

GOVERNMENT OF TELANGANA

ABSTRACT

RULES – Labour Employment Training & Factories Department – New Labour Codes – Industrial Relations Code, 2020, the Industrial Relations (Telangana State) Rules, 2021 – Preliminary Notification – Orders – Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (LAB-I) DEPARTMENT

G.O.Rt.No. 479

Dated: 29-09-2021

Read the following:-

1. The Industrial Relations Code, 2020 (Central Act No.35 of 2020) notified by the Ministry of Labour & Employment, GOI, New Delhi in Gazette No.60, dt:29.09.2020.
2. From the Commissioner of Labour, Telangana, Hyderabad, Lr.No.F2/5034/2019, dt: 08.07.2021.

ORDER:-

The Ministry of Labour & Employment, Government of India, New Delhi, has notified the Industrial Relations Code, 2020 (Central Act No.35 of 2020), an Act 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 first read above.

2. The Commissioner of Labour, Telangana, Hyderabad in his letter second read above has furnished draft rules on the Industrial Relations (Telangana State) Rules, 2021 with a request to issue notification calling for objections and suggestions from general public and stakeholders in the matter.

3. Government, after careful examination of the matter hereby decided to issue draft rules, namely the Industrial Relations (Telangana State) Rules, 2021 in exercise of the powers conferred under section 99 of the Industrial Relations Code, 2020 (Central Act No.35 of 2020) read with section 24 of the General Clauses Act, 1897 (Central Act No.10 of 1897) inviting objections and suggestions from general public and stakeholders in the matter.

4. Accordingly, the following notification shall be published in the extraordinary issue of Telangana Gazette dated: 30.09.2021:

PRELIMINARY NOTIFICATION

The following draft rules, which the Government of Telangana proposes to make in exercise of the powers conferred by section 99 of the Industrial Relations Code, 2020 (Central Act.No.35 of 2020) read with section 24 of the General Clauses Act, 1897 (Central Act No.10 of 1897) and in supersession of all the rules made by the State Government in exercise of the powers conferred by the Trade Union Act, 1926 (Central Act No.16 of 1926), the Industrial Employment (Standing Orders) Act, 1946 (Central Act No.20 of 1946) and the Industrial Disputes Act, 1947 (Central Act No.14 of 1947) as the case may be, which are repealed by section 104 of the said Industrial Relations Code, 2020.

except as respects of things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of said section 99, for information of all persons likely to be affected thereby and notice is hereby given that the said notification will be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

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The objections and suggestions, if any, should be addressed to the Commissioner of Labour, T.Anjaiah Bhavan, RTC 'X' Roads, Hyderabad, Telangana by post or through email: col.labour.telangana@gmail.com & jcl.ts.hq@gmail.com. The objections and suggestions should be sent in a proforma containing columns (i) specifying the name and address of the person / organization and column (ii) specifying the rule or sub-rule which is proposed to be modified and column (iii) specifying the revised rule or sub-rule proposed to be substituted and reasons therefor;

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

DRAFT RULES

CHAPTER - I PRELIMINARY

1. Short title, application and commencement:- (i) These rules may be called The Industrial Relations (Telangana State) Rules, 2021.

(ii) They shall extend to the whole of the State of Telangana in respect of industrial establishments and matters for which the Telangana State Government is the appropriate Government.

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

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

(a) "Code" means the Industrial Relations Code, 2020;

(b) "Section" means the section of the Code;

(c) "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;

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

(e) "State Government" means the State of Telangana;

(f) "Tribunal" means Industrial Tribunal constituted by the State Government under sub-section (1) of section 44 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 as assigned to them in the Code.

3. Written agreement for settlement before the conciliation officer:-

(1) The settlement arrived at in the course of conciliation proceedings or otherwise, shall be in **Form-I** and shall be required to be signed by both parties to the Agreement as provided under sub-clause (2) and the copy of the signed Agreement shall be sent to the Conciliation Officer as provided under sub-clause (4) of Rule 3 .

(2) The settlement shall be signed by,-

(a) in the case of an employer, by the employer himself, or by his authorized agent, or when the employer is an incorporated Company, or other body corporate, by the agent, manager or other principal officer of the corporation or such other body;

- (b) in the case of workers, any of the following representatives of registered Trade Union, namely,-
- (i) the President;
 - (ii) the Vice-President;
 - (iii) the Secretary (including the General Secretary); and
 - (iv) a Joint Secretary;
- (c) any other representative of the Trade Union authorized in this behalf by the President and Secretary of the Union;
- (d) If there is no Trade Union in the Organisation, by any five representatives of workers duly authorized in this behalf at the meeting of the workers held for the purpose;
- (e) In case of an industrial dispute between individual worker and employer, by the worker concerned;
- (3) Where the settlement is arrived at in the course of conciliation proceedings the conciliation officer shall send a report thereof to the State Government together with a copy of the memorandum of settlement signed by the parties to the dispute.
- (4) Where a settlement is arrived at between an employer and his worker(s) otherwise than in the course of conciliation proceedings then the parties to the settlement shall send a copy thereof electronically or by speed post or by registered post, to the concerned Conciliation officer.
- (5) The Conciliation officer shall maintain a Register containing all settlements effected under this Code in respect of industrial disputes in the area within his jurisdiction. The register may be maintained electronically or otherwise. The register shall contain the details including serial number, name of the industry, parties to the settlement, date of settlement, remarks and whether settlement was effected at the intervention of conciliation officer or by mutual negotiation:

Provided that signature of conciliation officer on the agreement shall not be necessary where the agreement for settlement is arrived otherwise than the conciliation process:

Provided further that nothing in this rule shall prohibit a settlement between a worker(s) or Trade Union and an employer on mutually agreed terms and such settlement may be in the form other than **Form-I**.

CHAPTER - II

BI-PARTITE FORUMS

4. Constitution of Works Committee, etc., under section 3:- (1) Every employer to whom an order made by the State Government under sub-section (1) of section 3 relates, shall forthwith proceed to constitute a Works Committee (hereinafter in this rule referred to as the Committee) to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of common interest or concern, in the manner as is specified in the following sub-rules.

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

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

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

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

(4) (a) Where any workers of the industrial establishment are members of a registered Trade Union or Unions, the employer shall ask such registered Trade Union or Unions to inform him in writing as to number of workers as members of such Trade Union or Unions; and

(b) Where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union or Unions is false, he may, after informing such registered Trade Union or Unions, refer the matter to the Joint Commissioner of Labour, appointed under sub-section (1) of section 5 of the Code 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 Committee in the following manner, namely:-

- (a) Where there is a negotiating union under sub-section (2) or sub-section (3) of section 14 or a negotiating council under sub-section (4) of that section, then, such negotiating union or negotiating council, as the case may be, shall nominate the workers' representatives on the Committee and in the case of the negotiating council, the nomination shall be in the manner that every registered Trade Union representing in the negotiating council shall be represented in the Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;
- (b) Where there is no recognized negotiating union or negotiating council as referred to in clause (a), the workers of the industrial establishment shall elect amongst themselves, the workers' representatives on the Committee:

Provided that the employer may, with the mutual agreement with workers of the industrial establishment, deploy an electronic process of conducting the election process over an information technology application, online platform or like other platform to enable as to how the representatives of workers shall be elected for the Committee under clause (b):

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

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

- (6) The employer may, if he thinks fit, sub-divide the electoral constituency or constituencies, as the case may be, and direct that workers shall vote in either by groups, sections, shops or departments.

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- (7) Any worker, of not less than 19 years of age and with a service of not less than one year in the industrial establishment may, if nominated as provided in this rule, be a candidate for election as a representative of the workers on the Committee:

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

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

- (8) All workers who are not less than 18 years of age and who have put in not less than 6 months' continuous service in the industrial establishment shall be entitled to vote in the election of the representative of workers.

Explanation: A worker who has put in continuous service of not less than six months in two or more industrial establishments belonging to the same employer shall be deemed to have satisfied the service qualification specified under this rule.

- (9) (a) the employer shall fix a date as the closing date for receiving nominations from candidates for election as workers' representatives on the Committee;
- (b) for holding the election, the employer shall fix a date which shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations;
- (c) the dates so fixed shall be notified at least seven days in advance to the workers concerned. Such notice shall be affixed on the notice board or electronic notice board of the industrial establishment and given adequate publicity amongst the workers. The notice shall specify the number of seats to be elected.
- (10) (a) every nomination shall be made on a nomination paper to be provided by employer and the copies thereof shall be supplied by the employer to the workers requiring them;
- (b) each nomination paper shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the group, section, shop or department the candidate seeking election will represent, and shall be delivered to the employer.
- (11) (a) on the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinized by the employer in the presence of the candidates and the attesting persons and those which are not valid shall be rejected;
- (b) for the purposes of clause (a), a nomination paper shall be held to be not valid if,-
- (i) the candidate nominated is ineligible for being candidate under sub-rule (7); or
- (ii) the requirements of sub-rule (10) have not been complied with:

Provided that where a candidate or an attesting person is unable to be present at the time of scrutiny, he may send a duly authorised nominee for the purpose.

(12) Any candidate whose nomination for election has been accepted may withdraw his candidature within 48 hours of the completion of scrutiny of the nomination papers.

