



# കേരള ഗസറ്റ് KERALA GAZETTE

## അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA

**Labour and Skills (E) Department**

NOTIFICATION

No.E3/54/2021-LBRD

Dated, Thiruvananthapuram, 30<sup>th</sup> December, 2021  
15<sup>th</sup> Dhanu, 1197.

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

- 1.The Kerala Industrial Dispute Rules, 1957;
2. The Kerala Industrial Employment (Standing Orders) Rules, 1958;



3. The Kerala Trade Unions Regulations, 1958; and
4. The Kerala Recognition of Trade Union Rules, 2011.

except as respects 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 draft rules will be taken up for consideration on or after forty five days from the date of publication of this notification in the Official Gazette and that objections or suggestions, if any, that may be received from any person with respect of the draft rules on or before the date specified above, will be considered by the Government. All objections and suggestions, if any, on the draft rules shall be addressed to the Secretary to Government, Labour and Skills (E) Department, Government Secretariat, Thiruvananthapuram - 695 001.

## **DRAFT RULES**

### **CHAPTER - I**

#### **PRELIMINARY**

1. *Short title and commencement.*- (1) These rules may be called the Kerala Industrial Relations Rules, 2021.

(2) They extend to whole of State of Kerala.

(3) 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) “Chief Verification Officer/Verification Officer” means an officer appointed by Government for the purpose of verification of percentage of workers supporting the Trade Unions in recognition of Trade Unions.
- (b) “Code” means the Industrial Relations Code, 2020 (Central Act 35 of 2020);
- (c) “Day” means period of twenty four hours beginning at midnight;
- (d) “electronically” means any information submitted by email or uploading on the designated portal maintained by the State Government;
- (e) “portal” means the web portal maintained by the State Government for the purpose of these rules;
- (f) “Returning Officer” means an officer appointed by the Chief Verification Officer or Additional Verification Officer or Joint Verification Officer or Deputy Verification Officer for the conduct of the election and includes Additional Returning Officer;
- (g) “section” means the section 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.

## **Chapter II**

### **BI-PARTITE FORUMS**

3. *Constitution of Works Committee under section 3.*- (1) Every employer to whom an order made under sub-section (1) of section 3 shall forthwith proceed to constitute a Works Committee in the following manner.



(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 therein and to the sections, shops or departments of the establishment:

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

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

(3) Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, 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, the employer shall ask such Trade Union to inform him in writing as to how many of the workers are members of such trade union; and

(b) where an employer has reason to believe that the information furnished to him under clause (a) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the District Labour Officer electronically or otherwise within whose jurisdiction the establishment is situated, who shall, after hearing the parties, shall decide the matter and his decision shall be final.

(5) On receipt of the information called for under sub-rule (4), the employer shall provide for the selection of workers representative on the Committee in following three groups, namely,-

(a) registered Trade Unions may choose their representatives as members for works committee in the proportion of their membership;

(b) where there is no registered Trade Union, workers may choose amongst themselves representatives for works committee;

(c) workers who are not member of registered Trade Union may choose amongst themselves representatives in proportionate to their number with total worker.

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

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

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

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

(d) the Works Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the workers and vice versa:

Provided that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the employer or the worker for two 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 representatives of the workers and only the representatives of the worker shall be entitled to vote in such elections.

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

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

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

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

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

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

(10) (a) The Works Committee may meet as often as necessary but not less often than once in three months;

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

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

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

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

(2) The representatives of the employer shall be nominated by the employer and shall, 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 shall be chosen by the registered Trade Unions if any. In case where there is no registered Trade Union the members may be chosen by the workers among themselves:



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

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

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

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

(5) Where an employer has reason to believe that the information furnished to him under sub-section(4) by the registered Trade Union is false, he may, after informing such Trade Union, refer the matter to the District Labour Officer electronically or otherwise within whose jurisdiction the establishment is situated, who shall, after hearing the parties, shall decide the matter and his decision shall be final.

(6) 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 by two following groups, namely:-

(i) registered Trade Union may choose their representatives as members for Grievance Redressal Committee in the proportion of their membership.

(ii) such workers those who are not member of registered Trade Union, may choose amongst themselves representatives for the Grievance Redressal Committee.

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

*6. 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 portal or by registered post or otherwise, within 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 through the Trade Union, of which he is a member.*



### **Chapter III Trade Unions**

7. *Form of application for registration.*- Every application for registration of a Trade Union under section 8 shall be made in Form I, along with a declaration in an affidavit in Form II.

8. *Evidence to prove authority to make application.*- Upon an application for the registration of a Trade Union the Registrar may require from the applicants such evidence as may seem to him necessary to show that the applicants have been duly authorized to make the application on behalf of the Trade Union.

9. *Fee for registration.*- The fee payable for the registration of a Trade Union shall be rupees ten thousand.

10. *Form of Certificate of Registration.*- The Certificate of Registration issued by the Registrar under sub-section (2) of section 9 shall be in Form III.

11. *Form of Register of Trade Unions.*- The Register of Trade Unions referred to in sub-section (1) of section 9 shall be maintained in Form IV.

12. *Form of application for withdrawal or cancellation.*- Every application by a Trade Union for withdrawal or cancellation of its Certificate of Registration referred to clause(i) of sub-section (5) of section 9 shall be sent to the Registrar in Form V.

13. *Verification of application.*- Upon an application for the withdrawal or cancellation of registration of a Trade Union been presented to him the Registrar if he has reason to believe that the applicants have not been duly authorised by such Union to make the same, may, for the purpose of ascertaining the fact, require from the applicants such evidence as may seem to him necessary and examine any officer of such Union.

14. *Form of notice before withdrawal or cancellation of Registration to be given by the Registrar.*- The Registrar shall when he proposed to withdraw or cancel the Certificate of Registration of a Trade Union under proviso of sub-section (5) of section 9, causes to be served a notice in Form VI on the Trade Union through its Secretary in person or by registered post or electronically.

15. *Surrender of Certificate of Registration.*- The Certificate of Registration issued to a Trade Union under rule 10 shall be surrendered by the Secretary of the Union when the Registrar decides to withdraw or cancel such certificate under clause (i) (ii) or (iii) of sub-section(5) or sub-section(6) of section 9.

16. *Form of cancellation or withdrawal of certificate.*- The cancellation or withdrawal of a certificate shall be in Form VII.

17. *Appeals.*- Any appeal made under sub-section(1) of section 10 shall be filed within sixty days from the date of receipt of order of the Registrar against which the appeal is made.

Provided that the Tribunal, if it is satisfied that the Appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, extend the said period by a further period of sixty days.



18. *Communication to Trade Union.*- All the communication and notices to the Trade Union shall be sent to its registered office by post or electronically.

19. *Form for notice of change of the name or the address of the Registered Office.*-(1) Notice of any change in the name or address of the registered office of the Trade Union shall be given to the Registrar in Form VIII.

(2) The Registrar on receipt of the notice of a change in the name or address of the Registered Office of a Trade Union, shall enter in his register the fact of such change and also certify the same on the certificate issued under Rule 10. The Secretary of the Union shall present the certificate to the Registrar for this purpose.

20. *Amalgamation of Trade Unions.*- (1) Notice of every amalgamation of Trade Union shall be sent to the Registrar in Form IX.

(2) When the amalgamated trade union is registered under section 24, it shall be assigned a new number in the register in Form IV and the Registrar shall issue a new certificate of registration in Form III thereof. He shall also note the fact of amalgamation against the entries if any, relating to the Trade Unions so amalgamated in the register in Form IV.

21. *Amendment of Rules.*-(1) An amendment of the Rules of a trade union may be either:

(i) A partial amendment, consisting of the addition of a new rule or part of a rule or rules to the existing rules or of the substitution of a new rule or part of a rule or rules for any of the existing rules, or of a rescission of any of the existing rules or any part thereof without any substitution or of more than one or all of those modes; or

(ii) a complete amendment consisting of the substitution of an entire set of rules for the existing set of rules.

(2) (i) Each notice of a complete or partial amendment of rules of the constitution of the union shall be submitted to the Registrar in Form X, together with a copy of the constitution of the union and a resolution of the Trade Union by which it was decided to apply for registration of the complete or partial amendment of the rules signed by the Secretary, electronically or by post.

(ii) In the case of a complete amendment of rules, schedule II of Form I of these Rules must be enclosed, duly filled in showing the provision made in the amended rules for the matters detailed in section 7 of the Act.

(3) (i) On receiving the copies of the amendment made in the rules of a Trade Union, the Registrar after satisfying himself that the amendment has been made in the manner laid down by the rules of the Trade Union, and is not inconsistent with any of the provisions of the Code, shall register the amendment in the entry relating to the Trade Union in the Register of Trade Unions in Form V as prescribed under Rule 11, and deliver to the Secretary of such Trade Union a copy of the Form X duly certifying the proposed amendment.

(ii) The fee payable for the registration of a complete or partial alteration of rules shall be five thousand rupees of each set of alterations made simultaneously.

(iii) the fee payable for obtaining a duplicate certificates shall be five thousand rupees.

22. *Dissolution of Trade Union.*- When a Trade Union is dissolved the notice of dissolution under sub-section (1) of section 25 shall be sent to the Registrar in Form XI and along with the said notice



the Certificate issued under Rule 10 shall be surrendered. When the Registrar registers the dissolution, he shall send an intimation of the fact of such registration under his signature to the Secretary of the Trade Union.

23. *Division of funds.*-Where it is necessary for the Registrar, under sub-section (2) of section 25 to distribute the funds of a Trade Union which has been dissolved he shall divide the funds in proportion to the amounts contributed by the members on roll at the time of dissolution, by way of subscription to the several funds of the Trade Union during their membership. In the event of the death of a member of a Trade Union subsequent to the date of its dissolution but prior to the distribution of funds, the Registrar shall pay the sum payable to such member to his legal representative.

24. *Annual return.*-(1)The annual return to be furnished under section 26 shall be submitted to the Registrar on or before the first day of June in each year and shall be in Form XII electronically or by post in the case of Individual Trade Unions and in Form XIII electronically or by post in the case of Federation of Trade Unions.

(2) if the Trade Union or Federation of Trade Unions fails to submit the annual return within the time mentioned in sub rule (1) it is liable for a fine of rupees one thousand per year per annual return.-

25. *Maintenance of certain books and registers to facilitate audit of accounts.*- Every registered Trade Union shall maintain the following books and registers to facilitate the audit of its accounts:

- (1) Registers of membership and subscriptions with name, address with telephone number and email if any, age, Aadhar/Election ID Card Number,
- (2) Register of receipts and disbursements of the general fund account,
- (3) Minutes book to record the proceedings of all meetings,
- (4) Register of stock, tools and plants to show the furniture, fittings and valuable documents relating to the immovable property of the union,
- (5) Machine numbered subscription receipt books,
- (6) Register of receipts and disbursements for the political fund (if there is a political fund), and
- (7) A file of vouchers.

26. *Audit.*- (1) The annual Audit of the accounts of registered Trade Union shall be conducted,-

- (a) by an auditor authorised to audit the accounts of companies under section 141 of the Companies Act, 2013, or
- (b) by the examiner of local fund accounts or by an auditor deputed by the examiner of local fund accounts, or
- (c) by the Registrar of Co-operative Societies, or



- (d) by any person duly authorised under the Kerala Co-operative Societies Act, 1969, or
- (e) if the membership of the Union did not at any time during the calendar year exceed 2500 by any person who had retired from a post not below the rank of an auditor, in any audit or accounts department of central or any state department, or
- (f) if the membership of the union did not at any time during the financial year exceed 250, by any two members of the union.

(2) Where the Trade Union is a federation of unions and the number of unions affiliated to it at any time during the calendar year did not exceed 20, or 5 respectively the audit of the accounts of the federation may be conducted as if it were a union whose membership did not exceed 2,500, or 250, respectively.

