copy of the rules of the union duly subscribed as required by section 6 of the Industrial Relations Code, 2020 (Central Act 35 of 2020) is appended hereto.	
6	The particulars required by section 8 of the Industrial Relations Code, 2020 (Central Act 35 of 2020) are given in Schedule I.	
7	The particulars given in Schedule II show the provision made in the rules for the matters detailed in section 7 of the Industrial Relations Code, 2020 (Central Act 35 of 2020)	
8	(To be struck out in the case of unions which have not been in existence for one year before the date of application.) The particulars required by section 8 (2) of the Industrial Relations Code, 2020 (Central Act 35 of 2020) are given in Schedule III.	

9. We have been duly authorised to make this application by*

Signed	Signature	Occupation	Address
1.			
2.			
3.			
4.			
5.			
6.			
7.			

* State here whether the authority was given by a resolution of general meeting of the union, or if not, in what other way it was given.

To the Registrar of trade unions

SCHEDULE-1.

List of office-bearers

<u>Title</u>	<u>Name</u>	<u>Age</u>	<u>Address</u>	<u>Occupation</u>

NOTE.-- Enter in this Schedule the name of all members of the executive of the Union, showing in column 1 the names of any posts held by them (e.g., President, Secretary, Treasurer, etc.), in addition to their offices as members of the executive.

CERTIFICATE

Certified that none of the office-bearers of the * Trade Union has been disqualified under section 21 of the Industrial Relations Code, 2020 (Central Act 35 of 2020) for being chosen as office-bearer.

*Here enter the name of Trade Union. (To be signed by seven persons)

<u>Sl. No.</u>	<u>Signed</u>
(1)	
(2)	
(3)	
(4)	
(5)	
(6)	
(7)	

SCHEDULE-II.

Reference to Rules

The numbers of the rules making provision for the several matters detailed in column (1) are given in column (2) below

<u>Matter</u>	<u>Number of rules</u>
(1)	(2)
Name of Union	
The whole of the objects for which the union has been established.	
The whole of the purposes for, which the general funds of the union shall be applicable.	
The maintenance of a list of members.	
The facilities provided for the inspection of the list of members by office-bearers and members.	
The admission of ordinary members.	
The admission of honorary or temporary members.	

The conditions under which members are entitled to benefits assured by the rules.	
The conditions under which fines or forfeitures can be imposed or varied.	
The manner in which the rules shall be amended, varied or rescinded.	
The manner in which the members of the executive and other office-bearers of the union shall be appointed and removed.	
The safe custody of the funds.	
The annual audit of the accounts.	
The facilities for the inspection of the account books by office-bearers and members.	
The manner in which the union may be dissolved.	

SCHEDULE-III.

[This need not be filled if the Trade Union came into existence less than one year before the date of application for registration.]

Statement of Liabilities and Assets on the day of 20

<u>Liabilities</u>	<u>Rs</u>	<u>P.</u>	<u>Assets</u>	<u>Rs</u>	<u>P.</u>
Amount of General fund.			Cash		
Amount of political fund			In hands of Treasurer		
Loans from --			In hands of Secretary		
			In hands of		
			In the.....Bank		
			In the.....Bank		
			Securities as per list below		
			Unpaid Subscriptions due		
			Loans to		
Debts due to					
			Immovable property		
			Goods and furniture		
Other liabilities (to be specified).			Other assets		
			(to be specified).		
Total Liabilities			Total Assets		

List of Securities

<u>Particulars</u>	<u>Nominal value</u>	<u>Market value</u>	<u>In hands of</u>
Signed			
1			
2			
3			
4			
5			
6			
7			

FORM-IV

[see rule 10(2)]

STANDARD FORMAT OF AFFIDAVIT FOR REGISTRATION OF TRADE UNION BEFORE REGISTRAR OF TRADE UNION, TAMIL NADU

The deponents submit

1. That we have made application for the registration of Trade Union under sub- section (1) of section 6 of the Industrial Relation Code 2020 (Central Act 35 of 2020) read with Rule 10 under name

..... (Proposed name of the Trade Union).