(13) (a) if the number of candidates who have been validly nominated is equal to the number of seats, the candidates shall forthwith be declared as duly elected;

(b) if in any constituency the number of candidates is more than the number of seats allotted to it, voting shall take place on the day fixed for election;

(14)(a) the Committee shall have among its office-bearers a Chairman, a Vice-Chairman, a Secretary and a Joint-Secretary. 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 Committee and he shall, as far as possible, be the head of the industrial establishment;

(c) the Vice-Chairman shall be elected by the members, on the 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 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 that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the workmen for three consecutive years:

Provided further that the representatives of the employer shall not take part in the election of the Secretary or Joint Secretary, as the case may be from amongst the representative of the workers, and only the representatives of the workers shall be entitled to vote in such elections for the post of Secretary or Joint Secretary;

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

(15)(a) the term of office of the representatives on the Committee other than a member chosen to fill a casual vacancy shall be three years;

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

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

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

- (17) The Committee shall have the right to co-opt in a consultative capacity, persons employed in the industrial establishment having particular or special knowledge of a matter under discussion. Such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.
- (18)(a) the Committee may meet as often as necessary but not less often than once in three months;
- (b) the Committee shall at its first meeting regulate its own procedure.
- (19) (a) the employer shall provide accommodation for holding meetings of the Committee. He shall also provide all necessary facilities to the Committee and to the members thereof for carrying out the work of the Committee. The Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representatives of the workers shall be deemed to be on duty while attending the meeting;
- (b) the Secretary of the Committee may with the prior concurrence of the Chairman, put up notice regarding the work of the Committee on the notice board of the industrial establishment.
- (20) The employer shall submit the details of the constitution and the functioning of the Committee as part of unified annual return provided under the Telangana Occupational Safety, Health and Working Condition Rules, 2020 framed under the Occupational Safety, Health and Working Condition Code, 2020 (Central Act No.37 of 2020).
- (21) The State Government, or the officer authorized on its behalf, may after making such inquiry as it or he may deem fit, dissolve any Committee at any time, by an order in writing, if it or he, as the case may be, is satisfied that the Committee has not been constituted in accordance with this rule or that not less than two-thirds of the number of representatives of the workers have without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function:

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

5. Manner of choosing of members from the employers and the workers for Grievance Redressal Committee under sub-section (2) of section 4:- (1) The Grievance Redressal Committee (hereinafter in this rule referred to as the Grievance Committee) in an industrial establishment employing twenty or more workers, shall consist of equal number of members representing the employer and the workers, which shall not exceed ten.

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

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

- (a) where there is a negotiating union under sub-section (2) or sub-section (3) of section 14 or a negotiating council under sub-section (4) of that section, then, such negotiating union or negotiating council, as the case may be, shall nominate the workers' representatives on the Grievance Committee and in the case of the negotiating council, the nomination shall be in the manner that every registered Trade Union representing in negotiating council shall be represented in the Grievance Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;
- (b) where there is no recognized negotiating union or negotiating council referred to the clause (a), the workers of the industrial establishment shall choose amongst themselves the workers' representatives on the Grievance Committee:

Provided that, the employer may, deploy an electronic process for choosing representative of workers, over an information technology application, online platform or like other platform, under clause (b):

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

Provided further that the tenure of the members of the Grievance Committee shall be three years or shall be tenure of the members in the registered Trade Unions, whichever is earlier. Further that in the absence of registered Trade Union, the tenure of the members of the Grievance Committee shall be for a period of three years from the date of constitution of the Grievance Committee:

Provided also that in case there is no recognized negotiating union or negotiating council and where any dispute arises regarding choosing of the worker's representative to the Grievance Committee, the matter may be referred to the concerned Conciliation Officer, who shall after hearing the parties decide the matter and his decision shall be final.

6. Application in respect of any dispute to be filed before the Grievance Redressal Committee by 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. The Grievance may be raised 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 through Online Portal of the Labour department or by registered post or speed post with in a period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer appointed under section 43 read with section (1) 2 of the Code 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 digitized and enter the particulars of the application in the online mechanism under intimation to the concerned worker.

**CHAPTER - III
STANDING ORDERS**

- 8. Manner of forwarding of information to certifying officer under sub-section (3) of section 30:-** (1) If the employer adopts the model standing orders of the Central Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically or in person or by speed post or by registered post the specific date from which the provisions of the model standing orders which are relevant to his / her establishment or undertaking have been adopted.
- (2) The Model Standing Order adopted under sub-rule (1) shall apply to all the units in the state of the industrial establishment which has adopted the model standing order.
- (3) On receipt of information under sub-rule (1), the certifying officer shall enter the details of the industrial establishment which has adopted the Model Standing Order in the register maintained under rule 15. In the event, the certifying officer observes that the industrial establishment which has intimated adoption of model standing orders is also engaged in activities other than for which model standing orders have been adopted then, he shall within a period of thirty days from such receipt of intimation of model standing orders so adopted may give his observation, if any, that the employer is required to include or adopt certain provisions which are relevant to his industrial establishment and indicate those relevant provisions and direct the employer of the industrial establishment that he shall, within a period of thirty days from the date of the receipt of such direction comply with the direction and send compliance report only in respect of those provisions which the certifying officer observes to get included. The provisions of the model standing orders so adopted shall remain in force with effect from the date specified in sub-rule (1).
- (4) If no observation is made by certifying officer within a period of thirty days of the receipt of the information as specified in sub-rule (1) then, the standing order shall be deemed to have been certified by the certifying officer and deemed to be adopted by the employer.

Explanation:- For removal of doubt, it is clarified that certifying officer shall not raise any observation in the event the industrial establishment is engaged in activities which are wholly covered by the activities of the industrial establishment to which the standing orders apply.

- 9. Manner of choosing of representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union under clause (ii) of sub-section (5) of section 30:-** (1) Where there is no such Trade Union as is referred to in clause (i) of sub-section (5) of section 30, then, the certifying officer or any authorized officer in his behalf, shall call a meeting of the workers to elect three representatives, to whom he shall, upon, their being elected issue notice with a copy of the standing order or modification, as the case may be requiring comments, if any, which the workers may desire to make to the draft standing orders to be submitted within fifteen days from the receipt of the notice.
- (2) Trade Union or negotiating union or constituent of negotiating council shall be given a copy of the draft standing orders or modification, as the case may be, in English as well as the translation thereof in the language known by the majority of the workers for seeking their comments, if any, within fifteen days from the date of the receipt of the notice.

10. Manner of authentication of certified standing orders under sub-section (8) of section 30:- Standing orders or modification in the standing orders,-

- (i) certified in pursuance of sub-section (8) of section 30; or
- (ii) the copy of the said standing order or modification thereof referred to in sub-section (i) of section 33, shall be authenticated by the certifying or the appellate authority, as the case may be, and shall be sent electronically and a hard copy by registered post or speed post within a week from the date of such authentication to all concerned that is to say the employer and all the registered Trade Unions or elected representative of workers:

Provided that 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.

11. Statement to be accompanied with draft standing orders under sub-section (9) of section 30:- A 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 authorized by the industrial establishment or undertaking:

Provided that model standing orders, if amended, shall also apply to all the units of the industrial establishment or undertakings within the State.

12. Conditions for submission of draft standing orders in similar establishment under sub-section (10) of section 30:- In case of group of employers engaged in similar industrial establishments, they may submit a joint draft standing orders under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and (9) thereof after consultation with the concerned Trade Union:

Provided that the joint draft standing orders, in cases of group of employers engaged in similar industrial establishments, will be drafted and submitted to the Certifying Officer who shall certify or refuse to certify the said joint draft standing orders, after recording reasons therefor:

Provided that Certifying Officer shall give notice to all the concerned parties, and ensure reasonable opportunity of hearing before certifying or refusing to certify the standing orders.

13. Manner of disposal of appeal by appellate authority under section 32:- (1) An employer or Trade Union or any person 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 tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added and reasons thereof which shall be filed electronically or in person to the appellate authority.

- (2) The appellate authority shall fix a date for the hearing of the appeal and direct notice thereof to be given,-
- (a) where the appeal is filed by the employer or a worker, to 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 joins 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 (2) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called or considers it to be relevant if produced and after hearing the parties dispose of the appeal.

14. The language and the manner of maintaining of standing orders under sub-sections (1) and (2) of section 33:- (1) The order of the appellate authority shall be sent electronically or otherwise to the worker or Trade Union or the negotiating union or negotiating council or any union or representative body of the workers, as the case may be, by whom the appeal has been filed, except in case of deemed certification under section 30.

- (2) The text of the standing orders as finally certified or deemed to have been certified or adopted model standing orders under this Chapter shall be maintained by the employer in Telugu and in English languages. These certified standing orders shall be displayed on the special board to be maintained for the purpose at the entrance or near the entrance through which majority of workers enter the industrial establishment.

15. Register for final certified copy of standing orders under section 34:- (1) The certifying officer shall maintain electronically, a register in **Form-II**, 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 orders;
 - (b) name of industrial establishment;
 - (c) nature of industrial establishment;
 - (d) date of certification or deemed certification or date of adoption of model standing orders by each establishment or undertaking;
 - (e) the areas of the operation of the industrial establishment; and
 - (f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.
- (2) The certifying officer shall furnish a copy of the certified standing orders or deemed certified standing orders to any person applying there for 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.

16. Application for modification of standing orders under sub-section (2) of section 35:- The application for modification of an existing standing orders under sub-section (2) of section 35 shall be submitted electronically or in person or by registered post or speed post and 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 provisions of standing order in force, and proposed modifications therein, reasons thereof and the details of registered Trade Unions operating therein, and such statement shall be signed by a person authorized by the industrial establishment or undertaking or workers or a Trade Union or other representative body of the workers, as the case may be, who has submitted such application for modification.

CHAPTER-IV

NOTICE OF CHANGE

17. Manner of giving 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-III** electronically or otherwise to such workers likely to be affected by such change. Such notice shall also be posted on the designated portal of the industrial establishment, if any.

(2) The notice referred to in sub-rule (1) shall be displayed conspicuously by the employer on the notice board or on the electronic notice board at the main entrance of the industrial establishment:

Provided that when there is a registered Trade Union or registered Trade Unions or a negotiating union or negotiating council relating to the concerned industrial establishment, a copy of such notice shall also be served electronically or otherwise, on the secretary of such Trade Union or each of the secretaries of such Unions, or secretary of the negotiating union or constituent of negotiating council, as the case may be.

CHAPTER – V

VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

18. 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-IV** and shall be signed by the parties to the agreement. Such 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 authorized for such purpose;

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

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

Explanation.- For a purpose of this Rule the expression “officer”,-

- (1) in case of an association of the employees means any officer of such association of the employers authorized for such purpose; and
- (2) in case of a registered Trade Union, means any of the following officers of such Trade Union authorized for such purpose, 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 such Trade Union authorized in this behalf by the President and Secretary of such union.

19. Manner of issuing of notification under sub-section (5) of section 42:- Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the Official Gazette and on the website of the Labour Department, 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.