(3) Any Trade Union appointing the auditor or auditors in accordance with clauses (d), (e), and (f) of sub-rule (1) shall, before fourteen days of the commencement of the annual audit of accounts, give notice to the Registrar of Trade Unions of such appointment setting forth the name, address, qualifications and competency of the auditor or auditors so appointed.

*27. Disqualification of Auditors.*- Notwithstanding anything contained in rule 26, no person who at any time during the year, was entrusted with any part of the funds or securities belonging to the Trade Union shall be eligible to audit the accounts of that Union.

*28. Duties of auditors.*- (1) The auditor or auditors appointed in accordance with these Rules shall be given access to all the books and registers of the Trade Union and shall verify the annual returns with the accounts, and vouchers relating thereto and shall thereafter sign the Auditor's declaration appended to Form XII 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, un-vouched or not in accordance with the Code.

(2) The particulars given in this statement shall indicate:-

(a) Every payment which appears to be unauthorised under 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, and

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

*29. General Fund and separate fund and audit.*- (1) The general funds of a registered Trade Union shall not be spent on any other object than the following namely.-

- (a) The payment of salaries, allowances and expenses to office bearers of the Trade Union;
- (b) The payment of expenses for the administration of the Trade Union, including audit of the account of the general funds of the Trade Union;
- (c) The prosecution or defense of a 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 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 of 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 provision 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 upto that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year; and
- (k) Subject to any conditions contained in the notification, any other object notified by the Government in the official Gazette.

(2) A registered Trade union may constitute a separate fund, from contribution separately levied for or made to that fund, from which payments may be made, for the promotion of the civil and political interests of its members, in furtherance of any of the following objects namely,-

- (a) The payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the constitution or of any local authority, before, during or after the election in connection with his candidature or election; or
- (b) The holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
- (c) The maintenance of any person who is a member of any legislative body constituted under the constitution or for any local authority; or
- (d) The registration of electors or the selection of a candidate for any legislative body constituted under the Constitution or for any local authority; or
- (e) The holding of political meeting of any kind, or the distribution of political literature or political documents of any kind.

(3) The audit of the Separate fund of a Trade Union shall be carried out along with the audit of the general account of the Trade Union and by the same auditor or auditors.

30. *Inspection of Registers and Documents.*- (1) The Register of Trade Unions maintained in accordance with Rule 11 shall be open to inspection by any person on payment of a fee of rupees one hundred.

(2) Any documents in the possession of the Registrar received from a Trade Union may be inspected by any member of that union on payment of a fee of rupees one hundred for each document inspected.

(3) Documents shall be open to inspection on all days on which the office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.



(4) Copies of any of the documents specified in clause (ii) may be obtained from the Registrar on payment of copying charge at the rate of rupees two per page or at such rate as may be notified by the Government in this behalf.

31. *Collection of membership fee, subscription or any other dues from the members of the Trade Union.*- The registered Trade Unions may collect their membership fee and monthly subscription as per the bye-laws made under the Code.

## CHAPTER IV RECOGNITION OF NEGOTIATING UNION OR NEGOTIATING COUNCIL

32. *Appointment of Verification Officers.*- (1) The Government may by notification in the Official Gazette appoint Labour Commissioner, to facilitate the employer, as the Chief Verification Officer for the purpose of verification of percentage of workers supporting the trade unions in recognising as sole negotiating union or negotiating council under section 14 of the Code.

(2) The Government may also by notification in the official gazette appoint as many Additional, Joint or Deputy Verification Officers, to facilitate the employer, for the purpose of verification of percentage of workers supporting the Trade Unions in recognition of Trade Unions, as it thinks fit with such powers and functions, as it may, by order, specify and define the local limits within which any such Additional, Joint or Deputy Verification Officers who shall exercise and discharge the powers and functions so specified.

(3) The Verification Officer under (1) and (2) shall have the power to do all or any of the matters namely.-

(a) To make such examination and hold such enquiry as may be necessary, for ascertaining whether the provisions of this Code have been or are being complied with for carrying out the purposes of this Chapter made thereunder;

(b) To require the production of any register or any document required to be maintained under any law for the time being in force by the employer or Trade Union as the case may be;

(c) To enter at all reasonable times and with such assistance, of any person in the service of the Government or of any local authority as he thinks fit, any premises which is or which he has reason to believe is an industrial establishment;

(d) To make such inspection of the premises and of any prescribed registers, records and notices, and take on the spot or otherwise evidence of any person as he may deem necessary, for carrying out the purposes of this Chapter;

(e) To appoint any officer for assisting the Returning Officer for the conduct of election under this chapter;

(f) To issue result of verification to the employer for recognition as per the provisions of this chapter;

(g) To cancel or withdraw the result of verification, if the certificate has been obtained by fraud or misrepresentation or Trade Union has ceased to exist or Trade Union has lost requisite percentage of membership or violated any of the provisions of the Code or the rules;

(h) To exercise such other powers as may be necessary for carrying out the purposes of this chapter;



(4) Duties of the Verification Officer shall be the following.-

- (a) Preparation of reports regarding the verification of support of workers;
- (b) Maintenance of registers as required under the provisions of the Code and these rules;
- (c) Any other duties as may be assigned by the Government from time to time for carrying out the purpose of the Code and these rules.

33. *Criteria for recognising a single registered Trade Union of workers as sole negotiating union of workers under sub-section (2) of section 14.-* Where there is only one registered Trade Union operating in an industrial establishment having its members not less than one third of the total workers employed in the industrial establishment then the employer of such industrial establishment shall recognise such Trade Union as sole negotiating union of the workers and shall issue certificate of recognition of Trade Union in Form XX and intimate the same to the Verification Officer concerned who shall enter the details in Form XVII:

Provided that any dispute arises, the employer or the Trade Union of the industrial establishment may submit application for verification under rule 34 and Verification Officer shall verify the percentage of support of workers as the procedure where more than one Trade Union operating in the industrial establishment.

34. *Procedure to be initiated for recognition of Trade Union where more than one Trade Union operating.-* (1) The employer of an industrial establishment where more than one Trade Union operating shall apply for the verification of support of workers for the recognition of Trade Unions in the Industrial Establishment in Form XIV to the Verification Officer of the area in whose jurisdiction the industrial establishment is situated.

(2) Any Registered Trade Union of an industrial establishment thinks verification of support of workers needed in that establishment shall apply in Form XV to the Verification Officer of the area in whose jurisdiction, the industrial establishment is situated. The application shall be accompanied by a copy of registration certificate of Trade Union.

(3) Rupees five thousand shall be paid electronically or otherwise towards the application fee along with the application for verification of support of workers for recognition in the head of account maintained for the purpose. The fee so paid shall be non-refundable.

35. *Enquiry on application of verification for recognition.-* (1) On receipt of an application of verification report for recognition, the Verification Officer shall, within fifteen days from the date of receipt of such application, give notice to the Trade Union and the employer in Form XVI informing the time and date of enquiry and also the documents to be produced if any, for determining whether the applicant Trade Union fulfills the conditions laid down in rule 34 and for ascertaining whether there is any other Trade Union interested in submitting application for recognition.

(2) On receipt of the notice under sub-rule (1) the Trade Union or the employer, as the case may be, shall appear before the Verification Officer in person or any person with written authorisation for appearance along with the required details on the time and date mentioned in the notice.

(3) The Verification Officer may if necessary, require the applicant Trade Union or the employer to submit any other document, information or details in their possession as he deems necessary for him to take a decision in the matter.

(4) The Verification Officer may hear the applicant if necessary or adopt any other procedure he deems fit for determining whether the applicant Trade Union fulfills the conditions laid down in rule



34 and for ascertaining whether there is any other Trade Union interested in submitting application for recognition.

(5) The Verification Officer shall immediately after such enquiry send notice to all other registered Trade Union in the industrial establishment, requiring it or them to inform within seven days from the date of service of such notice as to whether such Trade Union is interested in submitting application for recognition under this chapter.

(6) A copy of notice mentioned in sub-rule (5) shall also be sent to employer of the industrial establishment and require him to display in the notice board of the industrial establishment immediately on receipt of it for the information of the Trade Unions.

(7) The Verification Officer, if necessary, may make other arrangements he deems fit to ensure that the information has reached the Trade Unions.

(8) On receipt of the notice under sub-rule (5) or sub-rule (7), the Trade Union shall furnish the required information within seven days to the Verification Officer as to whether it is interested in submitting the application for Recognition under this chapter:

Provided that the Trade Union interested in submitting for recognition shall submit application in Form XV in accordance with rule 34 to the Verification Officer within seven days on receipt of notice under sub-rule (5).

(9) The Verification Officer shall consider such application received, if any, under sub-rule (8) and proceed with the matter accordingly:

Provided that if any Trade Union fails to submit the application under sub-rule (8) within the time prescribed, the verification officer shall proceed with the process of verification without considering that Trade Union.

36. *Register of Recognised Trade Unions.*- The Verification Officer shall maintain a register of recognised Trade Unions in Form XVII.

37. *Verification report.*- The Verification Officer shall after complying with the procedure prescribed in rule 34 to 36, issue a report of verification for recognition in Form XVIII within fifteen days from the date on which the election process is completed.

38. *Mode of election.*- (1) If there is more than one applicant Trade Unions in respect of an industrial establishment the verification officer shall arrange to conduct an election by secret ballot in the manner herein, after mentioned in these rules.

(2) All the facilities and cost for conducting an election for recognition of Trade Unions shall be borne by the employer.

39. *Appointment of Returning Officer.*- (1) The Verification Officer shall appoint or nominate any officer as Returning Officer to conduct the election under this chapter.

(2) Returning Officer may appoint as many staffs for assisting him for the process of election.



40. *Powers and functioning of Returning Officer.*- (1) Subject to other provisions of these rules Returning Officer shall be responsible to conduct election for recognition of Trade Union and shall have powers,-

- (a) to fix the date of notification of election;
- (b) to fix and notify the date, place and time of election;
- (c) to prescribe the Form of notices, letter of intimation, declaration paper, ballot paper, the Form of any other record to be prepared or maintained in relation to an election, the instructions to be contained in the notification etc.;
- (d) to decide in case of doubt the validity or otherwise of each ballot paper or of each vote recorded thereon;
- (e) to fix,-
  - (i) the last date of receipt of nominations;
  - (ii) the date of scrutiny of nominations and publication of list of Trade Unions validly nominated;
  - (iii) the last date and time for withdrawal of candidature;
  - (iv) the date of publication of the final list of candidature;
  - (v) the date of issue of ballot paper;
  - (vi) the date and time of the poll;
  - (vii) the date and time of the counting of votes; and
  - (viii) the date and time for any other purpose in respect of conduct of election.
- (f) to declare the result of each election; and
- (g) to exercise any other power which he deems necessary for the effective conduct of the election.

(2) The Returning Officer shall, under unavoidable circumstances postpone the date or dates fixed for election or any process involved in the election at any stage with notice to the parties after recording the reason thereof:

Provided that it shall be informed to the Verification Officer immediately.

41. *Maintenance of Electoral Roll.*- The Returning Officer shall maintain an electoral roll showing the Serial Number, Employee Code, name and designation of the workmen of the industrial establishment. The electoral roll shall be made available by the employer of the industrial establishment upon request of the Returning Officer.

42. *Publication of Electoral Roll.*- (1) The electoral roll shall be published within seven days from the date of notification of the election. The Returning officer shall make arrangements with the employer of the industrial establishment to display the electoral roll in the Notice Board of the respective industrial establishment. The Returning Officer shall also make arrangements with the employer concerned to supply the copy of the electoral roll to all the registered Trade Unions in the industrial establishment immediately after its publication in the notice board.

(2) The Returning Officer shall also make arrangements for the workmen who are not members of any of the Trade Unions in an industrial establishment on request to inspect the electoral roll maintained in the office of the Returning Officer.

(3) Any objection to the electoral roll shall be submitted to the Returning Officer within seven days after the date of publication of the electoral roll and the Returning officer shall take a decision within five days on the receipt of such objection, if any, and arrange the publication of the electoral roll immediately with necessary changes, if any, in the notice board of the industrial establishment.