2. That we are duly authorised to make application for the registration of the said Trade Union.

3. That the content of application and documents attached with application are true and correct and nothing has been concealed.

Signature of the deponents

1-.....

2-.....

3-.....

4-.....

5-.....

6-.....

7-.....

Verification

It is verified that the contents of the aforesaid affidavit are to the best of my Knowledge and belief, true and correct.

Date.../.../.....(dd/mm/yy)

Signature of Applicant(s)

FORM-V**CERTIFICATE OF REGISTRATION OF TRADE UNION****[see rule 11]**

No.

It is hereby certified that the _____ has been registered
under the Industrial Relations Code, 2020 (Central Act 35 of 2020) this -----day of -----20

(Seal)

Registrar of Trade Unions

FORM VI**REGISTER OF TRADE UNIONS****[see rule 11(3)]**

1. Serial number:
2. Date of registration:
3. (a) Names of the members making the application:
(b) Occupation of the members making the application:
(c) Address of the members making the application:
4. Name of Trade Union:
5. Address of the head office of Trade Union:
6. Date of establishment of Trade Union:
7. Office-bearers of Trade Union:
Title
Name
Age
Occupation
Address
8. Signature of the Registrar:
9. (a) Whether provision has been made for a separate fund under section 15(2) and if so from what date:
(b) Initials of the Registrar:
10. (a) Date of intimation for alteration of rules:
(b) Date of registration of alteration of rules and issue of a certified copy thereof:
(c) Initials of the Registrar:

11. (a) Date of registration of change of address of registered office:
 - (b) Address of the Trade Union as changed:
 - (c) Initials of the Registrar:
12. (a) Date of registration of change of name:
 - (b) Name of the Trade Union as changed:
 - (c) Initials of the Registrar:
13. (a) Date of registration of amalgamation:
 - (b) Name of the amalgamated union:
 - (c) Registration number of the amalgamated union:
 - (d) Initials of the Registrar:
14. (a) Date of application for cancellation for registration under section 9(5) (i):
 - (b) Date of giving notice for cancellation or withdrawal under section 9(5)(ii):
 - (c) Date of issue of order withdrawing or cancelling registration:
 - (d) Initials of the registrar:
15. (a) (1) Names of the members applying for dissolution:
 - (2) Occupations of the members applying for dissolution:
 - (3) Addresses of the members:
 - (b) Date of registration of dissolution and issue of certificate to that effect:
 - (c) Number and date of Registrar's proceedings ordering distribution of funds under section 25 (2), if any:
 - (d) Initials of the Registrar:

NOTE.-- One page shall be allotted for each union.

FORM VII**REQUEST TO WITHDRAW OR CANCEL THE CERTIFICATE OF REGISTRATION****[see rule 12(1)]**

Name of Trade Union :

Registration Number :

Address

Date.....day of..... 20.....

To

The Registrar of Trade Unions. Place.....

The above mentioned Trade Union desires that the Certificate of Registration may be withdrawn (or cancelled) and at a general meeting (*) duly held on the..... day of 20... it was resolved as follows:—

(Here give exact copy of Resolution)

Secretary.

(Signed) 1

(Signed)2

(Signed) 3

(Signed) 4

(Signed) 5

(Signed) 6

(Signed) 7

Members.

We hereby declare that what is stated herein is true to the best of our knowledge and belief.

(Signed) 1

(Signed) 2

(Signed) 3

(Signed) 4

(Signed) 5

(Signed) 6

(Signed) 7

Members.