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

CHAPTER – VI

MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

21. Manner of procedure for selection, salaries and allowances and other terms and condition of Judicial Member of the Tribunal under sub-section (5) of section 44 and filling up of the vacancy under sub-section (9) of section 44:-

- (1) A person shall not be qualified for appointment as the Judicial Member of Tribunal in the State unless he is, or has been, a Judge of District Court in the State.
- (2) A Judicial member shall be appointed by the State Government on the recommendation of High Court of the State on deputation basis on same terms for which he is entitled to in his / her judicial service.
- (3) A Judicial Member shall hold office for a maximum term of five years from the date on which he / she enters upon his / her office or till he / she attains the age of superannuation, whichever is earlier.
- (4) In case of casual vacancy in the office of Judicial Member, the State Government shall appoint the Judicial Member of other Industrial Tribunal to officiate as Judicial Member.

- (5) Every person appointed as Judicial Member shall, before entering upon his /her office, make and subscribe an oath of office in the **Form-VI** annexed to these rules.
- (6) A Judicial Member may, resign his / her office at any time by giving notice to this effect in writing under his / her hand addressed to the State Government:

Provided that the Judicial Member shall, unless he / she is permitted by the State 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 / her office or until the expiry of his / her term of the office, whichever is earlier.

- (7) Matter relating to the terms and conditions of services of the Judicial Member with respect to which no express provisions has been made in this rule, shall be referred to the State Government for its decision, and the decision of the State Government thereon shall be binding.
- (8) The State Government shall have power to relax any provision of this rule in respect of any class or categories of persons for the reasons to be recorded in writing.

22. Manner of procedure for selection, salaries and allowances and other terms and condition of Administrative Member of the Tribunal under sub-section (5) of section 44 and filling up of the vacancy under sub-section (9) of section 44:-

- (1) The State Government shall appoint an Administrative Member to the tribunal who has worked in India Administrative Service in not below the rank of the Joint Secretary, and having experience in the administration of labour laws and on the terms, conditions specified by the State Government.
- (2) The Administrative Member shall hold office for a term of five years from the date on which he / she enters upon his / her office or till he attains the age of sixty five years, whichever is earlier. He / she shall be eligible for re-appointment.
- (3) Every person appointed as Administrative Member shall, before entering upon his office, make and subscribe an oath of office in the **Form-VI** annexed to these rules.
- (4) An Administrative Member may, resign his / her office at any time by giving notice to this effect in writing under his / her hand addressed to the State Government:

Provided that the Administrative Member shall, unless he / she is permitted by the State 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 / her office or until the expiry of his / her term of the office, whichever is earlier.

- (5) Matter relating to the terms and conditions of services of the Administrative Member with respect to which no express provisions has been made in this rule, shall be referred to the State Government for its decision, and the decision of the State Government thereon shall be final.
- (6) The State Government shall have power to relax any provision of this rule in respect of any class or categories of persons for the reasons to be recorded in writing.

23. Manner of 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 rule 26 or rule 27; or

(b) receives application in respect to existing industrial dispute; or

(c) receives information regarding apprehended industrial dispute,

then, he / she 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 / she finds that such dispute pertains to the jurisdiction of State Government, transfer the application to the concerned authority 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 / her 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 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 / she 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 proceeding referred to in sub-rule (1), the conciliation officer shall submit a report to the State Government within seven days from the date on which the conciliation proceedings are concluded.

(5) If a settlement of the 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 State Government or an officer authorized in this behalf by the State Government together with a memorandum of the settlements signed by the parties to the dispute, also upload such report and memorandum of settlement on the Labour department portal.

(6) The report referred to in sub-rule (2) shall be accessible to the parties concerned on the said Labour department Portal or any other designated portal by the State Government.

(7) The report referred to in sub-rule (2) 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 the amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion of the conciliation officer.

(8) The conciliation officer shall send his report to the concerned parties within a period of forty-five days from the commencement of the conciliation proceedings as provided under sub-section (5) of section 53.

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

24. 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-VII**, before the Tribunal through an on-line application /electronically or by registered post or speed post or in person within ninety days from the date of the report under sub-rule (4) of rule 23.

(2) On receipt of the 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 application is filed. A copy of such statement may be sent electronically or through registered post or by speed post for service on each of the opposite parties in the dispute.

(3) The Tribunal, after ascertaining that the 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. The opposite party or parties shall file their written statement together with supporting documents and the list thereof and list of witnesses, if any, within a period of thirty days from the date of first hearing and simultaneously forward a copy thereof to the opposite party or parties for service.

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

(5) Evidence shall be recorded in Tribunal or may be filed on affidavit but in the case of affidavit the opposite party shall have the right to cross-examine each of the deponents filing the affidavit. Where the oral examination of each witness proceeds, the Tribunal shall make a memorandum of the substance of what is being deposed and while recording the oral evidence, the Tribunal shall follow the procedure laid down in rule 5 of Order XVIII of the First Schedule to the Code of Civil Procedure, 1908 (Central Act No.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 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, 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 of its or 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 electronically or through registered post or speed post to the parties concerned and State Government within one month from the date of the pronouncement 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 No.1 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 shall obtain the advice of such assessors, but such advice shall not be binding on such Tribunals.
- (13) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically or 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 rupees two per page;
 - (b) for certifying a copy of any such award or order or document, a fee of rupees two per page shall be payable;
 - (c) copying and certifying fees shall be payable electronically;
 - (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 an Arbitrator when evidence has been called.
- (15) The proceedings before Tribunal shall be held in open court:

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

Provided further that 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 authorized in writing by the conciliation officer, Tribunal in this behalf may, for the purposes of any conciliation or adjudication under the Code at any time between the hours of sunrise and sunset and in the case of person so 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 in the interest of justice and after recording reasons therefor, admit or accept any evidence at any stage of the proceeding before it.

25. Application for recovery of dues under section 59:- (1) Where any money is due from an employer to a worker or a group of workers under a settlement or an award or under the provisions of Chapter IX or Chapter X, the worker or the group of workers, as the case may be, may apply in **Form-VIII** for the recovery of the money due:

Provided that in the case of a person authorized in writing by the worker, or in the case of the death of the worker the assignee or legal heir of the deceased worker, the application shall be made in **Form-IX**.

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

Provided that in the case of the death of a worker, application shall be made in **Form- XI** by the assignee or legal heir of the deceased worker.

CHAPTER – VII

STRIKES AND LOCK-OUTS

26. Number of persons by whom the notice of strike shall be given, the person or persons to whom such notice shall be given and the manner of giving such notice under sub-section (4) of section 62:- The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in **Form-XII** which shall be duly signed by the Secretary of the concerned registered Trade Union or where there is no registered Trade Union, by five elected representatives of the workers giving the notice, relating to the concerned industrial establishment endorsing the copy thereof electronically or by registered post or speed post to the concerned conciliation officer, Commissioner of Labour and the government, and the date of receipt of such notice by the conciliation officer shall be the date of receiving the notice for the purpose of clause (a) of sub-rule (1) of rule 23.

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

27. Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62:- (1) The notice of lock-out referred to in sub-section (2) of section 62 shall be given by the employer of an industrial establishment in **Form-XIII** to the Secretary of every registered Trade Union relating to such industrial establishment by registered post or speed post or electronically endorsing a copy thereof to the concerned conciliation officer, Commissioner of Labour and the State Government electronically. 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. The notice may also be posted on the designated portal of the Industrial Establishment, if any and the date of receipt of such notice by the conciliation officer shall be the date of receiving the notice for the purpose of clause (a) of sub-rule (1) of rule 23.

- (2) If the employer of an industrial establishment receives from any person employed by him any notice of strike as referred to in sub-section (1) of section 62 then he shall within five days from the date of receiving of such notice, intimate the same electronically to the concerned conciliation officer and Commissioner of Labour.
- (3) If the employer gives to any person employed by him a notice of lock-out, then he shall within five days from the date of such notice, intimate electronically the same to the concerned conciliation officer and Commissioner of Labour.

CHAPTER – VIII

LAY-OFF, RETRENCHMENT AND CLOSURE

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

- (a) where notice is given to a worker, notice of retrenchment shall be sent within three days from the date on which notice is served on the worker;
- (b) where no notice is given to the worker, and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and
- (c) where retrenchment is carried out under an agreement which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government, the Conciliation officer, at least one month before such date:

Provided that if the date of termination of service agreed upon is within thirty days of the agreement, the notice of retrenchment shall be sent to State Government, Conciliation officer concerned within three days of the agreement.

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

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

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

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

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

- (3) Immediately after complying with the provisions of sub-rule (2), the employer shall also inform the negotiating union or the constituent of negotiating council or Trade Unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workers to whom intimation has been sent under that sub-rule:

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

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

- 30. Manner of serving notice by the employer for intended closure under sub-section (1) of section 74:-** If an employer intends to close down an industrial establishment he shall give notice, within the time as specified in sub-section (1) of section 74, of such closure in **Form-XIV** to the State Government and a copy thereof to the concerned Conciliation officer by e-mail or registered post or speed post. A copy of the notice shall also be sent to the registered Trade Unions or authorised representatives of workers, as the case may be, operating in the Industrial establishments.

CHAPTER – IX

SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS

- 31. Manner of making application to the State Government by the employer for the intended lay-off and the manner of serving copy of such application to workers under sub-section (2) of section 78:-** An application for permission under sub-section (1) of section 78 shall be made by the employer in **Form-XV** stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the workers concerned electronically or in person or 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 concerned.
- 32. Manner of applying for permission from the State Government to continue the lay-off under sub-section (3) of section 78:-** The employer shall, in case of an industrial establishment being a mine specified in sub-section (3) of section 78 where the workers (other than *Badli* workers or casual workers) have been laid-off under sub-section (1) of section 78 for reasons of fire, flood or excess of inflammable gas or explosion, within a period of thirty days from the date of commencement of such lay-off, make application to the State Government in **Form-XV** electronically and by registered or speed post with a copy to the concerned state government for permission to continue the lay-off specifying the number of days; intimating the number of workers to be laid off, the total number of workers employed in the industrial establishment, the date of layoff and the reasons for continuation of such lay off.