43. *Election not to be invalidated by reason of missing or omission in electoral roll.*-No election shall be invalidated by reason of missing or omission of the name of the workman entitled to vote in such election, in the electoral roll.

44. *Eligibility to take part in election.*- All the workers whose name is borne in the muster roll of the industrial establishment, and having one hundred and twenty days of attendance in a period of twelve months immediately before the date of notification of election shall be eligible for voting:

Provided that any interruption caused by closure, strike, lock-out, layoff, nonavailability of work or leave shall not count towards interruption of service for the purpose of this rule.

45. *Notification of election.*- The notification of election shall contain the following particulars, namely:-

- (a) Date of notification;
- (b) Date of publication of draft voters list;
- (c) Date of submission of objection and hearing on draft voters list;
- (d) Date of Publication of final voters list;
- (e) Last date and time for receipt of nominations;
- (f) Date and time of scrutiny of nominations and publication of list of valid nominations;
- (g) Last date and time for withdrawal of nominations;
- (h) Date of publication of the final list of candidates;
- (i) Date and time fixed for the poll;
- (j) Date and time of counting of votes.

46. *Presentation of nomination paper and requirements for a valid nomination.*- (1) The returning officer shall issue nomination paper in Form XIX free of cost to the Trade Unions on demand.

(2) On or before the date fixed for the receipt of nomination, each Trade Union may submit to the Returning Officer nomination paper in Form XIX, through its president or secretary, along with certified copy of registration certificate together with affiliation certificate, if any.

47. *Scrutiny of Nominations* .- (1) All nomination papers received in the office of the Returning Officer, shall be scrutinized by him.

(2) The Returning Officer shall examine the nomination papers and take decision on the objections which may be made at the time of scrutiny of nomination and he may either on receipt of such objections, or on his own motion, after such summary enquiry, if any, as he thinks necessary, reject any nomination, on any of the following grounds, namely:-

- (i) The applicant Trade Union is ineligible for election under the provisions of the Code;
- (ii) The proposer or the seconder whose name is not in the electoral roll;
- (iii) any other reason found relevant in accordance with the provisions of the Code or these rules, the returning officer thinks fit.

(3) The decision of the Returning Officer shall, in each case, be recorded on the nomination paper and such decision shall be final.



48. *List of Trade Union validly nominated.*- (1) A list of Trade Unions whose nominations have been declared valid after due scrutiny under rule 47 shall be published with their name, registration number and address by affixing the same on the notice board in the office of the Returning Officer on the same day.

(2) The list of Trade Union shall be in the order of date and year of registration:

Provided that in the case of the date of registration of Trade Unions are same then the seniority shall be based on the alphabetical order or as may be decided by the Returning Officer.

(3) The Returning Officer shall also make arrangements with the employer of the industrial establishment to publish the list finalised under sub-rule (1) in the notice board of the industrial establishment.

49. *Withdrawal of Candidature.*- Any Trade Union which validly nominated, may withdraw its nomination by a notice in writing through its President or Secretary not later than the time fixed for withdrawal. The withdrawal once made shall be final.

50. *Final List of contesting Trade Unions.*- The Returning Officer shall, after the period fixed for withdrawal of candidature, publish a final list of Trade Unions eligible to contest in the election. The final list of Trade Unions shall contain the name, registration number and the name of the affiliated union, if any.

51. *Issue of ballot paper.*- The officer in charge of the polling station shall issue a ballot paper to elector comes to polling station for casting his vote. Each ballot paper issued shall be signed on the reverse side by the officer in charge of the polling station.

52. *Manner of recording votes.*- (1) Every elector shall on receiving the ballot paper,-

(a) affix the seal on the ballot paper against the name of the Trade Union for which he desires to vote and deposit the same in the ballot box; or

(b) in accordance with the guidelines issued by the Returning Officer.

53. *Recording of votes of illiterate or disabled elector etc.*- If an elector is unable to cast his vote in the manner fixed by the Returning Officer, due to illiteracy, blindness or by reason of any physical or other disability he may cast his vote by any person duly authorized by him and such person shall sign a declaration as to the incapacity and the fact of his having been requested by the elector to cast his vote on his behalf and the vote shall be marked by him in the presence of the elector.

54. *Closing of ballot box.*- The officer in charge of the polling station shall seal the ballot box immediately after the close of the poll.

55. *Procedure of counting.*- The counting of votes shall be conducted by the Returning Officer or the officers authorized by him on the date and time fixed for counting of votes. No person shall be present at the counting except the Returning Officer, the officers authorized, the Secretary or President of the Unions and not more than one representative of each Trade Union appointed by it in writing and approved by the Returning Officer or the officers authorized. The ballot box shall be opened by the Returning Officer or the officers authorized by him at the time fixed for counting.



56. *Ballot paper when rejected.* - (1) The ballot paper shall be mixed together and then opened in the presence of the Returning Officer or the officers authorised. He shall then proceed with the scrutiny of the ballot papers.

(2) The Returning Officer or the officers authorised shall reject the ballot paper as invalid on any one or more of the following reasons, namely:-

- (i) if it does not bear the signature of the officer in charge of the polling station;
  - (ii) if the voter signs his name or writes any word or makes any mark by which the identity of the voter becomes recognisable;
  - (iii) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which Trade Union the vote has been cast;
  - (iv) if the voter has voted for more Trade Unions than the number required to be elected;
- or
- (v) if the voter has not casted vote on ballot.

(3) On every ballot paper so rejected under sub-rule (2) the Returning Officer or the officers authorised shall record the word "Rejected" stating the grounds of rejection and keep such rejected papers in a separate packet.

57. *Recounting.*- (1) Any Trade Union or its election agent may, at the time of counting votes, request the Returning Officer to re-examine or recount the ballot papers of all or any of the Trade Union and the Returning Officer or the officers authorised shall forthwith re-examine or recount the same accordingly.

(2) The Returning Officer or the officers authorised may on the request of any Trade Union and on being satisfied of the necessity, recount the votes.

58. *Declaration of results.*- As soon as the counting is over, the Returning Officer shall announce the number of votes and percentage secured by each Trade Union as per the provisions of this chapter.

59. *Record of election.*- The Returning Officer shall prepare a record showing the details of,-

- (a) the number of ballot papers received by the officer in charge of the polling station;
- (b) the number of ballot papers issued;
- (c) the number of voters who voted;
- (d) the number of ballot papers rejected;
- (e) the number of valid votes;
- (f) the number of invalid votes;
- (g) the number of votes obtained by each Trade Union; and
- (h) percentage of the votes obtained by each Trade Union of the total number of votes casted.

60. *Election dispute.*- Complaints and objections to election shall be made in writing and shall be forwarded to the Verification Officer along with a fee of rupees one thousand for considering the objection so as to reach him within seven days after the declaration of the results of the election.

61. *Preservation of election papers.*- The nomination papers, ballot papers, ballot paper account, marked electoral roll and declaration papers shall be preserved in the office of the Verification Officer for a period of three years or till the disposal of any election disputes whichever is later.



62. *Date of effect of the results of election.*- The results of all elections shall be published and such results shall take effect from the date of publication.

63. *Recognition of the Trade Unions by the employer.*- (1) On the basis of the election result the Verification Officer shall issue verification report under rule 37, the employer of the industrial establishment shall grant certificate of recognition to the Trade Union as sole negotiating union or negotiating union or member of negotiating council, as the case may be, in the industrial establishment in Form XX.

(2) The certificate referred in sub-rule (1) shall be issued within seven days from the date of receipt of verification report from the Verification officer. As soon as the certificate of recognition is issued, it shall be communicated to the Verification Officer in writing with the details of the name, registration number and address of the Trade Union by the employer of the industrial establishment. On receipt of the communication regarding issue of the certificate, necessary entries have to be made in the Form XVII maintained by the Verification Officer.

(3) If the employer failed to issue a certificate of recognition to the Trade Unions in Form XX within 7 days of receipt of Form XVIII, it shall be presumed that Trade Union is deemed to be recognised by the employer.

64. *Manner and conditions under which the Trade Unions may raise disputes.*- (1) Disputes if any, shall be raised in writing by recognised Trade Unions to the employer of the industrial establishment.

(2) If any dispute is raised, the employer of the industrial establishment shall convene a meeting of the Trade Unions or negotiating council concerned as early as possible and resolve the dispute.

(3) If in the course of the discussion, a settlement is arrived at, the employer shall prepare the settlement in the form of a memorandum specified in Form XXI and forward the same to the Conciliation Officer appointed under the Industrial Relations Code, 2020 of the area concerned.

(4) If no settlement is arrived at, in the course of the discussion, the parties shall have the right to redress their grievances under the provisions of the Industrial Relations Code, 2020.

## CHAPTER V STANDING ORDERS

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

(2) On receipt of information under sub-rule (1) the certifying officer within a period of thirty days from such receipt may give his observation that the employer is required to include certain provisions which are relevant to his industrial establishment or undertaking and indicate those relevant provisions of the model standing orders which have not been adopted and shall also direct the employer to amend the standing orders so adopted, by way of addition, deletion or modification within a period of thirty days from the date of receipt of such direction ask for compliance of report



in respect of the provisions which the certifying officer seeks to get, so amended, and such report shall be sent by the employer electronically or by post.

(3) 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) and (2), then, the standing order shall be deemed to have been adopted by the employer.

66. *Manner of forwarding draft standing order to certifying officer under sub-section (4) of section 30.*- The employer shall prepare and submit draft standing orders in accordance with the provisions of Code to the certifying officer concerned in Form XXII, electronically or by post.

67. *Manner of issuing notice under sub-section 5 of section 30.*- On receipt of draft Standing Orders under rule 66, the certifying officer shall,

(a) Where there is any Trade Union or negotiating union of the industrial establishment or undertaking or members of the negotiating council, forward a copy of the draft standing order together with a notice in Form XXIII to such Trade Union or negotiating union or negotiating council.

(b) Where there is no Trade Union functioning in the industrial establishment or undertaking, forward a copy of the draft standing orders with a notice in Form XXIII to the workers selected under rule 68.

68. *Manner of choosing representatives of workers of the industrial establishment or undertaking by certifying officer where there is no Trade Union, under clause (ii) of sub-section (5) of section 30.* – Where there is no Trade Union as is referred to in clause (ii) of sub-section (5) of section 30, then, the Certifying Officer shall call a meeting of the representatives of workers of the works committee to choose three representatives, to whom he shall, upon their being chosen, forward a copy of the draft standing orders requiring objections, if any, which the workers may desire to make to the draft standing order to be submitted within fifteen days from the receipt of the notice.

69. *Manner of exhibition of draft Standing orders.*- (1) The certifying officer shall direct the employer to publish the copy of draft Standing Orders along with a notice in Form XXIV, in the notice board of all the branches of the Industrial establishment or undertaking within seven days of the receipt of the notice.

(2) The employer shall submit to the certifying officer an undertaking that the draft standing orders has been exhibited in notice board of all branches of industrial establishment or undertaking, within seven days of its compliance.

70. *Manner of authentication of certified standing orders under sub-section (8) of section 30.*- Standing orders or modification in the standing orders, certified in pursuance of sub-section (8) of section 30 or the copies of the order of the Appellate Authority under sub-section (1) of section 33 shall be authenticated by the certifying officer or the Appellate Authority, as the case may be, and shall be sent electronically or by post within a week to all concerned, but there shall not be any requirement of certification in cases of deemed certification under sub-section (3) of section 30 and in cases where the employer has certified adoption of model standing orders.

71. *Statement to be accompanied with draft standing orders under sub-section (9) of section 30.*- Every application submitted before the certifying officer shall be accompanied with.-



(1) The particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address.