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

FORM-VIII**APPLICATION FOR ADJUDICATION****[see rule 24]**

Before the Industrial Tribunal (Name and Place) where dispute arises between

(A) Name and Address and Applicant(s)

Versus

(B) Name and Address of Opposite Party(ies)

Over the matter (statement regarding specific issues of dispute may be mentioned) which are connected with relevant to the dispute under sub section (1) of Section 22 of Industrial Relation Code, 2020(Central Act 35 of 2020).

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

Name and signature of the worker(s) or

Officer of Trade Union raising the dispute

Place

Date

FORM IX**NOTICE OF AMALGAMATION OF TRADE UNION****[see rule 25]**

- a. Name of Registered Trade Union and the Number of Registration :
- b. Name of Registered Trade Union and the Number of Registration (and so on if more than two) :

Address.....

Date this..... day of.....

To.

The Registrar of Trade Unions

Place.....

Notice is hereby given that in accordance with the requirements of Section 24 of the Industrial Relations Code, 2020 (Central Act 35 of 2020) the members of each for (or every one) of the above mentioned Trade Unions have resolved to become amalgamated together as one Trade Union.

And that the following are the terms of the said amalgamation

(State the terms).

And that it is intended that the Trade Union shall henceforth be called as -----

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

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

(Signed) 1

(Signed) 2

(Signed) 3

(Signed) 4

(Signed) 5

(Signed) 6

(Signed) 7

(Name and address to which registered copy is to be sent)

FORM X

NOTICE OF THE DISSOLUTION OF A TRADE UNION

[see rule 26(1)]

Name of Trade Union

Registration No.

Address

Dated this the..... 20.....

To

The Registrar of Trade Unions,

Place.....

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

We have been duly authorised by the Trade Union to forward this notice on its behalf, such authorisation consisting of a resolution passed at a general meeting on the

*.....day of..... 20.....

(Signed) 1

Secretary.

(Signed) 2

(Signed) 3

(Signed) 4

(Signed) 5

(Signed) 6

Members

(Signed) 7

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

Encl: Original Registration Certificate.

FORM XI**ANNUAL RETURNS FOR THE YEAR ENDING 31ST DECEMBER, 20....**

[see rule 9(4) and 27(1)]

PART A

1.	Name of the Trade Union/Federation.			
2.	Address of the Trade Union/Federation.			
3.	Registered Head Office.			
4.	Number and date of certificate of registration.			
5.	Classification of Industry			
6.	Classification of Sector [please state to which of the following four categories the union belongs (a) Public Sector — Central Sphere, (b) Public Sector — State Sphere, (c) Private Sector — Central Sphere and (d) Private Sector — State Sphere.]			
7.	Name of the All India Body/ Federation to which affiliated.			
8.	Affiliation number.			
9.	Membership fee per month/per quarter/per half-year/per year.			
		Male	Female	Total
10.	Number of members / Trade Unions on books at the beginning of the year.			
11.	Number of Members/ Trade Unions admitted during the year.			
12.	Number of members/ Trade Unions who left during the year.			
13.	Number of members/ Trade Unions on books at the end of the year (i.e. on 31st March, 20.....).			
14.	Number of members/ Trade Unions contributing to political fund.			
15.	Number of members/ Trade Unions who paid their subscription for the whole year (list enclosed).			
16.	A copy of the rules of the Trade Union corrected upto the date of despatch of this return is appended.			
17.	Part B of the return overleaf has been duly completed.			

Secretary.

*If the union falls under more than one category, the membership claimed in each category may be shown separately.