- 33. Time-limit for review under sub-section (7) of section 78:-** (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of the section 78.
- (2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application, within thirty days from the date on which the order is made, to the State Government for reviewing the order and the State Government shall within two months from the date on which the application is made dispose of the application after providing the concerned parties an opportunity of being heard.
- (3) Where the State Government takes step, to review the order referred to in sub-section (1), on its own motion, it may take such step within one month from the date on which the order is made and after providing the concerned parties the opportunity of being heard dispose of such review within two months from the date on which such step is taken.
- 34. Manner of making application to the State Government by the employer for the intended retrenchment and manner of serving copy of such application to workers under sub-section (2) of section 79:-** An application for prior permission referred to in clause (b) of sub-section (1) of section 79 shall be made by the employer in **Form-XIV** stating clearly therein the reasons for the intended retrenchment electronically and a copy of such application shall also be sent to concerned workers electronically or in person or 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.
- 35. Time-limit for review under sub-section (6) of section 79:-** (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of section 79.
- (2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application, within thirty days from the date on which the order is made, to the State Government for reviewing the order and the State Government shall within two months from the date on which the application is made dispose of the application after providing the concerned parties an opportunity of being heard.
- (3) Where the State Government takes step, to review the order referred to in sub-section (1), on its own motion, it may take such step within one month from the date on which the order is made and after providing the concerned parties the opportunity of being heard dispose of such review within two months from the date on which such step is taken.
- 36. Manner of making application to the State Government by the employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the 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 electronically in **Form-XV** for prior permission at least ninety days before the date on which intended closure is to become effective to the State Government, stating clearly therein the reasons for the intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically and in person or by registered post or speed post.
- 37. Time-limit for review under sub-section (5) of section 80:-** (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of section 80.

- (2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application, within thirty days from the date on which the order is made, to the State Government for reviewing the order and the State Government shall within two months from the date on which the application is made dispose of the application after providing the concerned parties an opportunity of being heard.
- (3) Where the State Government takes step, to review the order referred to in sub-section (1), on its own motion, it may take such step within one month from the date on which the order is made and after providing the concerned parties the opportunity of being heard dispose of such review within two months from the date on which such step is taken.

CHAPTER - X

WORKER RE-SKILLING FUND

- 38. Manner of utilization of fund under sub-section (3) of section 83:-** Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account name notified by the State Government (name of the account shall be displayed on the Labour Department portal). The fund so received shall be transferred by the state government to each worker or workers account electronically within forty five days of receipt of funds from the employer and the worker shall utilize 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 worker along with their bank account details to enable the State Government to transfer the amount in their respective account.

CHAPTER – XI

OFFENCES AND PENALTIES

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

- (1) The officer notified by the state Government for the purposes of compounding of offences under sub-section (1) of section 89 (hereinafter referred to as the compounding officer), shall in the offences under this Code in which prosecution is not instituted for which the compounding is permissible under section 89, send a notice to the accused in **Form XVI** consisting of three parts. In part I of such Form, the compounding officer shall inter-alia specify the name of the offender and his / her other particulars, the details of the offence and the section under which the offence has been committed, the compounding amount required to be paid towards the 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 / she desires to compound the offence. Each notice shall have a continuous unique number containing alphabets or numeric and other details such as compounding officer concerned, industrial establishment, 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 the part III of the Form duly filled by him / her to the compounding officer electronically and deposit the compounding amount electronically or otherwise, within fifteen days of the receipt of the notice, in the account specified by the compounding officer in the notice.

- (3) Where the prosecution has already been instituted against the accused in the competent Court, the accused may make an application to the Court to compound the offence against him / her 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 and procedure specified in this rule.
- (4) If the accused complies with the requirement of sub-rule (2), the compounding officer shall compound the offence for the amount of money deposited by the accused and,-
 - (a) if the offence is compounded before the prosecution, then, no complaint for prosecution shall be instituted against the accused and if the offence is compounded pending proceeding under section 85, the compounding officer shall intimate the composition to the officer referred to in that section who shall after intimation close the proceeding in respect of the accused person of such offence; and
 - (b) if the offence is compounded after the institution of prosecution under sub-rule (3) with the permission of the Court, then, the compounding officer shall treat the case as closed and intimate the composition of the offence to the competent Court by which such composition was allowed and after receiving such intimation, the Court shall discharge the accused person 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 State Government.

CHAPTER - XII MISCELLANEOUS

40. 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 April of every year, the names and addresses of such of the officers of such Union who are employed in that establishment and who, in the opinion of the Union should be recognised as "protected workers". Any change in the incumbency of any such officer shall be communicated to the employer by the union within fifteen days of such change.
- (2) The employer shall, subject to sub-section (3) and sub-section (4) of section 90, recognize such workers to be "protected workers" for the purposes of that section and communicate to the Trade Union concerned, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1), the list of workers recognized as protected workers for the period of twelve months from the date of such communication.
- (3) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment, under sub-section (4) of section 90, the employer shall recognize as protected workers only such maximum number of workers:

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

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

- (4) When a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of 'protected workers' under this rule, the dispute shall be referred to the conciliation officer of the area, whose decision thereon shall be final.

41. Manner of making complaint by an aggrieved worker under section 91:-

(i) Every complaint under section 91 of the Code shall be made electronically or by registered post or speed post in **Form-XVII** and shall be accompanied by as many copies as there are opposite parties mentioned in the complaint.

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

42. Manner of authorization of worker for representing in any proceeding under sub-section (1) of section 94:-

Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed may be authorized in **Form-V** by such worker to represent him in any proceeding under the Code relating to a dispute in which the worker is a party.

43. Manner of authorization of employer for representing in any proceeding under sub-section (2) of Section 94:-

An employer who is not a member of any association of employers, may authorize in **Form-V** 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 / her in any proceeding under the Code relating to a dispute in which the employer is a party.

44. Manner of holding an enquiry under sub-section (1) of section 85:-

(1) Compliant:- On receipt of a complaint of the offence committed under sub-sections (3), (5), (7), (8), (9), (10), (11) and (20) of section 86 and sub-section (7) of section 89, the same shall be enquired by an officer not below the rank of Deputy Commissioner of Labour appointed by the State Government for such purpose under sub-section (1) of section 85 (hereinafter referred to as the enquiry officer):

Provided that if a party so desires may request in writing to such officer to send notice in the enquiry only by post and also in cases where enquiry officer feels that no electronic means of communication are available to the parties concerned, he may send such notice by registered or speed post.

(2) Issue of Notice:- If the complaint filed is admitted by the inquiry officer, he / she shall call upon the person or persons through a notice to be sent electronically or by registered post or speed post to appear before him / her on a specified date together with all relevant documents and witnesses, if any, and shall inform the complainant of the date so specified.

(3) Determination of Compliant:- In spite of the service of notice, if the person or his / her representative fails to appear on the specified date, the inquiry officer may proceed to hear and determine the complaint *ex-parte*.

- (4) Dismissal of Complainant:- If the complainant fails to appear on the specified date without any intimation to the inquiry officer on two consecutive dates, the complaint may be dismissed:

Provided that not more than three adjournments may be given on the joint application made by complainant and the opposite party:

Provided further that the enquiry officers shall at his / her discretion permit hearing the parties or any of the party, as the case may be, through video conferencing.

- (5) Authorization:- The authorization to appear on behalf of any person, under sub-section (2) of section 85 shall be given by a certificate or electronic certificate, as the case may be, which shall be presented to the inquiry officer during the hearing of the complaint and shall form part of the record.
- (6) Permission to appear:- Any person who intends to appear in the proceeding on behalf of complainant shall present before the inquiry officer and submit a brief written statement explaining the reason for his / her appearance. The inquiry officer shall record an order on the statement and in the case of refusal shall include reasons for the same, and incorporate it in the record.
- (7) Prosecution of documents:- Complaint or other documents relevant to the complaint may be presented in person to the inquiry officer at any time during hours fixed by the inquiry officer, or may be sent to him electronically or by registered post or speed post and opposite party shall have the right to reply the complaint and such other documents.
- (8) Endorsement of Documents:- The inquiry officer shall endorse, or cause to be endorsed, on each document the date of the presentation or receipt, as the case may be. If the documents have been submitted electronically, no such endorsement shall be necessary.
- (9) Refusal to entertain a complaint:- The inquiry officer may,-
- (i) refuse to entertain a complaint presented under sub-section (1) of section 85, if after giving the complainant an opportunity of being heard, the inquiry officer is satisfied, for reasons to be recorded in writing that,-
 - (a) the complainant is not entitled to present the complaint; or
 - (b) the complainant has filed the complaint beyond six months from the date on which the offence complained is committed;
 - (c) the complainant fails to comply the directions given by the inquiry officer under sub-section (2) of section 85.
 - (ii) refuse to entertain complaint where he / she considers the complaint incomplete and ask the complainant to rectify the defects within the time specified by him for such purpose and if the inquiry officer finds that the complaint is not so rectified, he / she may return the complaint indicating the defects at once indicating the defects. If the complaint is presented again, after the defects have been rectified, such date shall be deemed to be the date of presentation for the purpose of sub-section (1) of section 85.
- (10) Record of Proceedings:- The inquiry officer shall in all cases mention the particulars at the time of passing of order containing the details, that is to say, date of complaint, name and address of the complainant, name and address of the opposite party or parties, section-wise details of the offence committed, plea of the opposite party, findings and brief statement of the evidence taken including cross examination, reason and penalty imposed with his signature, date and place.

- (11) **Exercise of powers:-** In exercise of the powers of a Civil Court, conferred under the Code of Civil Procedure, 1908 (Central Act No.5 of 1908), the inquiry officer shall be guided in respect of procedure by relevant orders of the First Schedule of the Code of Civil Procedure, 1908, with such alterations as the inquiry officer may find necessary, not affecting their substance, for adapting them to the matter before him, and save where they conflict with the express provisions of the Code or these rules.
- (12) **Order or direction when to be made:-** The inquiry officer, after the case has been heard, shall make the order or direction on the same day or on a future date to be fixed for this purpose.
- (13) **Inspection of Documents:-** Any person, who is either a complainant or an opposite party or his / her representative, or any person permitted under sub-rule (3) shall be entitled to inspect any complaint, or any other document filed with the inquiry officer be, in a case to which he / she is a party or representing a party.