(2) A statement containing the following details, namely:-

- (a) Total number of workers employed;
- (b) Number of permanent workers;
- (c) Number of temporary workers;
- (d) Number of badlis or substitutes;
- (e) Number of probationers;
- (f) Number of apprentices;
- (g) Number of fixed term employees;
- (h) Name, address and email of the Trade Union or negotiating union of the industrial establishment or undertaking or members of the negotiating council, if any, to which the workmen belongs;
- (j) Name and address of the members of the work committee

*72. Particulars to be submitted along with an application for modification of certified standing orders under sub-section (9) of section 30.-* An application for modification of certified 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 provisions of standing order in force and proposed modification therein and reasons thereof and such statement shall be signed by a person authorised by the industrial establishment or undertaking.

*73. Conditions for submission of draft standing order in similar establishment under sub-section (10) of section 30.-* (1) In cases of group of employers in similar industrial establishments or undertaking desires to submit a joint standing order, they may submit joint draft standing orders under sub-section (10) of section 30 after consultation with the Trade Unions concerned, if any:

Provided that the joint draft standing orders, shall be submitted to the Labour Commissioner who shall, in consultation with the Certifying Officers concerned; certify or refuse to certify the said joint draft standing orders, after recording reasons therefore.

(2) A group of employees submitting joint draft Standing Orders shall submit, through a person authorized in this behalf by the group or their association if any-

- (i) a list of employers constituting the group with the name and address in full of each establishment;
- (ii) a declaration signed by each of the employers forming the groups that they will abide by the conditions laid down in the joint draft Standing Orders submitted by the group;
- (iii) separate statement in the form prescribed in rule 72 in respect of each establishment.

(3) As soon as any particular industrial establishment leaves the group, the authorised person or the association or particular industrial establishment referred to above shall intimate the fact to the Certifying Officer within seven days from the day on which the industrial establishment leaves the group. Such industrial establishment shall continue to be governed by the joint Standing Orders already certified, until such time as it submits separate draft Standing Orders of its own to the Certifying Officer and these are duly certified.

*74. Manner of disposal of appeal by appellate authority under section 32:-* (1) An employer or Trade Union or the negotiating union or negotiating council or where there is no negotiating union or



negotiating council in an industrial establishment or undertaking, any union or such representative body of workers of the industrial establishment or undertaking, 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 shall 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 and shall be filed electronically or by post to the Appellate Authority.

(2) The Appellate Authority shall fix a date for the hearing of the appeal and direct notice thereof to all the parties concerned.

(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 proceedings 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 for or consider to be relevant, if produced, and after hearing the parties dispose of the appeal.

*75. Exhibition of Certified Standing Orders under sub-section (2) of section 33.-* A copy of the certified standing orders shall be exhibited in English or Malayalam or in any other language understood by majority of the workers on a notice board maintained at or near the entrance of the industrial establishment or undertaking in all the branches and shall be kept in a legible condition.

*76. Register for final certified copy of Standing Orders under section 34.- (1)* The Certifying Officer shall maintain electronically or manually, a register of all standing orders certified or deemed to have been certified or adopted model standing orders of all the industrial establishments or undertaking concerned in Form XXV, inter-alia, containing the details, namely:-

- (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 order by each establishment or undertaking;
- (e) the areas of the operation of the industrial establishment; and
- (f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.

(2) The Certifying Officer shall furnish a copy of the certified standing orders or deemed certifying orders to any person applying, 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.

*77. Application for modification of Standing Order 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 manually or by post along with sufficient number of copies or electronically and 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 provisions of standing orders in force, and proposed modifications therein, reasons thereof and the details of registered Trade Union(s) including their address, phone number and email functioning therein and such statement shall be signed by a



person authorised by the industrial establishment or undertaking.

## Chapter VI

### NOTICE OF CHANGE

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

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

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

## Chapter VII

### VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

79. *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 XXVII and shall be signed by the parties to the agreement. The agreement shall be accompanied by the consent, either in writing or electronically, of the arbitrator or arbitrators.

(2) The arbitration agreement referred to in sub-rule (1) shall be signed.-

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

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

(iii) In the case of an individual worker, an individual worker by the worker himself or by an officer of registered trade union of which the worker is a member:

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

Explanation.- (2) In this rule “officer of a registered Trade Union” means any of the following officers, namely,-

- a) the President;
- b) the Vice-President;
- c) the Secretary (including the General Secretary);
- d) a Joint Secretary; and
- e) any other officer of the Trade Union authorised in this behalf by the President



and Secretary of the Union.

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

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

## Chapter VIII

### MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

82. *Manner of filling up of the vacancy under sub-section (5) of section 44 and procedure for selection, salaries and allowances and other terms and condition of Judicial Member of the Industrial Tribunal under sub-section (6) and (9) of section 44.*- (1) The State Government may by notification in Official Gazette appoint Judicial Member for the Industrial Tribunal for the adjudication of industrial disputes and for performing such other functions as may be assigned to him under this Code.

- (2) A person shall not be qualified for appointment as the Judicial Member of a Tribunal unless he.-
- (a) is a Judge of High Court;
  - (b) has for a combined period of three years, been District Judge or an Additional District Judge;
  - (c) is a Practicing Lawyer having more than ten years of experience;
  - (d) is holding office of the Tribunal immediately before the commencement of the Code.
- (3) The salary, allowances and other service conditions will be fixed by the State Government by notification from time to time.

(4) Every person appointed as Judicial Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the Form XXIX annexed to these rules.

83. *Manner of filling up of the vacancy and procedure for selection, salaries and allowances and other terms and condition of Administrative Member of the Industrial Tribunal under sub-section (5) and (6) of section 44.*- (1) The State Government may by notification in Official Gazette appoint Administrative Member for the Industrial Tribunal for the adjudication of Industrial Disputes and for performing such other functions as may be assigned to him under this Code.

(2) A person shall not be qualified for appointment as Administrative Member of a Tribunal unless he is holding office of the Joint Labour Commissioner of State Labour Department having a Degree in Law, with labour laws or industrial law or MSW post graduate degree in Labour Law or MA degree in



Personal Management and Industrial Relations or Degree in Master of Social Work from any recognized university and must have seven years experience in conciliation or quasi-judicial functions connected with labour disputes.

(3) Every person appointed as Administrative Member shall, before entering upon his office, make and subscribe an oath of office and secrecy in the Form XXIX annexed to these rules.

(4) The salary, allowances and other service conditions will be as per existing service rules.

84. *Manner of holding conciliation proceedings under sub-section (1), form of full report under sub-section (4), and application and the manner of deciding such application under sub-section (6) of section 53.*- (1) Where any industrial dispute exists or is apprehended or a notice under section 62 has been given, the Conciliation Officer on receipt of such application shall examine it and shall issue notice to the parties concerned declaring his intention to commence conciliation proceedings.

(2) In the first meeting, the employer or the workers representative shall submit their respective statement regarding the said dispute.

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

(4) If no such settlement is arrived at in the conciliation proceeding referred to in sub-rule (1), the conciliation officer shall upload the report in the portal within seven days from the date on which the conciliation proceedings are concluded.

(5) The report under sub-rule (4) shall also be sent to all parties concerned by registered post or electronically or the report under sub-rule (4) shall be accessible to the parties concerned on the said portal.

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

(7) Any dispute which is not settled during the conciliation proceedings, then, either of the party concerned may make an application in Form XXX, before the Tribunal through the portal, or by post within ninety days from the date of the report under sub-rule (4).

(8) In case of an industrial dispute which has not been settled after forty five days from the commencement of conciliation proceedings, an application may be filed before the Tribunal by either of the parties concerned for adjudication. 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 along with all the documents and list of witnesses shall be sent by post or electronically or uploaded on the portal for service on each of the opposite parties in the dispute.

(9) The Tribunal after ascertaining that the copies of statement of claim and other related documents are furnished to the other side, the Tribunal 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.

(10) Where the Tribunal finds that the party raising the dispute, 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 party concerned 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 the time.

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

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

(13) The Industrial 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 Industrial 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.

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

Provided that the Industrial Tribunal 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:

Provided further that Industrial Tribunal may for sufficient cause set aside, after notice to the opposite party, the ex-parte decision either wholly or in part on application made within thirty days of the ex-parte decision. The tribunal may extent the time on sufficient cause being shown.

(15) The Industrial Tribunal, shall communicate its award electronically to the parties concerned, the State Government and upload on the portal within one month from the date of the pronouncement of the award.

(16) The Industrial 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 (1 of 1974).

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

(18) A party in an award, who wants to obtain a copy of the award or other document, may obtain a copy of the award or other document after depositing the fee electronically to the head of account maintained for this purpose or any other mode notified by the Government time to time, in the following manner, namely,-

- (a) fee for obtaining a copy of an award or document filed in any proceedings of Industrial 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) 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;

(d) State Government may revise the above said fee by notification in the Official Gazette.

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

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

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

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

(21) Industrial Tribunal or any person authorised by the writing of the tribunal may for the purpose of any investigation, enquiry, adjudication entrusted to the Tribunal under the Code at any time between hours of sunrise and sunset and in case of a person authorised in writing by tribunal after he has given reasonable notice, enter any industrial establishment or undertaking or premises and inspect the same or any machinery appliances or articles therein or interrogate any person therein, in respect of anything situated there in or any matter relevant to subject matter of the investigation enquiry or adjudication.

(22) Subject to the provisions contained in the above sub-rules and rule 78 the sitting of the Industrial Tribunal or an arbitrator shall be held at such time and places as the tribunal or the arbitrator as the case may fix and shall inform the parties of the same in such manner as he thinks fit.

(23) The Industrial Tribunal or arbitrator may at any time correct any clerical 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 the application of any of the parties.

(24) Any matter defined under Section 2 (q) of the Code can be matter for negotiation by the Trade Unions or negotiation council under section 14.

85. *Written Agreement under clause (zi) of section 2.*- The written agreement under clause (zi) of section 2 between the employer and worker shall be in Form XXI and signed by the parties in the agreement. A copy of the agreement shall be sent to the concerned conciliation officer.

86. *Register of settlements.*-The conciliation officer shall file all settlements effected under the Code in respect of disputes in the area within his jurisdiction in a register maintained electronically or manually in Form XXXI.

87. *Application for recovery of dues.*- (1) Where any money is due from an employer to a workman or a group of workmen or a deceased workman, under a settlement or an award or under the provisions of Chapter IX or Chapter X of the Code, the workman, the group of workmen, a person



authorised in writing by the workman, as the case may be, the assignee or legal heir of the deceased workman, may apply in Form XXXII for the recovery of the money due.

(2) Where any workman or a group of workmen, is entitled to receive from the employer any money or

any benefit which is capable of being computed in terms of money the workman or the group of workmen, as the case may be, may apply to the specified Industrial Tribunal in Form XXXIII for the determination of the amount due or as the case may be the amount at which benefit should be computed:

Provided that, in the case of the death of a workman, application shall be made in Form XXXIV by the assignee or legal heir of the deceased workman.

88. *Appointment of Commissioner.*- Where it is necessary to appoint a Commissioner under sub-section (3) of section 59 of the Code, the Industrial Tribunal may appoint a person with experience in the particular industry, trade or business involved in the industrial dispute or a Secretary of Industrial Tribunal, or Tribunal constituted under any State Act or Tribunal constituted under the Code.

89. *Fees for the Commissioner etc.*- (1) The Industrial Tribunal shall after consultation with the parties estimate the probable duration of the enquiry and fix the amount of the fees of the Commissioner and other incidental expenses and direct the payment to the Commissioner by the parties thereof into the nearest treasury within a specified time by such party or parties and in such proportion as it may consider fit.

(2) The Industrial Tribunal shall not issue any order of posting as per above sub-rule until the sum fixed as fee is deposited into the treasury:

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

(3) The Industrial Tribunal may, at any time for reasons to be recorded in writing vary the amount of the fees of the Commissioner in consultation with the parties.

(4) The Industrial Tribunal may direct that the fees shall be disbursed to the Commissioner in such installments and on such dates as it may consider fit.

(5) 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.