PART B**Income and Expenditure Account**

Income	Rs. .P	Expenditure	Rs. .P
Balance at beginning of Year Subscription from members (including unpaid subscriptions due for the year) (a) Subscription received (b) Subscription in arrears for three months or less (c) Subscription in arrears for more than three months. Donations Sales of periodicals, books, rules, etc. Interest on investments Income from miscellaneous sources (to be specified).		Salaries and allowances of -- office-bearers Travelling allowance, salaries, allowances and expenses of establishments. Auditor's fees Legal expenses Expenses in conducting trade disputes Compensation paid to members for loss arising out of trade disputes -- Funeral, old age, sickness, unemployment benefits, etc. Educational, Social and religious benefits. Cost of publishing periodicals, Rents, rates and taxes -- Stationery, printing and postage Expenses incurred under section 15 (j) of the Trade Unions Act, 1926 (to be specified). Other expenses (to be specified). Balance at the end of year	
Total		Total	

PART C**Political Fund Account**

Balance at beginning of year	Rs. P	Payments made on objects Specified in Rule 24(2) (to be specified)	Rs. P
Contributions from members at per member		Expenses of management (to be fully specified) Balance at end of year.	
Total		Total	

Treasurer

PART D**Statement of Liabilities and Assets on the 31st day of March. 20**

Liabilities		Assets	
	Rs. P		Rs. P
Amount of general Fund		Cash In hands of Treasurer	
Amount of political Fund		In hands of Secretary	
Loans from		In hands of	
		In theBank	
		In theBank	
Debts dues to		Securities as per list below	
		Unpaid subscriptions due for	
		—(a) the year	
		*(b) previous year	
Other Liabilities (to be specified)		Loans to	
		(a) Office-bearers	
		(b) Member	
		(c) Others	
		Immovable property	
		Goods and furniture	
		Other assets (to be specified)	
Total liabilities		Total assets	

PART EList of Securities

Particulars	Face value	Cost price	Market price at date on which accounts have been made up	In hands of
(1)	(2)	(3)	(4)	(5)

Treasurer.

AUDITOR'S REPORT

I have audited the foregoing —General Fund Account, in Part B and the Political Fund Account in Part C of the (name of the Trade Union) for the ending and also the statements of Liabilities and Assets in Part D and the List of Securities in Part E of the said Trade Union as on and report that -

(i) I have obtained all the information and explanations and have had access to all the books and accounts of the Trade Union which were necessary for the purpose of my audit;

(ii) The Trade Union has properly maintained its membership register and its books of accounts as required by law;

(iii) (Subject to whatever remarks or qualifications the auditor wants to make). In my opinion and to the best of my information and according to the explanations given to me, the foregoing accounts, statements and lists have been properly drawn up and they give a true and correct view of income and expenditure, assets and liabilities of the Trade Union.

NOTE :- If the state of account is such that the Auditor is unable to express the opinion on the "true and correct" aspect of the accounts, statement and the list, he should state his reasons therefor.

Auditor

FORM XII

(see rule 28(1))

APPLICATION FOR RECOGNITION AS A STATE LEVEL TRADE UNION

Name of the Trade union / Federation of Trade Unions.....

Address.....

Dated theday of..... 20....

To.

The Secretary to the Government,
Labour Welfare and Skill Development Department,
Government of Tamil Nadu

(or)

The Authorized Officer (Designation)

Dear Sir,

I am to state that at the general meeting of the members/at the meeting of the executive of the above-mentioned Trade Union / Federation of Trade Unions which was held at on the day of..... 20...., it was resolved that the union should apply to you for recognition as State Level Trade Union under sub section (2) of Section 27 of the Industrial Relations Code, 2020 (Central Act 35 of 2020). A copy of the resolution in this behalf signed by the President/Chairman of the Trade Union is enclosed.

2. The Trade Union is duly registered on the day of.....year, under Certificate No.....
.....issued by the Registrar of Trade Unions, (Place).
3. A copy of the rules of the Trade Union is attached.
4. The address of the head office of the Trade Union to which all the communications may be addressed is.....
5. The Trade Union has affiliation of other trade unions in the state, list of such trade unions and their addresses, registration details and membership etc. is attached herewith.
6. The Trade Union has totalmembers (number) in the state (District Wise , Trade Union wise membership)

Yours faithfully,
General Secretary/Secretary.

FORM-XIV**NOTICE OF CHANGE OF SERVICE CONDITIONS PROPOSED BY AN EMPLOYER****[see rule 38(1)]**

Name of employer.....