45. Expenses of witness:- Every person who is summoned and duly attends or otherwise appears as a witness before a Tribunal or National Tribunal or arbitrator shall be entitled to an allowance for expenses according to scale for the time being in force with respect to witnesses in the civil court in the State where the enquiry, adjudication or arbitration, as the case may be, is being conducted.

46. Submission of a copy each of the Form to the office of Director General, Labour Bureau under clause (zzf) of sub-section 2 of section 99:- A copy each of **Form-XII** (notice of strike), **Form-XIII** (notice of lockout), **Form-XIV** (notice for intimation of retrenchment or closure to the State Government), **Form-XV** (Application for permission of lay-off or retrenchment or closure), and **Form-XVI** (compounding of offences), shall be shared electronically with Director General, Labour Bureau.

47. Publication for communication:- The State Government, the Tribunal, every employer for which the State Government is the appropriate Government, every Trade Union or negotiating union or the constituents of negotiating council and every authority referred to in these rules shall adequately make known their e-mail id or website or portal or any or all of them, as the case may be, by specifying in the letter-head, for the purposes of every communication to effect service of messages and documents under these rules.

48. Maintenance of records, registers, forms, notice, and display on board:- All records, registers, forms, notice, display board and other documents which are required to be maintained under the Industrial Relations Code, 2020 (Central Act No.36 of 2020) can be maintained in electronic manner and in the required format or containing the information as is required and they shall be produced and shown as and when required by the authority or Inspector-cum-Facilitator under this Code and rules framed thereunder. The maintenance of these records shall comply with the requirement of retention of records.

49. Appointment of Commissioner:- Where it is necessary to appoint a Commissioner under sub-section (3) of section 59, the Tribunal may appoint a person with experience in the particular industry, trade or business involved in question referred to in sub-section (2) of section 59 or a person with experience as a judge of Civil Court, or as a stipendiary magistrate or as a Registrar or Secretary of a Tribunal constituted under any State Act or Tribunal or National Tribunal constituted under the Code.

50. Fees for the Commissioner, etc:- (1) The Tribunal shall, after consultation with the parties, estimate the probable duration of the enquiry and fix the amount of the Commissioner's fees and other incidental expenses and direct the payment thereof into the nearest treasury, within a specified time, by such party or parties and in such proportion as it may consider fit. The Commission shall not issue until satisfactory evidence of the deposit into the treasury of the sum fixed is filed before the Tribunal:

Provided that the Tribunal may from time to time direct that any further sum or sums be deposited into the treasury within such time and by such parties as it may consider fit:

Provided further that the Tribunal may in its discretion, extend the time for depositing the sum into the treasury.

- (2) The Tribunal may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioner's fees in consultation with the parties.
- (3) The Tribunal may direct that the fees shall be disbursed to the Commissioner in such installments and on such date as it may consider fit.
- (4) The undisbursed balance, if any, of the sum deposited shall be refunded to the party or parties who deposited the sum in the same proportion as that in which it was deposited.

51. Time for submission of report:- (1) Every order for the appointment of Commissioner under sub-section (3) of section 59 shall indicate a date, allowing sufficient time, for the Commissioner to submit his report.

- (2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply, before the expiry of the said date, for extension of time setting forth grounds thereof and the Tribunal shall take such grounds into consideration in passing orders on the application:

Provided that the Tribunal may grant extension of time notwithstanding that no application for such extension has been received from the Commissioner within the reasonable time limit.

CHAPTER - XIII TRADE UNIONS

52. Form of application for registration under sub-section (1) of section 8:- (1) Every application for registration of a Trade Union shall be made electronically or otherwise in **Form-XVIII** along with an affidavit.

- (2) the Registrar may call for further information for the purpose of satisfying himself / herself that the application complies with the provisions of the Code.

53. Form of Certificate under sub-section (2) of section 9:- The Certificate of registration issued by the Registrar shall be electronically or otherwise in **Form-XIX**.

54. Form of Register under sub-section (3) of section 9:- The Register of Trade Unions shall be maintained, electronically or otherwise, in **Form-XX**.

55. Fee and subscription:- (1) The fee payable on registration of a trade union shall be as follows:

- (i) Rs.1000 for Trade Union with the membership of 1000 workers or above.
- (ii) Rs. 500 for Trade Union with the membership of less than 1000 workers.

(2) The payment of a minimum subscription by the members of the Trade Union under clause (f) of the section 7 shall not be less than:

(i) Rs.60 per annum for the unorganized sector

(ii) Rs.120 per annum for the organized sector

56. Form of application for withdrawal or cancellation under sub-section (5) of section 9:- (1) Every application by a Trade Union for withdrawal or cancellation of its certificate of registration shall be sent, electronically or otherwise, to the Registrar, in **Form-XXI**.

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

57. Appeals under sub-section (1) of section 10:- Any appeal made under sub-section (1) of section 10 shall be filed within ninety days of the date on which the Registrar passed the order against which the appeal is made.

58. Application to be made to the Tribunal:- If a worker / Trade Union desires to raise a dispute before Tribunal under sub-section (1) of section 22, such worker / Trade Union shall apply in **Form-XXII**, under intimation to the Registrar having jurisdiction over that area.

59. Change registration particulars and its constitution or rules under sub-section (3) of section 11:-

(1) Intimation of any change under sub section (3) of section 11, shall be given electronically or otherwise by the registered Trade Union in **Form-XXIII** within fourteen days of such change.

(2) on receiving a copy of an application made for alteration of the rules of trade union, the registrar, unless he / she has reason to believe that alteration has not been made in a manner provided by the rules of the Trade Union, shall Register the alteration in a register to be maintained for this purpose and shall notify the fact that he has done so to the Secretary of the Trade Union.

(3) The fee payable for registration of alteration of rules of Trade Union shall be Rs.250 for each set of alteration made.

60. Change in the name under sub-section (3) of section 24:- (1) the notice of any change of the name of the trade union shall be sent to the registrar in **Form-XXIV**.

(2) When the registrar registers a change of name under section 24, he / she shall certify under his signature at the foot of the certificate issued under Rule 53 that the new name has been registered. The Secretary shall present the certificate to the Registrar for making this entry.

61. Amalgamation of trade unions under sub-section (2) and (3) of section 24:- Notice of every amalgamation of trade unions shall be sent to the registrar, electronically or otherwise in duplicate of **Form-XXV**.

62. Dissolution of registered trade union under sub-section (1) of section 25:- Whenever a registered trade union is dissolved, notice of dissolution shall be sent within fourteen days, electronically or otherwise in duplicate of **Form-XXVI** to the Registrar.

- 63. Division of funds under sub-section (2) of section 25:-** Where it is necessary for the registrar to distribute the funds of a registered trade union which has been dissolved, he / she shall divide the fund among the members in proportion to the amount contributed by them by way of subscription during their membership.
- 64. Annual Returns under section 26:-** The annual return to be furnished under section 26 shall be submitted to the Registrar, electronically or otherwise for the financial year, before the 30th day of April in each year and shall be in **Form-XXVII**.
- 65. Audit under clause (j) of section 7:-** The annual audit of the accounts of any registered trade union shall be conducted by an auditor authorized to audit the accounts of companies under section 139 and section 141 of the Companies Act, 2013.
- 66. Declaration by Auditors:-** The auditor or auditors appointed in accordance with the rules shall be given access to all the books of trade union and shall verify the general statement submitted under section 26 with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended in **Form-XXVIII**, indicating separately on that form under his signature or their signatures, a statement showing in what respect he or they find the return to be incorrect, untouched or not in accordance with the Code. The particulars given in the statement shall indicate:
- (a) Every payment which appears to be unauthorized by the rules of the trade union or contrary to the provisions of the Code;
 - (b) The amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person;
 - (c) The amount of any sum which ought to have been but is not brought to account by any person.
- 67. Audit of Political Fund:-** The audit of the political funds of a registered trade union shall be carried out along with the audit of general account of the trade union by the same auditor or auditors.
- 68. Maintenance of account books by registered Trade Unions:-** Every registered Trade Union shall maintain the following books and registers to facilitate the audit of its accounts, namely,-
- (a) Register of membership and subscription;
 - (b) Register of receipts and disbursements of general fund accounts;
 - (c) Minutes books to record the proceedings of all the meetings;
 - (d) Register of stocks, tools, and plant to show the furniture, fitting and valuable documents relating to the immovable property of the trade union;
 - (e) Register of receipts and disbursements for the political fund (if there is a political fund);
 - (f) A file of vouchers serially arranged; and
 - (g) Machine numbered subscription receipt book.
- 69. Inspection of registers and documents:-** (1) The Register of Trade Unions maintained in accordance with rule 54 shall be made available for inspection to any person on payment of fee of Rs.100/-.

- (2) any document of trade union lying in the possession of the Registrar may be inspected by any member of that trade union on payment of rupees. 100/- for each document inspected.
- (3) Documents shall be open to inspection every day on which the office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

70. Objects on which general funds may be spent:- The general funds of registered trade union shall not be spent on any other object than the following, namely,-

- (a) the payment of wages, allowances and expenses to office-bearers of the Trade Union;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) the prosecution or defense of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution or defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his / her employer or with a person whom the member employs;
- (d) the conduct of trade disputes on behalf of the Trade Union or any member thereof;
- (e) the compensation of members for loss arising out of trade disputes;
- (f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- (h) the provisions of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependents of members;
- (i) the upkeep of a periodical published, mainly for the purpose of discussing questions affecting employers or workmen as such;
- (j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of 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.

71. Constitution of a separate fund for political purposes:-

- (1) A registered Trade Union may constitute a separate fund, from contributions separately levied for or made to that fund, from which payments may be made, for the promotion of the Trade Union or office bearer or a member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of trade union is a party on the ground only that such act induces some other person to break a contract of employment or that it is in interference with the trade, business or employment of some other person or with the rights of some other person to dispose of his / her capital or of his / her labour as he / she wills.

(2) A registered trade union shall not be liable in any suit or other legal proceedings in any Civil Court in respect of any tortuous act done in contemplation or furtherance of a trade dispute by an agent of the trade union if it is proved that such person acted without the knowledge of, or contrary to express instruction given by, the executive of the Trade Union.