90. *Time for submission of report.*- (1) Every order for the issue of a Commission shall appoint 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 Industrial Tribunal shall take such grounds into consideration in



passing orders on the application:

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

91. *Local investigation.*- In any industrial dispute in which the Industrial Tribunal deems a local investigation to be requisite or proper for the purpose of computing the money value of a benefit, the Industrial Tribunal may issue a Commission to a person referred to in rule 87 directing him to make such investigation and to report thereon to it.

92. *Report of the Commissioner.*- (1) The Commissioner after such local inspection as he deems necessary and after reducing to writing the evidence taken by him shall return such evidence together with his report in writing signed by him to the Industrial Tribunal .

(2) Report of the Commissioner and the evidence taken by him (but not the evidence, without the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute; but the Industrial Tribunal or, with the permission of the Industrial Tribunal any of the parties to the Industrial dispute may examine the Commissioner personally before the Industrial Tribunal as to any of the matters referred to him or mentioned in his report or as to his reports; or as to the manner in which he has made the investigation.

(3) Where the Industrial Tribunal is dissatisfied with the proceedings of the Commissioner it may direct such further enquiry to be made as it think fit.

93. *Powers of Commissioner.*- Any Commissioner appointed under these rules may unless otherwise directed by the order of appointment has the following powers, namely:-

(a) examine the parties themselves and any witness whom, they or any of them may produce and any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him;

(b) call for and examine documents and other things relevant to the subject of enquiry;

(c) at any reasonable time enter upon or into any land or building mentioned in the order.

94. *Summoning of witnesses etc.*- (1) The provisions of the Code of Civil Procedure, 1908 (Act V of 1908) relating to the summoning attendance, examination of witnesses and penalties to be imposed upon witnesses shall apply to persons required to give evidence or to produce documents before the Commissioner under these rules.

(2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Industrial Tribunal out of the sum deposited under rule 88, of an allowance for expenses incurred by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing in the Civil Courts.

95. *Representation of parties before the Commissioner.*- The parties to the industrial disputes shall appear before the Commissioner, either in person or by any other person who is competent to



represent them in the proceedings before the Industrial Tribunal.

## Chapter IX

### STRIKES AND LOCK-OUTS

96. *Notice of Strike under sub-section (4) of section 62.*— (1) 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 XXXV which shall be duly signed by the Secretary and five elected representatives of the registered Trade Union relating to such industrial establishment endorsing the copy thereof electronically or by post to the Conciliation Officer concerned, Labour Commissioner and the State Government.

(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 or by post to the conciliation officer concerned and Labour Commissioner.

97. *Manner of giving notice of lock-out under sub-section (5) and authority under sub-section (6) of section 62.* – 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 XXXVI to the Secretary of every registered Trade Union relating to such industrial establishment endorsing a copy thereof to the conciliation officer concerned, Labour Commissioner and the State Government electronically or by post. 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.

## CHAPTER X

### LAY OFF, RETRENCHMENT AND CLOSURE

98. *Procedure for decision under section 65(2).*— If a question arises regarding payment of lay off compensation under section 67 and the employee of the industrial establishment concerned contends that his establishment is of a seasonal character or work therein is performed only intermittently the employer or workman or representatives of employer or workman may submit to the Government a petition praying for a decision by the Government. The Government shall notwithstanding any conciliation or adjudication that is pending in this behalf then sent to the opposite party or parties and to the Labour Commissioner of the State a copy of the petition and shall appoint a day for hearing of the petition, the parties shall also be invited. After hearing the parties and after perusing the records if any produced by them, the Government shall arrive at a decision which shall be reduced to writing and communicated to the parties. The decision of the Government there on shall be final.

99. *Manner of serving notice before retrenchment of the worker under clause (c) of section 70.* - If



any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him then, such employer shall give notice of such retrenchment, in Form XXXVII to the State Government, Labour Commissioner and the conciliation officer concerned electronically or by registered post.

100. *Maintenance of Seniority list of workmen.*- The employer shall prepare a list of all workmen 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 posted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

101. *Manner of giving an opportunity for re-employment to the retrenched workers under section 72.*- (1) Where any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling up such vacancy, then, the employer of such industrial establishment shall offer an opportunity at least ten days before by registered post or electronically, to such retrenched workers. If such workers give their willingness for employment then, the employer shall give them preference over other persons in filling up of such vacancy:

Provided that where the number of such vacancies is less than the number of retrenched workmen, it shall be sufficient if intimation is given by the employer individually to the senior most retrenched workmen in the list referred to in Rule 99:

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

(2) Immediately after complying with the provisions of sub-rule (1) the employer shall also inform the trade unions connected with the industrial establishment of the number of vacancies to be filled and names of the retrenched workmen 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 workmen mentioned in the list prepared under rule 99.

102. *Manner of serving notice by the employer for intended closure under sub-section (1) of section 74.* — If an employer intends to close down an industrial establishment he shall give notice of such closure in Form XXXVII to the State Government and a copy thereof to the Labour Commissioner and the Conciliation Officer concerned electronically or by registered post.

## CHAPTER XI

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

103. *Manner of making application for the intended lay-off 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 XXXVIII 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 by registered 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.

104. *Time-limit for review under sub-section (7) of section 78.*- 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 within a period of thirty days from the date on which such order is made.

105. *Manner of making application for the intended retrenchment under sub-section (2) of section 79.*- An application for permission referred to in sub-section (1) of section 79 shall be made by the employer in Form XXXVIII electronically or by registered post, stating clearly therein the reasons for the intended retrenchment. A copy of such application shall also be sent to workers electronically or by registered post and 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.

106. *Time-limit for review under sub-section (6) of section 79.*- 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 within a period of thirty days from the date on which such orders is made.

107. *Manner of making application for intended closing down of an industrial establishment under sub-section (1) of section 80.*- An employer who intends to close down an industrial establishment to which Chapter X of the Code applies shall apply electronically or by registered post in Form XXXVIII 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 by registered post.

108. *Time-limit for review under sub-section (5) of section 80.*- 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 within a period of thirty days from the date on which such order is made.

## Chapter XII

### WORKERS RE-SKILLING FUND

109. *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 to the account maintained by the State Government for this purpose. The fund so received shall be transferred by the State Government to the account of each worker 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 and address 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 XIII**

#### **OFFENCES AND PENALTIES**

110. *Power to hold enquiry.*- (1) The State Government shall appoint an officer in the rank of Additional Labour commissioner of the Labour Department as an officer for holding enquiry under sub-section (1) of section 85.

(2) The state Government shall appoint subordinate officers and staffs to the enquiry officer as it considers necessary for the efficient discharge of its function under this Code and Rule

111. *Manner of holding enquiry under sub-section (1) of section 85.*- The manner of holding enquiry shall be followed as prescribed by the Central Government.

112. *Compounding of Offences.*- The State Government shall notify as many officers not below the rank of District Labour Officer of Labour Department as an officer for compounding of offences under sub section (1) of section 89.

113. *Manner of compounding of offences by the officer specified under sub-section (1) of section 89.*- (1) The accused person if intend to compound the offence alleged may submit an application in Form XXXIX to the officer notified by the Government for the purpose of compounding of offences under sub-section (1) of section 89.

(2) If prosecution is pending before the Judicial First Class Magistrate Court under sub-section (2) of section 87 or Enquiry Officer appointed under sub-section (1) of section 85 of the Code, the compounding officer shall sent an intimation of the receipt of application for composition to the Court concerned or the officer concerned as the case may be.

(3) The Compounding Officer, after due enquiry, found that the offence is compoundable under the Code, issue an order of composition directing to deposit the amount within fifteen days from the date of receipt of order.

(4) On receipt of the amount of composition, the Compounding Officer shall issue an intimation in writing to the Judicial First Class Magistrate Court or the Enquiry Officer where the prosecution or enquiry is pending to discharge the accused.

(5) The accused person failed to remit the compounding amount within the time prescribed, in sub-rule (3), he is liable for a fine according to sub-section (7) of section 89.

(6) The accused person failed to remit the composition amount as per sub-rule (3) and (5), the compounding officer shall issue a certificate for that amount to the District Collector concerned who shall recover the same as arrears of land revenue.

### **Chapter XIV**

#### **MISCELLANEOUS**

114. *Protected workers under sub-section (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 30<sup>th</sup> April of every year, the names and addresses of such of the officers of the



Trade Union who are employed in that establishment and who, in the opinion of the trade union should be recognised as protected workers. Any change in the incumbency of any such worker 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, recognise such workers to be protected workers and communicate to the Trade Union, in writing, within fifteen days of the receipt of the names and addresses under sub-rule (1) and the recognition shall be for twelve month from the date of 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 recognise only such maximum number of workers as protected workers:

Provided that where there is more than one registered Trade Unions in the industrial establishment, the number of protected workers shall be so distributed by the employer among the Trade Unions in proportion to the membership of the respective Trade Unions. The employer shall intimate, in writing, to the President or the Secretary of the each Trade Union concerned the number of protected workers allotted to it:

Provided further that where the number of protected workers allotted to a Trade Union under this sub-rule falls short of the number of officers of the Trade Union seeking protection, the Trade Union shall be entitled to select the officers to be recognised as protected workers. Such selection shall be made by the Trade 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 District Labour Officer or Regional Joint Labour Commissioner or Additional Labour Commissioner (IR) or Labour Commissioner, as the case may be, whose decision thereon shall be final.

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

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

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

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



**FORM I**  
**APPLICATION FOR REGISTRATION OF TRADE UNIONS**  
 [See rule 7]

Application dated.....

1. We hereby apply for the registration of a Trade Union under the name of.....
2. The address of the Head Office of the Union to which all communications and notices may be addressed is.....
3. The Union came into existence on the.....day of.....20.....
4. The Union is a Union of employers/ employees/workers engaged in the..... trade/or..... industry/or.....profession or .....
5. A copy of the rules of the Union duly subscribed as required by section 6 of the Industrial Relations Code 2020 (Central Act 35 of 2020), is appended hereto.
6. The particulars of the office bearers shall be given in Schedule I.
7. The particulars are given in Schedule II showing the provision made in the rules for the matters detailed in section 7 of the Industrial Relations Code, 2020.
8. The particulars required by sub-section (2) of section 8 of the Industrial Relations Code 2020, are given in Schedule III. (To be struck out in the case of Unions which have not been in existence for one year before the date of application)
9. We have been duly authorised to make this application by the resolution in the General body meeting held on ----- at -----

Sl No.	Name	Signature	Occupation	Address
1.				
2.				
3.				
4.				
5.				
6.				
7.				

To

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



**SCHEDULE I**  
**LIST OF OFFICE BEARERS**

**Name of Trade Union-**

Title	Name	Age in Years	Address, Phone No, Email	Occupation

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

**SCHEDULE II**  
**REFERENCE TO RULES**

Matter	Number of rules
1	2
(a) Name of union	
(b) The objects for which the union has been established	
(c) The purposes for which the general funds of the union shall be applicable	
(d) The maintenance of a list of Members.	
(e) The facilities provided for the inspection of the list of members by office bearers and members.	
(f) The admission of ordinary members.	
(g) The admission of honorary or temporary members.	
(h) The payment of subscription	
(i) The conditions under which members are entitled to benefit assured by the rules.	
(j) The conditions under which fines or forfeitures can be imposed or varied.	
(k) Provisions for annual general body meeting	
(l) The manner in which the rules shall be amended, varied or rescinded.	
(m) The manner in which the members of the executive and other officers of the union shall be appointed and removed.	
(n) The safe custody of the funds	
(o) The annual audit of the accounts.	
(p) The facilities for the inspection of the account books for officers and members.	
(q) The manner in which the Union may be dissolved.	



### SCHEDULE III

#### STATEMENT OF LIABILITIES AND ASSETS ON THE ....DAY OF....20...

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

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

#### LIST OF SECURITIES

Particulars	Nominal value	Market value	In hands of
1.			
2.			
3.			
4.			
5.			
6.			
7.			