Address.....

Dated theday of 20.....

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

Signature.....

Designation

ANNEXURE

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

Copy forwarded to:

- (1) The Secretary of registered Trade Union, if any.
- (2) The Conciliation Officer of the Concerned area.

FORM -XV

(AGREEMENT FOR VOLUNTARY ARBITRATION)

[see rule 39(1)]

BETWEEN

.....Name of the parties representing employer (s)

And

.....Representing worker

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

- (i) Specific matters in dispute.
- (ii) Details of the parties to the dispute including the name and address of the Industrial establishment or undertaking involved.
- (iii) Name of the worker in case he himself is involved in the dispute or the name of the Trade Union, if any, representing the worker or workers in question.
- (iv) Total number of workers employed in the industrial establishments affected.
- (v) Estimated number of workers affected or likely to be affected by the dispute.

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

The arbitrator (s) shall make his (their) award within a period of

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

Signature of the parties

[Representing employer] Representing worker/ workers. Witnesses

1.

2.

Copy to: (i) The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned].

(ii) The Secretary, Labour welfare and Skill Development Department, Government of Tamil Nadu.

FORM-XVI

(see rules 41, 62(1) and 62(2))

(AUTHORISATION BY A WORKER, GROUP OF WORKERS, EMPLOYER, GROUP OF EMPLOYERS TO BE REPRESENTED IN A PROCEEDING).

**Before the Authority
(Here mention the authority concerned)**

In the matter of: (mention the name of the proceeding)

.....workers VersusEmployer

I / we hereby authorise Thiru / Thiruvalargal (if representatives are more than one)

1.....2.....3 to represent me/us in the above matter.

Dated this.....day of.....20.....

Accepted

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

FORM- XVII**[see rules 42(22) and 43(21)]****FORM OF OATH OF OFFICE FOR JUDICIAL MEMBER / ADMINISTRATIVE MEMBER (WHICHEVER IS APPLICABLE)
OF STATE INDUSTRIAL TRIBUNAL**

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

(Signature)

Place :

Date:

FORM-XVIII

[see rule 45(1)]

(APPLICATION TO BE SUBMITTED BEFORE THE TRIBUNAL IN THE MATTER NOT SETTLED BY THE CONCILIATION OFFICER)

Before..... (here mention the name of the Industrial Tribunal having jurisdiction over the area)

In the matter of

..... Applicant

Address.....

Versus

..... Opposite party (ies)

Address.....

The above mentioned applicant begs to state as follows :-

(Here set out the relevant facts and circumstances of the case).

The applicant prays that the instant dispute may please be admitted for adjudication and request to pass appropriate Award.

Place

Date

Form-XIX**(see rule 46)****(NOTICE OF STRIKE TO BE GIVEN BY TRADE UNION (NAME OF UNION) / GROUP OF WORKERS)**

Name of five elected representatives of workers.....

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

To

(The name of the employer).

Dear Sir/Sirs,

In accordance with the provisions contained in sub-section (1) of section 62 of the Industrial Relations Code, 2020 (Central Act 35 of 2020), I / We hereby give you notice that I / we propose to call a strike / we propose to go on strike on20..... , for the reasons explained in the annexure.

Yours faithfully,

(Secretary of the Trade Union)

Five representatives of the workers duly elected at a meeting held on(date),vide resolution attached.

ANNEXURE**STATEMENT OF THE CASE****Copy to:**

- (1) Conciliation Officer of the Concerned area.
- (2) The Commissioner of Labour.
- (3) The Secretary, Labour Welfare and Skill Development Department, Government of Tamil Nadu.

FORM-XX

(see rule 47)

(NOTICE OF LOCK-OUT TO BE GIVEN BY AN EMPLOYER OF AN INDUSTRIAL ESTABLISHMENT)

Name of employer

Address.....