72. 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:- (1) The matters pertaining to workers which the negotiating union or negotiating council shall negotiate with the employer of the industrial establishment under sub-section (1) 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) quarter 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 negotiating council.

73. Criteria for recognizing 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 percent of the total workers employed in the industrial establishment, then, the employer of such industrial establishment shall recognize such Trade Union as sole negotiating union of the workers.

74. Manner of verification of membership of Trade Unions in an industrial establishment under sub-sections (3) and (4) of section 14:-

- (1)(a) The employer of the industrial establishment shall appoint a verification officer (hereinafter in this rule, referred to as verification officer) for the purpose of verification of membership of the Trade Unions in the industrial establishment who shall be an independent officer and shall not have any interest with any of the Trade Union, whose membership verification is to be carried out:

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

- (b) The verification officer can appoint additional verification officers to assist him depending upon the quantum of work of membership verification;
- (c) The verification officer shall carry out the work of membership verification in the industrial establishment in time bound manner as determined by the employer;
- (2) The employer of the industrial establishment shall bear all expenses and make arrangements in connection with the verification of membership of Trade Union under sub-rule (1).
- (3) (a) 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) such Trade Union has a valid registration under the Trade Unions Act, 1926 and continuing as such or has the registration under the Industrial Relations Code, 2020 (Central Act No.35 of 2020), as the case may be; and
 - (ii) the membership of the Trade Union be confined to the particular industrial establishment only.
- (b) The Application for recognition made by Trade Union shall be accompanied with the copy of the registration certificate, copy of list of members, details of the membership subscription and copy of latest annual return submitted to Registrar of Trade Unions and any other relevant document which the Trade Union wishes to submit in support of its claim;
- (4) (a) In case of negotiating union or negotiating council, as the case may be, has been constituted under the Code, the employer of the industrial establishment shall initiate action before expiry of the tenure of incumbent negotiating union or negotiating council, as the case may be, sufficiently in advance but not later than three months before the expiry of the tenure of incumbent negotiating union or negotiating council, as the case may be;
- (b) The date of reckoning shall be fixed by the employer of the industrial establishment for the purpose of verification of membership of the Trade Unions;
- (c) The employer of the establishment shall forward the documents and records submitted by Trade Unions, to the verification officer;
- (d) On receipt of the documents and records, the verification officer shall scrutinize the records 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 representative of employer of industrial establishment and all participating Trade Unions to decide about the process of verification of the membership of Trade Unions through secret ballot;
- (f) The employer may, 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.

75. 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 / she shall publish the schedule, programme and procedure of such secret ballot;
- (3) All workers whose names are borne on the muster roll of the industrial establishment on the date of reckoning, shall be eligible to cast their vote;
- (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 Employee identification number, 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 by 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 finalization.
- (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 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 name of all Trade Unions participated in election, total number of votes polled and the number of votes cast infavour of each of the Trade Union which participated in the election.
- 76. 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.
- 77. Recognition of Trade Union as negotiating union or constituents of negotiation 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 constituents of negotiating council as per provisions of sub-section (2) or (3) or (4) of section 14 of the Code, as the case may be, which shall be valid for three years from the date of recognition of 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 the tenure of the negotiating union and the negotiating council shall be decided prior to holding of secret ballot.

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

- (i) notice board for the purpose of displaying the information relating to activities of negotiating union or negotiating council, as the case may be;
- (ii) venue and necessary facilities for holding discussions by the negotiating union or negotiating council, as the case may be, as per schedule and agenda to be settled between employer of the industrial establishment and the negotiating union or constituents of negotiating council, as the case may be;
- (iii) venue and necessary facilities for holding discussions amongst the members of the negotiating union or constituents of negotiating council, as the case may be;
- (iv) facility for entrance of the office bearers of the negotiating union or constituents of negotiating council, as the case may be, in the industrial establishment for the purposes of ascertaining the matters which are relating to working conditions of the workers;
- (v) employer to deduct subscription of the members of the Trade Unions on the basis of the written consent of the worker;
- (vi) 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 employer and such office bearers; and
- (vii) employer of an industrial establishment, having three hundred or more workers, shall provide suitable office accommodation with necessary facilities to the negotiating union or negotiating council, as the case may be.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

I.RANI KUMUDINI,
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

The Commissioner of Printing, Stationary and Stores purchases (PW), Chanchalaguda, Hyderabad (for publication in the Gazette and supply of 50 copies to the Commissioner of Labour, Telangana, Hyderabad and 10 copies to Government and requested to inform the date on which the copies of the Official Gazettee are made available to the public).

The Commissioner of Labour, Telangana, Hyderabad.

Copy to:

The Under Secretary to the Government of India,
Ministry of Labour & Employment,
Shram Shakti Bhawan, Rafi Marg, New Delhi-110001.

The Secretary to Chief Minister

The P.S. to Minister (Labour & Employment)

The Law (B) Department

SC

// FORWARDED :: BY ORDER //

SECTION OFFICER

Contd....35

Annexures to G.O.Rt.No. _____, LET&F (Lab-I) Department, dt: 29.09.2021

FORM-I
(See rule 3)

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

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties

.....

.....

Witnesses:

(1)

(2)

*Signature of Conciliation Officer

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

FORM II
(See rule 15)

The Industrial Relations Code, 2020 (Refer section 34)
Register for certified standing orders

Part I

Unique and continuous number	Name of the industrial establishment	Nature of the industrial establishment	Whether standing order is (a) model standing order, or (b) deemed standing order or (c) certified standing order	Date of adoption or date of deemed authentication or date of Certification / authentication of Standing Order
1	2	3	4	5

Date of Filing Appeal	Date and Nature of Decision	Amendment made on appeal, if any	Date of the dispatch of the copy of Standing Orders as settled on appeal	Any other relevant detail
6	7	8	9	10

Signature of Certifying Officer

:: 36 ::

FORM-III

(See rule 17)

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

Name of employer.....

Address.....

Dated theday of 20.....

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

Signature.....

Designation

ANNEXURE

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

Copy forwarded to:

1. The Secretary of registered Trade Union, if any.
2. Concerned Conciliation officer.

FORM-IV

(Agreement for voluntary arbitration)

(See rule 18)

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 establishment or undertaking involved.
- (iii) Name of the worker in case he himself is involved in the dispute or the name of the union, if any, representing the worker or workers in question.
- (iv) Total number of workers employed in the undertaking affected.
- (v) Estimated number of workers affected or likely to be affected by the dispute.

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

The arbitrator (s) shall make his (their) award within a period of (here specify the period agreed upon by the parties) from the date of publication of this agreement in the Official Gazette by the 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/ any officer of the Trade Union/
Representing worker/ workers.

Witnesses:

1.

2.

Copy to: (i) The Conciliation Officer of the Area

(ii) The Secretary to the Government, Labour, Employment & Factories department.

FORM-V

(See Rule 20, Rule 42 and Rule 43)

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

Before the Authority
(Here mention the authority concerned)

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

.....workers

VersusEmployer

I/we hereby authorise Shri / Sarvashri (if representatives are more than one)

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

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

Signature of person(s) nominating the representative(s)
Address Accepted.

FORM-VI

(See rule 21 and 22)

Form of Oath of Office for Judicial Member or Administrative Member (whichever is applicable) of Industrial Tribunal

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

(Signature)

Place:

Date:

:: 39 ::

FORM-VII
(See rule 24)

(Application to be submitted before the Tribunal in the matter not settled
by the conciliation officer)

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

In the matter of:

..... Applicant

Address.....

Versus

..... Opposite party (ies)

Address.....

The above mentioned applicant begs to state as follows :-

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

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

Signature of the applicant(s)
Address(es)

Station:

Date:.

FORM- VIII
(See rule 25)

Application under sub-section (1) of section 59 of the Industrial Relations Code, 2020

To,

(1) The Secretary to the Government, LET&F department

(2) The Joint Commissioner of Labour..... (here insert the name of the zone).

Sir,

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

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

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

Signature of the applicant(s)
Address(es)

Station:
Date:.

ANNEXURE
(Here indicate the details of the amount(s) claimed.)]

FORM-IX

[See rule 25]

Application by a person authorised by a worker or by the assignee or heir of a deceased worker under sub-section (1) of section 59 of the Industrial Relations Code, 2020

To

(1) The Secretary to the Government, LET&F department

(2) The Joint Commissioner of Labour..... (here insert the name of the zone).

Sir,

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

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

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

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

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

Station.....

Signature of the authorized person/assignee/heirs

Date.....

Address.....

ANNEXURE

(Here indicate the details of the amount claimed.)

FORM-X

[See rule 25]

Application under sub-section (2) of section 59 of the Industrial Relations Code
Before the Industrial Tribunal at

Between

(1) Name of the applicant(s)

and

(2) Name of the employer

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

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

Signature or Thumb Impression (s) of the applicant(s)
Address (es)

Place.....

Date.....

ANNEXURE

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

:: 43 ::

FORM-XI

[See rule 25]

Application by a person who is an assignee or heir of a deceased worker under sub-section (2) of section 59 of the Industrial Relations Code, 2020 (35 of 2020)

Before the Industrial Tribunal at Between

(i) Name of the applicant/applicants

(ii) Name of the employer

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

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

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

Name and Address of worker

Signature of the assignee/heirs

Address (es)

Place.....

Date.....

ANNEXURE

(Herein set out the details of the money due or the benefits accrued together with the case for their admissibility)

:: 44 ::

FORM-XII

(See rule 26)

(Notice of strike to be given by 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 I/We hereby give you notice that I propose to call a strike / we propose to go on strike on20....., for the reasons explained in the annexure.

Yours faithfully,

(Secretary of the Union)

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

ANNEXURE

Statement of the Case.

Copy to;

- 1) Conciliation Officer of the area
- 2) Commissioner of Labour
- 3) Secretary, LET&F Department

FORM-XIII

(See rule 27)

(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(5) of this code, I/we hereby give notice to all concerned that it is my/our intention to effect lock out in.....department(s), section(s) of my/our establishment with effect from.....for the reasons explained in the annexure.

Signature.....

Designation.....