**FORM II**  
**AFFIDAVIT TO BE FILED ALONG WITH THE APPLICATION FOR REGISTRATION OF**  
**TRADE UNIONS**

[ See rule 7 ]

I ..... S/o or D/o..... aged  
..... yrs, the General Secretary of .....

..... (name of the union) solemnly affirms as follows.

It is here by stated that the union functioning in the  
.....

..... (name of industry/ Establishment) has a present membership of  
..... members and is not less than 100 numbers / 10% of the total strength of  
the number of workers in the Industry/ Establishment which is .....

The applicants for the registration have been duly authorized by the resolution passed in general body  
held on ...../...../.....

In general body held on ...../...../....., the members have consented to act and abide by the  
code of discipline laid down by the Indian Labour Conferences.

The members have consented to act and abide by the rules of the Trade Union as per the bye-law  
adopted in general body held on ...../...../.....

The office bearers of the Trade union have been duly elected by the general body meeting held on  
...../...../.....

No member of the Council of Ministers or a person holding on office of profit (not being in an  
establishment or industry with which the trade union is connected) is a member of the executive or  
other office bearer of the Trade Union.

All the statements made in Form-I application, Schedule-I, Schedule-II, Schedule-III\*,  
minutes book, membership register and other documents appended herewith are true to best of my  
knowledge and belief.

Dated:

Place:

Signature  
General Secretary

Name .....  
Name of the Trade Union .....

\* Strike off if not applicable.



**FORM III**  
**CERTIFICATE OF REGISTRATION OF TRADE UNION**

[See rule 10]

No. ( ..... (Name, address of the Union)..... functioning in  
..... (Name of Industry/Industrial Establishment)

It is hereby certified that the (Name of Industry/Industrial Establishment)  
..... has been registered as a trade union under the Industrial Relations Code  
2020, on this the ..... day of ..... 20.....

Registrar of Trade Unions

Place.....

Date.....

Seal

Details of amendment if any -



**FORM IV**  
**REGISTER OF TRADE UNIONS**  
[See rule 11, 20(2)]

**Part I**

1. Name of Trade Union:
2. Registration Number:
3. Date of Registration:
4. Names, occupations, addresses of the members making the application:
5. Address of the Registered Office of Trade Union:
6. Date of establishment of Trade Union:
7. Office bearers of Trade Union (Transfers from one post to another count as relinquishment of appointment held)

	1)	2)	3)	4)	5)
i. Name	:				
ii. Address	:				
iii. Office held in union	:				
iv. Occupation	:				
v. Year of entering on office	:				
vi. Age on entry	:				
vii. Year of relinquishing office	:				
viii. Other offices held in addition to membership of executive with dates.:					
8. Signature of the Registrar:
9. (a) Whether provision has been made for a separate fund under section 15(2) and if so from what date:  
(b) Initials of the Registrar:
10. (a) Whether submitted statement as per section 9(4) of the code ?:  
(b) If yes, date of submission of statement:
11. (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:
12. (a) Date of registration of change of address of registered office:  
(b) Address of the Trade Union as changed:  
(c) If the changed address is in another place whether extracts of registration sent to the Registrar of the other place:  
(d) Initials of the Registrar:
13. (a) Date of registration of change of name:  
(b) Name of Trade Union as changed:  
(c) Initials of the Registrar:
14. (a) Date of registration of amalgamation:  
(b) Name of the amalgamated Union:



- (c) Registration Number of the amalgamated Union:
  - (d) Initials of the Registrar:
15. (a) Date of application for cancellation of registration under section 9(5 )(i):
- (b) Date of giving notice for cancellation or withdrawal under section 9(5) (ii, iii):
  - (c) Date of issue of order withdrawing or canceling registration:
  - (d) Initials of the Registrar:
16. (a) (i) Names of the members applying for dissolution:
- (ii) Address of the members applying for dissolution:
  - (iii) Occupations 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) Initials of the Registrar:

**Part II**  
**Annual Return**

- 1. Year of Annual Return**
- 2. Date of submission**
- 3. Remarks**



**FORM V****REQUEST FOR CANCELATION / WITHDRAWAL OF CERTIFICATE OF REGISTRATION  
OF TRADE UNIONS**

[See rule 12]

Name of Trade Union :-

Registration Number :-

Address :-

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

To

The Registrar of Trade Unions.  
.....

The above mentioned Trade Union desires that the Certificate of Registration under the Industrial Relations Code 2020 may be canceled / withdrawn as per the resolution passed in the general body meeting held on the .....day of.....20..... which was resolved as follows:—

(Here give exact copy of resolution)

We have been duly authorized by the union to forward this application on its behalf, such authorization consisting of a resolution passed by the general body as stated above.

(Signed) 1

“ 2

“ 3

“ 4

“ 5

“ 6

“ 7

“ 8

Secretary.

Executive Members.

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

(Signed) 1

“ 2

“ 3

“ 4

“ 5

“ 6

“ 7

“ 8

Secretary.

Executive Members.



**FORM VI**  
**NOTICE OF CANCELLATION OR WITHDRAWAL OF TRADE UNIONS**  
 [See rule 14]

Place.....

Notice before withdrawal or cancellation of Certificate of Registration under sub-section (5) of section 9 of the Code.

.....Trade Union  
 Registration Number.....

Notice is hereby given to the above mentioned Trade Union that it is the intention of the Registrar to proceed on the (\*) ..... Day of .....20..... to cancel/ \* withdraw the Certificate of Registration of the Trade Union, unless cause be shown to the contrary in the meantime.

The ground of such proposed withdrawal (or cancellation) is that

- (i) The union has contravened the provisions of Industrial Relations Code, 2020 (Central Act 35 of 2020) /Kerala Industrial Relations Rule 2021.
- (ii) The union has contravened its Constitution/Rules.
- (iii) The membership of the union has fallen below the required number under the Code.
- (iv) The Industrial Tribunal has ordered for the cancellation.

Signature  
 Registrar.

\* strike off which ever is not applicable

**Seal**

Dated the ..... Day of ..... 20.....

To

The Secretary of  
 (Here enter name of Trade Union)



**FORM VII**  
**CERTIFICATE OF CANCELLATION / WITHDRAWAL**

[See rule 16]

It is hereby certified that the Certificate of Registration No..... granted to the .....  
Trade Union, the Head Office of which is situated at..... has been cancelled / withdrawn  
from ..... (date) as per ..... (order Number and date)

Place.....

Date.....

Registrar of Trade Unions





**FORM IX  
NOTICE OF AMALGAMATION OF TRADE UNIONS**

[See rule 20]

- a. Name of Registered Trade Union A :  
Number of Registration :
- b. Name of Registered Trade Union B :  
Number of Registration :

(and so on, if more than two)

Address .....

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

To.

The Registrar of Trade Unions,

.....

Notice is hereby given that in accordance with the requirements of sub-section (2) of section 24 of the above Industrial Relation Code, 2020 (Central Act 35 of 2020), the members of each of the above mentioned trade unions have resolved to become amalgamated together as one single trade union.

And that the following are the terms of the said amalgamation:

(here state the terms).

And that it is intended that the trade union shall henceforth be called ..... (Name after amalgamation)

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

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

- ( Signed) “1
- “2
- “3
- “4
- “5
- “6
- “7
- “8

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

Secretary

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



**FORM X**  
**NOTICE OF AMENDMENT TO THE CONSTITUTION OF THE TRADE UNION**  
 [See rule 21]

Sl No.	Existing rules in the Constitution of union	Proposed alternations

Secretary

**Certificate**

Certified that the Constitution of the ..... (name of the Union and Reg. No.) has been amended as above on this ..... day of ..... 20.....

Registrar of Trade Unions



**FORM XI****NOTICE OF DISSOLUTION OF TRADE UNION**

[See rule (22)]

Name of Trade Union:

Registration N:.

Address:

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

To

The Registrar of Trade Unions,  
.....

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

We have been duly authorised by the .....Union to forward  
this notice on its behalf, such authorisation consisting of a resolution passed at a general body  
meeting on the \* .....day of ..... 20.....

(Signed) 1

Secretary.

“2

“3

“4

“5

“ 6

“7

“8

---

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



**FORM XII**  
**ANNUAL RETURN BY THE TRADE UNIONS**  
 [See rule 24]  
 For the year ending 31<sup>st</sup> day of December 20....

- 1 Name of Union :
- \*2 Address of the Union :
- \*3 Registered Head Office :
- 4 No. and date of certificate of Registration :
- \*5 Name of Industry/Industrial Establishment :
- \*6 Classification of sector (Please state to which of the following for categories the union belongs:
- (a) Public Sector - Central Sphere :
- (b) Public Sector - State Sphere :
- (c) Private Sector - Central Sphere :
- (d) Private Sector - State Sphere :
- \*7 Name of all India Body/Federation to which affiliated :
- \*8 Affiliation No. :
- \*9 Affiliated fee paid during the year :
- \*10 Number and date of receipt of payment of affiliation fee :
- \* 11 Membership fee per month :
- 12 No. of members of books at the beginning of the year :
- 13 No. of members admitted during the year :
- 14 No. of members left during the year :
- 15 No. of members of books at the end of the year (31....20...) :
- 16 No. of members contributing to political fund :
- \*17 No. of members who paid their subscription for the whole year :
- \*18 Whether a copy of the rules of Trade Union corrected upto the date of despatch of this return duly signed by the Secretary of the Union appended or not. :
- \*19 Whether part B of the return overleaf has been duly filled or not. :

Dated the .....Secretary

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



<b>Liabilities</b>	<b>Rs</b>	<b>Assets</b>	<b>Rs</b>
Amount of General Fund		Cash	
		In the hands of Treasurer	
		In the hands of Secretary	
Amount of political fund		In the hands of.....	
		In the.....Bank	
		In the .....Bank	
		Securities as per listed below	
Loans from		Unpaid subscription due for	
.....		*a) the year	
.....		*b)previous year	
.....		Loans to	
		*a)Officers	
Debts due to		*b)Members	
		*c)Others	
Other liabilities(to be specified)		Immovable properly	
		Goods and furniture	
		Other assets(to be specified)	
<b>Total</b>		<b>Total</b>	

**LIST OF SECURITIES**

<b>Particulars</b>	<b>Fare Value</b>	<b>Cost Price</b>	<b>Market price at the date on which accounts have been made up</b>	<b>In the hands of Treasurer</b>
(1)	(2)	(3)	(4)	(5)

**GENERAL FUND ACCOUNT**

<b>INCOME</b>	<b>Rs</b>	<b>EXPENDITURE</b>	<b>Rs</b>
Balance at beginning of the year		Salaries and allowance of officers	
Subscription from member(including unpaid subscription due for the year)		Traveling allowance, salaries, allowance and expenses of Establishment	
*a)Subscription received			
*b)Subscription in arrears for three months or less			
*c)Subscription in arrears for more than three months			
Donation		Auditor's fee	
Sale of periodicals, books, Rules etc.		Legal expenses	
Interest on investments		Expenses conducting trade Disputes	



Income from miscellaneous  
source(to be specified)

Compensation paid to member for loss  
arising out of trade disputes

Funeral of age sickness,  
unemployment, benefits etc.

Educational, Social and Religious  
Benefits

Cost of publishing periodicals

Rents, Rates and taxes

Stationery, Printing and postage

Expenses incurred under Section 15(j)  
of the Indian Trade Union Act 1926  
(to be specified)

Other expenses(to be specified)

Balance at end of year

**Total**

**Total**

**POLITICAL FUND ACCOUNT**

<b>INCOME</b>	<b>Rs</b>	<b>EXPENDITURE</b>	<b>Rs</b>
Balance at the beginning of the year		Payment made an object specified section 16(2) of the Indian Trade Unions Act, 1926(to be specified)	
Contribution from.....members at .....per member		Expenses of management(to be fully specified)	
		Balance at end of year	
	<b>Total</b>		<b>Total</b>

Treasurer

**AUDITORS' DECLARATION**

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

Auditor

Auditor

The following changes of officers have been made during the year 20.....