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

In accordance with the provisions of 62(2) of the Industrial Relations Code, 2020 (Central Act 35 of 2020), we hereby give notice to all concerned that it is my/our intention to effect lock out in.....department(s), section(s) of my/our establishment with effect from for the reasons explained in the annexure.

Signature.....

Designation.....

ANNEXURE

1.	Statement of reasons
2.	
3.	

Copy forwarded to:

- (1) The Secretary of the Registered Trade Union, if any
- (2) Conciliation officer [Here enter office address of the concerned area.]
- (3) The Commissioner of Labour, Chennai – 600 006.
- (4) The Secretary, Labour Welfare and Skill Development Department, Government of Tamil Nadu.

Form-XXI

(see rules 48 and 50)

(NOTICE OF INTIMATION OF RETRENCHMENT / CLOSURE TO BE GIVEN BY AN EMPLOYER TO THE GOVERNMENT)

(To be submitted online. In case of exigencies, on paper in the prescribed format below)

Name of Industrial Establishment /Undertaking/ Employer.....

Address.....

Dated.....

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

To
The Secretary,
Labour Welfare and Skill Development Department,
Chennai.

1. *(Retrenchment) (a) under section 70(c) of the Industrial Relations Code, 2020 (Central Act 35 of 2020),, I/ we* hereby intimate you that I*/we* have decided to retrench..... workers** out of a total of Workers** with effect from..... (DD/MM/YYYY)

or

(Closure) (b) under section 74(1) of the Industrial Relations Code, 2020 (Central Act 35 of 2020), I / we hereby intimate you that I*/we* have decided to close down,..... (Name of the industrial establishment or undertaking) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is..... (number of workers)

2. The reason for Retrenchment / Closure is

3. * The worker(s)* concerned were given on the..... (DD/MM/YYYY) one month's notice in writing as required under section70(a)*/ section 75(1)* of the Industrial Relations Code, 2020 (Central Act 35 of 2020).

or

* The worker(s) concerned have been given on the..... (DD/MM/YYYY) one month's pay in lieu of the notice as required under section 70(a)*/ section 75(1)* of the Industrial Relations Code, 2020 (Central Act 35 of 2020).

4. * I*/We* hereby declare that the worker(s) concerned have been*/will be* paid all their dues along with the compensation due to them under section 70* / section 75* of the Industrial Relations Code, 2020 (Central Act 35 of 2020) before or on the expiry of the notice period.

or

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

5. (Retrenchment) I/we* hereby declare that the worker(s) concerned have been* / will be* retrenched in compliance to the Section 71 and section 72 of the Industrial Relations Code, 2020 (Central Act 35 of 2020).

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

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

Yours faithfully,

(Name of Employer/ ***Authorized Representative with Seal)

(* Strike off which is not applicable.)

(** Indicate number in figures and words both)

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

Copy to :

- (1) Conciliation Officer of the Concerned area.
- (2) Registered Trade Unions / Authorised Representative of workers operating in the establishment of undertaking.

FORM – XXII

(see rules 51, 53 and 55)

[APPLICATION FOR PERMISSION OF LAY-OFF OR RETRENCHMENT OR CLOSURE]

(To be submitted online. In case of exigencies, on paper in the prescribed format below)

Name of Industrial Establishment or Undertaking or Employer.....

Address.....

Dated.....

(Note: The application to the State Government shall be served as indicated below: Lay-off : at least 15 days before the intended Lay-off. Retrenchment – at least 60 days before the intended date of Retrenchment. Closure – at least 90 days before the intended date of Closure)

To

The Secretary,
Labour Welfare and Skill Development Department,
Chennai.