ANNEXURE

1.	Statement of reasons
-----------	-----------------------------

Copy forwarded to:

- (1) The Secretary of the Registered Union, if any
- (2) Conciliation officer [of the concerned area.]
- (3) Commissioner of Labour
- (4) To the office of DG Labour Bureau.
- (5) Secretary, LET&F department

FORM-XIV

(See rule 28, rule 30 and rule 34)

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

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

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

Establishment Registration No

Dated.....

(Note: The intimation for Closure/Retrenchment to the appropriate government shall be served sixty days and thirty days before commencement of Closure/Retrenchment respectively)

To,

The Secretary to the government
LET&F department, Hyderabad.

1. *(Retrenchment) (a) Under Section 70(C) of this Code, 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 Code, 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 section 70(a)* / section 75(1)* of the Code.

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 Code.

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 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.

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 Code.
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 enclosed herewith 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) To the Office of DG Labour Bureau, Ministry of Labour and Employment, (Only for statistical purpose)
- (2) Conciliation officer of the concerned area.
- (3) To the Registered Unions/ Authorised Representatives of Workers operating in the establishments or undertakings.
- (4) Commissioner of Labour

FORM-XV

[See rules 31, 32 and 36]

[Application for permission of Lay-off/ Continuation of Lay-off/ Retrenchment/ Closure to be given by an employer / Industrial establishment /Undertaking to the State Government under the provisions of Chapter X of the Industrial Relations Code, 2020 (35 of 2020) and rules made there under]

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

Name of Industrial Establishment or Undertaking or Employer.....
Establishment Registration No

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
Continuation of Lay-off – at least 15 days before the expiry of earlier 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 to the Government,
Labour, Employment & Factories department,
Hyderabad.

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

or

(Continuation of lay-off) (b) Under section 78(3) of the Industrial Relations Code, 2020, I/we* hereby apply for permission to continue the Lay-offworkers** out of total of laid off workers** 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, 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, I / we hereby inform you that I*/we* intended to close down the undertaking..... (name of the industrial establishment or undertaking or employer) (details to be given in Annexure-I) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is..... (number of workers)

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

or

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

or

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

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

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

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

or

I/We hereby state that currently Insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I/we* will pay all the dues 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 herewith.

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/ like other, (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) Corporate Identification Number (b) Goods and Service Tax Identification Number (GSTIN)	
4	(i) Annual production, item wise for preceding three years- (ii) Production figures, month-wise, for the preceding twelve months,	
5	Audit report of the legal entity that own the 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 workers 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						

FORM-XVI

(See rule 39)

Notice to the Employer/person who committed an offence for the first time under the Code, for compounding of offence under section 89 read with rule 39,

The undersigned, the Compounding Officer for the purposes of section 89 of the Industrial Relation Code, 2020 hereby intimates you that the allegation has been made against you for committing offence for the violation of various provision of this Code as per the details given below;-

PART - I

- 1. Name and Address of the offender Employer/person-
- 2. Address of the Establishment
- 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 receipt of this notice for compounding the offence as per section 89 of the Industrial Relation Code, 2020 (35 of 2020) read with rule 39, alongwith an application dully filled in part - III of this notice.

In case you fail to deposit the said amount within the time so specified, no further opportunity shall be given to you and necessary steps shall be taken for filing of prosecution under section 87 shall be issued.

(Signature of the Compounding Officer)
Date:
Place:

PART - III

Application under sub-section (4) of section 89 of the Industrial relations Code, 2020 (35 of 2020) read with rule 39(2) for compounding of offence

- 1. Name of applicant (name of the employer/person who committed the offence under the Industrial Relation Code 2020 (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)

Dated:

Place:

FORM-XVII

(See rule 41)

(Complaint under Section 91 of the Industrial Relations Code, 2020 (35 of 2020))

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 Relations Code, as shown below:

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

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

The number of copies of .the complaint and its annexure required under rule 91 of the Industrial Relations Code, 2020 (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.

FORM-XVIII

Rule 52 (1)

APPLICATION FOR REGISTRATION OF TRADE UNION

Name of the Trade Union-----

Address

Dated the ---- day of ----- 20—

1. This application is made by the persons whose names are subscribed at the foot hereof.
2. The name under which is is proposed that the trade union, on behalf of which this application is made, shall be registered is ----- as set forth in Rule No ----
3. The address of the Head Office of the Trade Union to which all communication and notices may be addressed is : -----
4. The ---- Union came into existence on the _____ day of _____
5. The trade Union is a union of Employers/Workers engaged in the -----Industry or---- Profession and has --- members.
6. The particulars required by section 9 of the Industrial Relations Code, 2020 are given in Schedule I.
7. The particulars given in Schedule II show the provisions made in the rules for the matters detailed in section 8 of the Industrial Relations Code, 2020. (To be struck out in the case of Unions which have not been in existence for one year before the date of application).
8. The particulars required by section 8(2) of the Industrial Relations Code, 2020, are given in Schedule III.
9. One copy of the rules of the Trade Union are attached to this application
10. We have been duly authorized to make this application on its behalf and such authorization consisting of -----

SIGNATURE

OCCUPATION

ADDRESS

Signed

1
2
3
4
5
6
7

To,
The Registrar /Deputy Registrar of Trade Union

SCHEDULE - I
LIST OF THE OFFICERS

Office held in the Union	Name	Age	Address	Occupation

SCHEDULE - II
(Reference to Rules)

The number of rules making provisions for several matters detailed in column 1 are given in column 2

Matter 1	Number of Rules 2
Name of union	
The whole of the objects for which the union has been established	
The whole of the purposes for which the general funds of the union shall be applicable.	
The maintenance of a list of members.	
The facilities provided for the inspection of the list of members by officers and members.	
The admission of ordinary members.	
The admission of honorary or temporary members'	
The conditions under which members are entitled to benefit assured by the rules.	
The conditions under which fines or forfeitures can be imposed or varied.	
The manner in which the rule shall be amended, varied or rescinded	
The manner in which the members of the executive and the other officers of the union shall be appointed and removed.	
The safe custody of the funds.	
The annual audit of the accounts.	
The facilities for the inspection of the account books by officers and members.	
The manner in which the union may be dissolved.	
The manner in which the membership can be terminated.	

SCHEDULE-III

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

STATEMENT OF LIABILITIES AND ASSETS ON THEDAY OF.....,20,....

Liabilities	RS.P	Assets	Rs. P.
Amount of General fund		Cash- In hands of Treasurer In hands of Secretary In hands of ---	
Amount of political fund		In hands of -- Bank In hands of -- Bank	
Debts/ Loans ...		Securities as per list below Unpaid subscription due Loans to ----- -----	
From Other liabilities (to be specified)		immovable property Goods and furniture Other assets (to be specified)	
Total Liabilities		Total Assets	

List of Securities

Particulars	Face Value	Cost Price	Market Value	In hands of
-------------	------------	------------	--------------	-------------

Signed

:: 56 ::

FORM-XIX

(Rule 53)

CERTIFICATE OF REGISTRATION OF TRADE UNION

Name of the Trade Union-----

Registration Number

Office of the Registrar/ Deputy Registrar of Trade Unions -----.

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

Seal

Registrar /Deputy Registrar Trade Unions

FORM-XX

**(Rule 54)
FORM OF REGISTER**

1. Serial Number.
2. Date of Registration
3. (a) Names of the members making the application.
(b) Occupations 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 Registrar.
9. (a) Whether provision has been made for a separate fund under Section 16 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 Registrar
12. (a) Date of Registration of change of Name;
(b) Name of the Trade Union as changed;
(c) Initials of Registrar
13. (a) Date of Registration of Amalgamation;
(b) Name of the Amalgamated Union;
(c) Registration number of the Amalgamated Union
(d) Initials of Registrar
14. (a) Date of application for cancellation of registration under Section 10 (a);
(b) Date of giving notice for cancellation or withdrawal under Section 10(b);
(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) Occupation of the members applying for dissolution;
(3) Address of the members applying for dissolution;
(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 27 (2), if any;
(d) Initial of Registrar;

Note:- One page shall be allotted for each Union.

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FORM-XXI

(Rule 56)

Request to withdraw or cancel the CERIFICATE OF REGISTRATION

Application for withdrawal or Cancellation of certificate of Registration

Name of the Trade Union Registration Number Address dated the day of 19.....

To
The Registrar of Trade Unions,
Telangana.

The above mentioned trade union desires that its certificate of registration under the Trade Union Act, 1926, may be withdrawn or cancelled.

Resolution passed at a general meeting* duly held on the day of..... 19.....

(Here give exact and true copy of the resolution)
(Signed)

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

FORM-XXII

(Rule 58)

Application for tribunal regarding adjudication of disputes of trade union

To
Member,
Tribunal at.....

Name of the Applicant:.....

Name of the respondent:.....

Description of the dispute
.....

Place
Station
Date

Signature of the Applicant

Copy to the Registrar of the trade union,

FORM-XXIII

(Rule 59)

Change in registration particulars and its constitution or rules

Name of trade union already registered.....
Registration NoAddress
Dated this day of 20.....

To
The Registrar of Trade Union
Telangana

This application for change the following rules is hereby submitted for amendment/deletion/addition.

Rule No.	Wording of current rule	Proposed Amendment/deletion/addition	Wording of the rule after amendment	Reasons for amendment /deletion/addition

The consent of the members was obtained by referendum, resolution or a general meeting. If procedure allowed is covered by any rule, quote number of the rule.

(Signed)
Secretary

-
- (1)
 - (2)
 - (3)
 - (4) Members,
 - (5)
 - (6)
 - (7)

:: 60 ::

FORM-XXIV

(Rule 60)

Notice of Change of Name

Name of trade union already registered.....
Registration NoAddressDated
this day of 19

To
The Registrar of Trade Union
Telangana

Notice is hereby given that subject to the provisions of section 23 of the Trade Union Act, 1926, the name of the above mentioned trade union has been changed to

The consent of the members was obtained by*

(Signed)
Secretary

-
- (1)
 - (2)
 - (3)
 - (4) Members,
 - (5)
 - (6)
 - (7)

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

:: 61 ::

FORM-XXV

(Rule 61)

Notice of Amalgamation of Trade Union

A. Name of registered trade union
Number of registration

B. Name of registered trade union
Number of registration (and so in if more than two)

Address

Dated the day of 19

To
The Registrar of Trade Unions,
Telangana.