**OFFICERS**  
**RELINQUISHING OFFICE**

Name (1)	Office (2)	Date of relinquishing (3)
-------------	---------------	------------------------------

**OFFICERS APPOINTED**

Name (1)	Date of birth (2)	Private address (3)	Personal Occupation (4)
Title Position held In Union (5)	Date of which appointment in column (5) was taken up (6)	Other officers held in addition to membership of executive with date (7)	

**ELECTIONS**

Date of last election office bearers :  
Date of next election of Office bearers :

Secretary.



52  
**FORM XIII**  
**ANNUAL RETURN BY FEDERATION OF TRADE UNIONS**  
[See rule 24]

For the year ending 31st day of December 20.....  
(Form for Federation of Trade Unions)

**PART A**

- 1 Name of Federation :
- 2 Address of the Federation :
- 3 Registered Head Office :
- 4 No. and date of certificate of Registration :
- \*5 Name of Industry/Industrial Establishment :
- \*6 Classification of sector (Please state to which  
of the following for categories the union  
Belongs:
  - (a) Public Sector - Central Sphere :
  - (b) Public Sector - State Sphere :
  - (c) Private Sector - Central Sphere :
  - (d) Private Sector - State Sphere :
- \*7 Name of all India Body to which affiliated :
- \*8 Affiliation No. :
- \*9 Affiliated fee paid to the all India body to  
which affiliated during the year :
- \*10 Date of payment of affiliation fee to the all  
India body :
- \*11 Membership fee charged from affiliated  
Unions by the Federation during the year :
- 12 No. of affiliated Union at the beginning of the  
year and their membership :
- 13 No. of Unions joining during the year and  
their membership :
- 14 No. of Unions disaffiliated at the end of the  
year and their membership :
- 15 No. of affiliated Union at the end of the year  
and their membership :
- \*16 No. of members contributing to political fund :
- \*17 No. of Unions which who paid their affiliation  
fee for the whole year :
- 18 Whether a copy of the rules of the Federation  
corrected upto the date of despatch of this  
return is appended or not. :
- 19 Whether part B of the return below has been  
duly filled or not. :

Dated the.....Secretary



**PART B**Statement of liabilities and Assets on the 31<sup>st</sup> day of December 20.....

<b>Liabilities</b>	<b>Rs</b>	<b>Assets</b>	<b>Rs</b>
Amount of General Fund		Cash	
		In the hands of Treasurer	
		In the hands of Secretary	
Amount of political fund		In the hands of.....	
		In the.....Bank	
		In the .....Bank	
		Securities as per listed below	
Loans from		Unpaid subscription due for	
.....		*a) the year	
.....		*b)previous year	
.....		Loans to	
		*a)Officers	
Debts due to		*b)Members	
		*c)Others	
Other liabilities(to be specified)		Immovable properly	
		Goods and furniture	
		Other assets(to be specified)	
<b>Total</b>		<b>Total</b>	

**LIST OF SECURITIES**

<b>Particulars</b>	<b>Fare Value</b>	<b>Cost Price</b>	<b>Market price at the date on which accounts have been made up</b>	<b>In the hands of Treasurer</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>

**GENERAL FUND ACCOUNT**

<b>INCOME</b>	<b>Rs</b>	<b>EXPENDITURE</b>	<b>Rs</b>
Balance at beginning of the year		Salaries and allowance of officers	
Subscription from member(including unpaid subscription due for the year)		Traveling allowance, salaries, allowance and expenses of Establishment	
*a)Subscription received			
*b)Subscription in arrears for three months or less			
*c)Subscription in arrears for more than three months			
Donation		Auditor fee	
Sale of periodicals, books, Rules etc.		Legal expenses	



Interest on investments	Expenses conducting trade Disputes
Income from miscellaneous source(to be specified)	Compensation paid to member for loss arising out of trade disputes
	Funeral of age sickness, unemployment, benefits etc.
	Educational, Social and Religious Benefits
	Cost of publishing periodicals
	Rents, Rates and taxes
	Stationery, Printing and postage
	Expenses incurred under Section 15(j) of the Indian Trade Union Act 1926(to be specified)
	Other expenses(to be specified)
	Balance at end of year
<b>Total</b>	<b>Total</b>

**POLITICAL FUND ACCOUNT**

<b>INCOME</b>	<b>Rs</b>	<b>EXPENDITURE</b>	<b>Rs</b>
Balance at the beginning of the year		Payment made an object specified section 16(2) of the Indian Trade Unions Act, 1926(to be specified)	
Contribution from.....members at .....per member		Expenses of management(to be fully specified)	
		Balance at end of year	
<b>Total</b>		<b>Total</b>	

Treasurer

**AUDITORS' DECLARATION**

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

Auditor

Auditor

The following changes of officers have been made during the year 20.....



**OFFICERS**  
**RELINQUISHING OFFICE.**

Name (1)	Office (2)	Date of relinquishing (3)
-------------	---------------	------------------------------

**OFFICERS APPOINTED**

Name (1)	Date of birth (2)	Private address (3)	Personal Occupation (4)
Title Position held In Union (5)	Date of Which appointment in column (5) was taken up (6)	Other officers held in addition to membership of executive with date (7)	

**ELECTIONS**

Date of last election office bearers :  
Date of next election of Office bearers :

Secretary.



**FORM XIV**  
**APPLICATION FOR THE ISSUANCE OF CERTIFICATE FOR RECOGNITION**  
 [See rule 34(1)]

I ..... (Name & Designation),  
 Employer of.....  
 .....  
 (Name and Address of Industry/ Industrial Establishment) hereby apply for the issuance of  
 certificate for recognition of Trade Unions in the .....  
 (Industry/Industrial Establishment)

1. Total Number of Workers :
2. Number of Trade Unions functioning :
  - i. Name and Address, Reg No.
  - ii.
  - iii.
3. Details regarding the earlier recognition if any:
4. If recognised earlier whether its recognition has been cancelled or withdrawn:
5. If cancelled or withdrawn give details with reasons for the same:

Signature of Employer



**FORM XV****APPLICATION FOR THE VERIFICATION BY TRADE UNION**

[See rule 34(2) and 35 (8)]

1. I, President/General Secretary of ..... (here enter the name and address of the Trade Union) registered under the Industrial Relations Code 2020 having Registration No..... (here enter the Registration No of the Trade Union) hereby apply for the certificate for recognition of Trade Union in the Industry/Industrial establishment.....(here enter the name and address of the Industry/Industrial establishment as the case may be)
2. Total No. of membership in the Trade :  
Union as per the membership register
3. Details regarding the earlier :  
recognition, if any
4. If recognised earlier, whether its :  
recognition has been cancelled or  
withdrawn
5. If cancelled or withdrawn give details :  
with reasons for the same
6. Details of other registered Trade :  
Union(s) in the industrial establishment/  
class of industry
7. Full postal address to which  
communications relating to the Trade  
Union should be sent :
8. Amount of fee Rs.....(in figures  
and words) paid in District/Sub-  
Treasury.....on.....  
.....vide Chalan No.....  
(Original copy to be enclosed)

**DECLARATION**

I hereby declare that the information furnished above are true and correct to the best of my knowledge and belief .

Signature  
(President/General Secretary)

(Office Seal of the Trade Union)

**FOR OFFICE USE**

1. Date of receipt of application in the office of the Registrar :
2. Nature of order passed by the verification officer :
3. No. and date of verification report issued :

*Dated signature of the Verification Officer*



**FORM XVI**  
**NOTICE OF HEARING BY VERIFICATION OFFICER**  
[See rule 35(1)]

Place:

Date:

I .....(here enter the designation and jurisdiction of the officer) Registrar hereby inform that an enquiry envisaged under Kerala Industrial Relations Code 2020 and Kerala Industrial Relations Rule 2021 will be held on .....at .....A.M./ P.M. in my office .....(here enter the date, time and name of office) for determining whether

- 1.
- 2.
- 3.
- 4.
- 5.

.....(here enter the name and address of the Trade Union/s submitted the application for certificate for recognition) fulfills the conditions laid down in rule 33. The following document (s) may also be produced for inspection / verification:-

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Verification Officer  
(Designation of the Officer)

To

(Name and address of the Trade Union/ Employer)



**FORM XVII****Register of Recognised Trade Unions in Industrial Establishment and Class of Industry****[See rule 33, 36 and 63 (2)]**

Name and address of the industrial establishment/class of industry	Name and address of the Trade Union(s)	Registration No. under the Industrial Relation Code 2020 (Central Act 35 of 2020)	Date of application for recognition
(1)	(2)	(3)	(4)

Details of payment of fee (Amount. Name of Treasury Date and No. of Chalan)	Nature of recognition (Sole negotiating union/ negotiation counsel/ negotiating union )	Percentage of votes secured	Date of Recognition	Signature of the Registrar of recognition
(5)	(6)	(7)	(8)	(9)



**FORM XVIII**  
**VERIFICATION REPORT BY THE VERIFICATION OFFICER**

[See rule 37]

No.....

It is hereby certified that..... (name of the trade union) have complied with the provisions of the Industrial Relations Code 2020 and Kerala Industrial Relations Rule 2021. Hence, ..... (here enter the name and address of the Trade Union with Registration No. .... Industrial Relations Code 2020 and Kerala Industrial Relations Rule 2021) is eligible to be recognized as sole negotiating union/ negotiating union/ negotiating council in the Industry/ Industrial establishment.....(here enter the name and address of the Industry/ industrial establishment as the case may be). - with .....% of total polled votes in the referendum conducted on ..... (date)

Dated this on the..... day of .....20.....

Place:

Signature of the Verification Officer  
(Office Seal)



**FORM XIX**  
**NOMINATION**

(See rule 46 )

1	Name and address of the Registered Trade Union	:	
2	Registration No. of the Trade Union under the Code	:	
3	Name of the Affiliated if any (Affiliation No. to be provided)	:	
4	Name of Establishment/Class of Industry	:	
5	No. and date of receipt of fee remitted for Recognition (Copy to be attached)	:	
6	Name and Employee Code of the Proposer*	:	
7	Name and Employee Code of the Seconder*	:	

Signature of Proposer

Signature of the Seconder

Date :

Place :

\*The name of the proposer and seconder should be borne in elector roll.



**FORM XX**  
**CERTIFICATE OF RECOGNITION OF TRADE UNION BY THE EMPLOYER**

[See rule 33 and 63(1)]

No.....

It is hereby certified that .....(here enter the name and address of the Trade Union) has been recognised as Sole negotiating union/ Negotiating Union/ Negotiation Council in the Industry/ Industrial establishment .....(here enter the name and address of the Industry/ Industrial establishment as the case may be) under the Industrial Relations Code 2020 and Kerala Industrial Relations Rule 2021.

Dated this on the .....day of..... 20.....

Place:

signature of the employer  
 (Industrial establishment/Class of industry)

(Seal)



**FORM XXI  
MEMORANDUM OF SETTLEMENT**

[See rule 64(3) & 85]

(Memorandum of settlement arrived at during conciliation or settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding)

Names of Parties:

..... Representing employer(s);  
..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties

Witnesses:

- (1)
- (2)

\* Counter Signature of Conciliation Officer

Place :  
Date :

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 Conciliation Officer, concerned.



**FORM XXII**  
**APPLICATION FOR CERTIFICATION OF STANDING ORDERS**  
[See rule 66]

Date :.....

The Certifying Officer,  
.....

Sir,

Under the provisions of Section 29 of the Industrial Relations Code, 2020 I enclose five copies of the Draft Standing Orders proposed by me for adoption in

(Name) :

(Place) :

(Postal Address) :

An industrial establishment or undertaking owned/controlled by me, with the request that these orders may be certified under the terms of the Code. I also enclose a statement giving the particulars prescribed in rule 71 of the Kerala Industrial Relations Rules 2021.

(Signature)  
Manager/Employer.