1. *(Lay-off) (a) Under section 78(2) of the Industrial Relations Code, 2020 (Central Act 35 of 2020) I */we* hereby apply for permission to lay-off workers** out of total of workers** employed in my*/our* establishment (details to be given in Annexure-I) with effect from (DD/MM/YYYY).

or

*(Retrenchment) (c) Under section 79(2) of the Industrial Relations Code, 2020, (Central Act 35 of 2020) I */we* hereby apply for permission for intended retrenchment of..... workers out of total of workers** employed in my*/our* establishment (details to be given in Annexure-I) with effect from (DD/MM/YYYY).

or

(Closure) (d) Under section 80(1) of the Industrial Relations Code, 2020, (Central Act 35 of 2020) I / we hereby inform you that I*/we* intended to close down the undertaking..... (name of the industrial establishment or undertaking or employer) (details to be given in Annexure-1) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is..... (number of workers)

2. * (Lay-off) The worker(s) concerned were given on (DD/MM/YYYY) notice in writing as required under section 78(2)*/ section 78(3)* of the Industrial Relations Code, 2020 (Central Act 35 of 2020).

or

(Retrenchment/ Closure) The worker(s) concerned were given on..... (DD/MM/YYYY) one month's notice in writing as required under section 79/ section 80* of the Industrial Relations Code, 2020 (Central Act 35 of 2020).

or

(Retrenchment/ Closure) The worker(s) have been given on..... (DD/MM/YYYY) one month's pay in lieu of notice as required under section 79/ section 80* of the Industrial Relations Code, 2020 (Central Act 35 of 2020).

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

4. (Retrenchment) I*/we* hereby declare that the workers concerned will be retrenched in compliance to the Section 71 and section 72 of the Industrial Relations Code, 2020 (Central Act 35 of 2020).

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

or

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

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

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

The permission sought for may please be granted.

Yours faithfully,

(Name of Employer/ ***Authorised Representative with Seal)

(* Strike off which is not applicable.)

** Indicate number in figures and word both)

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

ANNEXURE I

(Please give replies against each item)

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

ANNEXURE II**(Details of affected workers)**

Sl. No	UAN / CMPFO	Name of the Worker	Category (Highly Skilled / Skilled/ Semi-skilled / Unskilled)	Date from which in service in/ with the said establishment/ Undertaking/ Employer	Wage as on date of Application	Remark
1						
2						
3						

Copy:

- (1) The Commissioner of Labour
- (2) Conciliation Officer of Concerned Jurisdiction.

FORM -XXIII

(see rule 59)

NOTICE TO THE EMPLOYER WHO COMMITTED AN OFFENCE

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

PART - I

1. Name and Address of the offender Employer-
2. Address of the Establishment
4. Particulars of the offence
.....
5. Section of the Code under which the offence is committed
.....
6. Compounding amount required to be paid towards composition of the offence.....

PART - II

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

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

(Signature of the Compounding Officer)

Place:

Date:

PART - III

APPLICATION UNDER SUB-SECTION (4) OF SECTION 89 FOR COMPOUNDING OF OFFENCE

1. Name of applicant (name of the employer who committed the offence under the Industrial Relation Code, 2020 (Central Act 35 of 2020) to be mentioned.....

2. Address of the applicant

3. Particulars of the offence

.....
.....
.....

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

.....

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

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

.....

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

.....
.....
.....
.....

8. Any other information which the applicant desires to provide

.....
.....
.....

Applicant
(Name and signature)

Place:

Date:

FORM -XXIV**(see rule 61)****(COMPLAINT)**

Before the Conciliation officer/ Arbitrator / Tribunal..... ,

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

A.....

Complainant(s);

Versus

B.....

Opposite Party(ies).

Address:

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 90 of the Industrial Relation Code, 2020 (Central Act 35 of 2020) as shown below:

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

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

The number of copies of the complaint and its annexure required under section 91 of the Industrial Relation Code, 2020 (Central Act 35 of 2020) are submitted herewith.

Dated this.....day of.....20

Signature of the Complainant(s)

Verification

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

Signature

or

Thumb impression of the person verifying.

R. KIRLOSH KUMAR,
Secretary to Government.