Notice is hereby given that in accordance with the requirements of Section 24 of the Trade Unions Act, 1926, the members 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 unions shall hence forth be called the.....

Accompanying this notice is a copy of the rules intended to be henceforth adapted by the amalgamated trade union which are the rules (if so) of the

(To be signed by seven members and
the Secretary of each trade union,)
(Signed)
Secretary

Page no. 261

(1)
(2)
(3)
(4) Members,
(5)
(6)
(7)

FORM-XXVI
(Rule 62)

Notice of Dissolution of Trade Union

Name of trade union Registration No

Address

Dated:

To
The Registrar of Trade Unions,
Telangana.

Notice is hereby given that the above-mentioned trade union was dissolved in pursuance of the rules thereof on theday of19

We have been duly authorised by the union to forward this notice on its behalf, such authorisation is based on a resolution passed at a general meeting on the*.

Dated 19

(Signed)
Secretary

- (1)
- (2)
- (3)
- (4) Members,
- (5)
- (6)
- (7)

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

FORM-XXVII

**(Rule 64-66)
Form of Annual Returns**

Annual Return prescribed under Industrial Code, 2020, for the year ending ¹[31st December, 20__ .].

PART A

- 1) Name of the Union
- 2) Address of the Union
- 3) Registered Head Office
- 4) Number and date of Certificate of Registration x
- 5) Classification of industry (to be shown as per Schedule of Industries attached)
- 6) Classification of sector please state to which of the following 4 categories the Union belongs:-
- 7) *Public Sector, Central sphere
- 8) *Public Sector, State sphere
- 9) *Private Sector, Central sphere and
- 10) *Private Sector, State sphere
- 11) *Name of the All-India Body/Federation to which affiliated
- 12) Affiliation Number
- 13) Affiliation fee paid during the year
- 14) Number and date of receipt for payment of affiliation fee
- 15) Membership fee per month
- 16) No. of members on books at the beginning of the year
- 17) No. of members admitted during the year
- 18) No. of members who left during the year
- 19) No. of members in books at the end of year
 - a. (i.e., on 31st December, 19 Male female
- 20) No: of members contributing to political fund
- 21) No. of members who paid their subscription for the whole year
- 22) A copy of the rules of Trade Unions corrected upto the date of dispatch of this return is appended.
- 23) Part B of the Return overleaf has been duly completed.

Dated the

Secretary

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

PART B

General Fund Account

[Income and Expenditure Statement]

<i>Income</i>	<i>Rs. Ps.</i>	<i>Expenditure</i>	<i>Rs.Ps.</i>
Balance at beginning of the year (Subscription from members including unpaid subscription due for the year)		Salaries and allowances of officers Travelling allowance salaries, allowances and expenses of establishment.	
x (a) Subscription received		Auditors fee.	
x (b) Subscription in arrears for three months or less		Legal expenses.	
x (c) Subscription in arrears for more than three months		Expenses in conducting trade disputes	
Donations.		Compensation paid to members, for loss arising out of trade disputes	
Sale of Periodicals, books, rules, etc.		Funeral, old age, sickness, unemployment benefits, etc.	
Interest on investment.		Cost of publishing periodicals.	
Income from miscellaneous source (to be specified).		Rent, rates and taxes, Stationery, Printing and postage expenses incurred under Section 15(i) of the Trade Unions Act, 1926 (to be specified).	
		Other expenses (to be specified)	
		Balance at the end of the year	
		Total:	

PART C

Political Fund Account

<i>Rs. Ps.</i>	<i>Rs.Ps.</i>
Balance at beginning of the year	Payment made on the objects specified in Section 16(2) of the Trade Unions Act, 1926 (to be specified).
Contribution from members at.....	Expenses of the Management (to be fully specified).
Total :	Balance at the end of the year
	Total:
	Treasurer.

PART D

**Statement of Liabilities and Assets one the 31st day of
December, 19.....**

<i>Income</i>	<i>Rs.</i>	<i>Ps.</i>	<i>Expenditure</i>	<i>Rs.</i>	<i>Ps.</i>
Amount of General Fund			Cash		
Amount of Political Fund			In hands of Treasury		
Loans from-----			In hands of Secretary		
			In hands of -----		
			In the Bank		
			In theBank		
			Securities as per list below		
			Unpaid subscription due for		
			* (a) the year		
			* (b) previous year		
Debts due to			Loans to		
			* (a) Officers		
			* (b) Members		
			* (c) Others		
Other liabilities (to be specified)			Immovable property, goods and		
			Furniture other assets to be		
			Specified).		
Total Liabilities			Total Assets		

**PART E
List of Securities**

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

Treasurer

Auditor's Report

We 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 year and also the Statement 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) We have obtained all the information and explanation and have had access to all the books and accounts of Trade Union which were necessary for the purposes of our 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 our opinion and to the best of our information and according to the explanation given to us, the foregoing accounts, statement and list have been properly drawn up and they give a true and correct view of income, expenditure, assets and liabilities of the Trade Union.

Note:---- If the state of the Account is such that Auditor is unable to express the opinion on the 'True and correct' aspect of the Accounts, Statement and the List, he should state his reason therefor.

Auditor(s)/Chartered Accountant

The following changes of Officers have been made during the year.

Officers Relinquishing Office

Name	Office	Date of Relinquishing Office
------	--------	------------------------------

Officers Appointed

Name	Date of Birth	Private address	Personal occupation	Title of position held in union	Date on which appointment in Column 5 was taken up	Other officers held in addition to membership of executive with date
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Election

Date of last Elections of office bearers

Date of Next elections of office bearers
Secretary.

FORM FOR FEDERATION OF TRADE UNIONS

Annual Return prescribed under the Industrial Relations Code for the year ending 31st December, 20__

PART A

- (1) Name of the Federation
- x(2) Address of the Federation
- (3) Registered Head Office
- (4) Number and date of Certificate of Registration
- x(5) Classification of industry (to be shown as per Schedule of Industries attached)
- x(6) Classification of sector (please state to which of the following 4 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
- x(7) Name of the All-India Body/Federation to which affiliated
- x(8) Affiliated Number
- x(9) Affiliation fee paid to the All-India Body to which affiliated during the year
- x(10) date of payment of affiliation fee to the All-India Body
- x(11) Membership fee charged from affiliated Unions by the Federation.
- xx(12) No. of affiliated unions at the beginning of the year and their membership
- xx(13) No. of unions joining during the year and their membership
- xx(14) No. of disaffiliated during the year and their membership
- xx 15) No. of affiliated unions at the end of year and their membership
- (16) No: of members contributing to political fund
- x(17) No. of unions which paid their affiliation fee for the whole year
- (18) A copy of the rules of Federation corrected upto the date of dispatch of this return is appended.
- x(19) Part B of the return overleaf has been duly completed.

Dated the

Secretary

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

xx Names of Unions should be shown in separate statements marked ABCD.

PART B
General Fund Account
[Income and Expenditure Statement]

<i>Income</i>	<i>Rs. Ps.</i>	<i>Expenditure</i>	<i>Rs.Ps.</i>
Balance at beginning of the year (Subscription from members including unpaid subscription due for the year)		Salaries and allowances of officers Travelling allowance salaries, allowances and expenses of establishment.	
x (a) Subscription received		Auditors fee.	
x (b) Subscription in arrears for three months or less		Legal expenses.	
x (c) Subscription in arrears for more than three months		Expenses in conducting trade disputes	
Donations.			
Sale of Periodicals, books, rules, etc.		Compensation paid to members, for loss arising out of trade disputes	
Interest on investment.		Funeral, old age, sickness, unemployment benefits, etc.	
Income from miscellaneous source (to be specified).			
		Cost of publishing periodicals. Rent, rates and taxes, Stationery, Printing and postage expenses incurred under Section 15(i) of the Trade Unions Act, 1926 (to be specified). Other expenses (to be specified)	
		Balance at the end of the year	
		Total:	

PART C
Political Fund Account

<i>Rs. Ps.</i>	<i>Rs.Ps.</i>
Balance at beginning of the year	Payment made on the objects specified in Section 16(2) of the Trade Unions Act,1926 (to be specified).
Contribution from members at.....	Expenses of the Management (to be fully specified).
Total :	Balance at the end of the year Total:

PART D
Statement of Liabilities and Assets one the 31st day of
December, 19.....

<i>Liabilities</i>	<i>Rs. Ps.</i>	<i>Assets</i>	<i>Rs. Ps.</i>
Amount of General Fund		Cash	
		In hands of Treasury	
		In hands of Secretary	
		In hands of -----	
Amount of Political Fund		In the Bank	
		In theBank	
Loans from-----		Securities as per list below	
		Unpaid subscription due for	
		* (a) the year	
		* (b) previous year	
Debts due to		Loans to	
		* (a) Officers	
		* (b) Members	
		* (c) Others	
Other liabilities (to be specified)		Immovable property, goods and Furniture other assets to be Specified).	
Total Liabilities		Total Assets	

**PART E
List of Securities**

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

Treasurer

Auditor's Report

We 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 year ending and also the Statement 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) We have obtained all the information and explanation and have had access to all the books and accounts of Trade Union which were necessary for the purpose of our 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 our opinion and to the best of our information and according to the explanation given to us, the foregoing accounts, statement and list have been properly drawn up and they give a true and correct view of income, expenditure, assets and liabilities of the Trade Union.

Note:--- If the state of the Account is such that Auditor is unable to express the opinion on the 'True and correct' aspect of the Accounts, Statement and the List, he should state his reason therefor.

Auditor(s)/Chartered Accountant

The following changes of Officers have been made during the year.

Officers Relinquishing Office

Name	Office	Date of Relinquishing Office
------	--------	------------------------------

Officers Appointed

Name	Date of Birth	Private address	Personal occupation	Title of position held in union	Date on which appointment in Column 5 was taken up	Other officers held in addition to membership of executive with date
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Elections

Date of last Elections of office bearers

Date of Next elections of office bearers
Secretary.

I.RANI KUMUDINI,
SPECIAL CHIEF SECRETARY TO GOVERNMENT