**FORM XXIII**  
**NOTICE OF STANDING ORDER**  
[See rule 67((a) and (b))]

Date : .....

Office of the Certifying Officer,  
.....

I.....Certifying Officer, Kerala State forward herewith a copy of the Draft Standing Orders proposed by the Employer for adoption in the (Name and place) Industrial establishment and submitted to me for certification under the Industrial Relations Code 2020. Any objection which the workmen may desire to make to the draft Standing Orders should be submitted to me within fifteen days from the receipt of this notice.

Seal  
(Certifying Officer)

To  
The Secretary  
.....Union/  
Representatives selected under Rule 67



**FORM XXIV**  
**NOTICE FOR EXHIBITION OF DRAFT STANDING ORDERS**  
[See rule 69 (1)]

Date:.....  
(Office of the Certifying Officer)

The employer of the ..... (name of the industrial establishment or undertaking) has submitted to the Certifying Officer the appended draft Standing Orders proposed by him for adoption in his industrial establishments or undertaking. Any objections which any workman in the establishment desires to make to the draft Standing Orders should be submitted to me within fifteen days from the date of publication of this notice. If no objections are received within fifteen days from the date of publication of this notice, it will be deemed that the workmen have no objections to make.

(Seal)  
Certifying Officer.



**FORM XXV**  
**REGISTER OF CERTIFIED STANDING ORDERS**  
 [See rule 76]

Sl No	File No	Unique Number	Name and address of the Industrial Establishment or undertaking	Nature of Industrial Establishment or undertaking (Manufacturing Industry / Service Sector)	Date of certification/ deemed Certification/ Adoption of model Standing Order	Areas of operations of the industrial establishment or undertaking	Signature of Certifying Officer



**FORM XXVI**  
**NOTICE OF CHANGE OF SERVICE CONDITIONS**

[See rule 78 (1)]

Name of employer.....

Address.....

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

In accordance with section 40(i) of Industrial Relation Code 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 .....  
(Employer)

**ANNEXURE**

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

Copy forwarded to:

1. The Secretary of registered Trade Union, if any.
2. District Labour Officer concerned.



**FORM XXVII**  
**AGREEMENT FOR VOLUNTARY ARBITRATION**

[See rule 79 (1)]

BETWEEN

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

And

.....Representing workers

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 Central Government or within such further time as is extended by mutual agreement between us in writing. In case, the award is not made within the period afore mentioned, the reference to the arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitrator.

Signature of the parties Representing employer/ Representing worker/(s).

Witnesses

1. ....

2. ....

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

(ii) The Secretary, Labour and Skills Department, Govt. of Kerala, Thiruvananthapuram.



**FORM XXVIII  
AUTHORISATION FOR REPRESENTATION**

[See rule 81, 116 and 117]

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

Before the Authority

(Here mention the Authority concerned)

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

..... (workers )

Versus

.....( Employer)

I/we hereby authorise Shri... ..(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 by :



**FORM XXIX**  
**FORM OF OATH OF OFFICE FOR MEMBER OF INDUSTRIAL TRIBUNAL**

[See rule 82 (4) and 83 (3)]

I, ....., ....., 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 of India and the laws of the land.

(Signature)

Place:

Date:



**FORM XXX**  
**APPLICATION BEFORE THE TRIBUNAL IN THE MATTER NOT SETTLED BY THE**  
**CONCILIATION OFFICER**

[See rule 84(7)]

(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 circumstances of the case).

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

Date .....

Place .....

APPLICANT



**FORM XXXI**  
**REGISTER OF SETTLEMENT**

[See rule 86]

**Part I**

Sl. No.	Establishment / Industry	Parties to the settlement	Date of settlement	Valid upto	Remarks*

\*Whether the settlement was effected at the intervention of the conciliation machinery, or by mutual negotiations between the parties, may be indicated here.

**Part II**

Should contain one copy each of the settlements in the serial order indicated in **Part I**.



**FORM XXXII**  
**APPLICATION FOR RECOVERY OF MONEY**

[See rule 87(1)]

To

- (1) The Secretary to the Government of Kerala,  
Labour and Skills Department, Government Secretariat, Thiruvananthapuram.
- (2) The Labour Commissioner, Thiruvananthapuram.
- (3) The District Labour Officer..... (Here insert the address of the District concerned)

Sir,

\* I/We have to state that I am/we are entitled to receive from M/s..... a sum of Rs..... (Rupees ..... only)

\*I, Shri/Shrimati/Kumari ..... have to state that Shri/Shrimati/Kumari ..... is/was entitled to receive from M/s..... a sum of Rs..... (Rupees ..... only) on account of under the provisions of Chapter IX or Chapter 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 workmen 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 from the management under sub-section (1) of section 59 of the Industrial Relations Code 2020, and paid to me/us as early as possible.

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

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

\* Strike out the portions inapplicable

Signature of the applicant(s) Address(es)

- 1.
- 2.
- 3.
- 4.

Station:

Date:

**ANNEXURE**

(Here indicate the details of the amount(s) claimed)



**FORM XXXIII**  
**CLAIM PETITION**

[See rule 87(2)]

Before the Industrial Tribunal .....

Between

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

And

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

The petitioner, ..... a workman of M/s .....  
of ..... is/are entitled to receive from the said M/s..... the money/benefit  
mentioned in the statement hereto annexed. It is prayed that the Court be pleased to determine  
the amount/amounts due to the petitioner(s).

Signature or thumb impression(s) of the applicant(s) & Addresses :

- 1.
- 2.
- 3.
- 4.

Station:

Date:

**ANNEXURE**

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



**FORM XXXIV**  
**APPLICATION BY AN ASSIGNEE OR LEGAL HEIR**

[See rule 87(2)]

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

Before the Industrial Tribunal .....

(1) Name of the applicant/applicants

(2) Name of the employer

I am/we are the assignee(s) of the deceased workman and am/are entitled to make an application on his behalf. Shri. ....former workman of M/s.....of is entitled to receive from the said M/s..... the money/benefits mentioned in the statement hereto annexed; It is prayed that the Tribunal be pleased to determine the amount/amounts due to the deceased workman.

Address of workman

Signature or thumb-impression of the  
applicant(s)

Address of the applicant(s)

Station:

Date:

**ANNEXURE**

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



**FORM XXXV**  
**NOTICE OF STRIKE**

[See rule 96 (1)]

Name of five elected representatives of workers.....1.....  
2.  
3.  
4.  
5.

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

To.....  
(The name of the employer).

Dear Sir/Sirs,

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

(Signature)

(Secretary of the Union)

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

Copy to : Conciliation Officer of the local area concerned.

**ANNEXURE**

(Statement of the reasons)

Signature  
(Secretary of the Union)



**FORM XXXVI  
NOTICE OF LOCK-OUT**

[See rule 97]

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

Name of employer .....

Address.....Labour

Identification Number .....

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

In accordance with the provisions of 62 (6) 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 ..... (date) for the reasons explained in the annexure.

Signature.....

Designation.....  
(Employer)

**ANNEXURE**

**1. Statement of reasons**

Copy forwarded to:

- (1) The Secretary of the Registered Union, if any
- (2) Conciliation officer ..... [(here enter the address of the Conciliation Officer of the concerned local area)]
- (3) Labour Commissioner, Thiruvananthapuram



**FORM XXXVII**  
**NOTICE OF INTIMATION OF RETRENCHMENT/ CLOSURE**

[See rule 99 and 102]

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

Name of Industrial Establishment /Undertaking.....

Labour Identification Number .....

Dated.....

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

To,

The Secretary to the Government of Kerala,  
Labour and Skills Department

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 this 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 this 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 this  
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 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.

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 this 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 is true, I\*/ we\* am\*/ are\* solely responsible for its accuracy and no facts/ materials has been suppressed in the matter.

Yours faithfully,

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

(\* Strike off which is not applicable.)

(\*\* Indicate number in figures and words both)

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

Copy to :

- (1) District Labour Officer of the concerned area.
- (2) To the Registered Unions/ Authorised Representatives of Workers operating in the establishments or undertakings.
- (3) To the Office of Labour Commissioner, Thiruvananthapuram (Only for statistical purpose.)



**FORM XXXVIII**  
**APPLICATION FOR PERMISSION OF LAY-OFF/ CONTINUATION OF LAY-OFF/  
 RETRENCHMENT/ CLOSURE**

[See rule 103, 105 and 107]

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

Name of Industrial Establishment or Undertaking .....

Labour Identification Number.....

Dated.....

( Note: The application 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 of Kerala,  
 Labour & Skills Department, Thiruvananthapuram

1. \*(Lay-off) (a). Under section 78(2) of the Industrial Relations Code, 2020, I\*/we\* hereby apply for --permission to lay-off .....workers\*\* out of total of ..... workers\*\* employed in my\*/our\* establishment (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-off .....workers\*\* 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-1) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is..... (number of workers)

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

or

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



or

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

3. The details of affected worker(s) is at Annexure II.
4. (Retrenchment) I\*/we\* hereby declare that the workers concerned will be retrenched in compliance to the section 71 and section 72 of this Code.
5. \*I/We\* hereby declare that the worker(s) concerned have been\*/will be\* paid all the dues and compensation due to them under section 67, read with section 78(10)\*/ section 79\* / section 80\* of this Code before or on the expiry of the notice period.

or

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

6. I/ we\* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been Annexed.
7. I/ we hereby declare that the above information given by me/ us\* in this notice and enclosures is/ are\* true, I/ we am/ are solely responsible for its accuracy and no facts/ materials has been suppressed in the matter.

The permission sought for may please be granted.

Yours faithfully,

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

(\* Strike off which is not applicable.)

(\*\* Indicate number in figures and word both)

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

Copy to :

- 1) District Labour Officer of the local area, concerned.
- 2) Registered Trade Union / Authorised representatives
- 3) To the officer of Labour Commissionerate (for statistical purpose)

### ANNEXURE I

(please give replies against each item)

- 1 Name of the undertaking with complete postal address, email, mobile and land line.
- 2 Status of undertaking-
  - (i) Whether Central public sector/State public sector/ etc,
  - (ii) Whether a private limited company/ partnership firm
  - (iii) Whether the undertaking is Licensed/registered and if so, name of licensing/ registration authority and license / registration certificate numbers
- 3 (a) MCA Number
  - (b) GST Number



- 4 (i) Annual production, item wise for preceding three years-
- (ii) Production figures, month-wise, for the preceding twelve months,
- 5 Audit report of establishment/ undertaking including Balance sheets, profit and loss accounts for the last three years. To be annexed
- 6 Names of the inter-connected companies or companies under the same management
- 7 Details of lay-off/ Retrenchment resorted to in the last three years including the periods of such lay-offs/ Retrenchment the number of workmen involved in each such lay-off/ Retrenchment / continuation of lay off.
- 8 Any other relevant details which have bearing on lay-off/ continuation of lay off/retrenchment /closure.



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

Sl.No.	UAN/ EPFO	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 XXXIX**  
**APPLICATION FOR COMPOUNDING OF OFFENCES**

[See rule 113]

- 1.Name of applicant (accused) : .....
2. Father’s / Husband’s name of the applicant(accused): .....
- 3.Address of the applicant (accused): .....
4. Mobile number/email of applicant (accused): .....
5. Name , address, Mobile no, and email of Complainant
6. whether any case pending before any authority or Court in the same matter

If Yes, (Particulars of the offence / offences) .....

- Section of the Code under which the offence is committed.....
- Maximum fine provided for the offence under the Code.....
- Whether the offence is first offence or the applicant had committed any other offence prior to the offence and if had committed, then, full detail of the offence  
.....  
.....  
.....
- Any other information which the applicant desires to provide  
.....  
.....  
.....

Place:  
Dated:

Applicant (Name and signature)



**FORM XL**  
**COMPLAINT UNDER SECTION 91**  
**OF THE INDUSTRIAL RELATIONS CODE, 2020**  
[See rule 115]

Before the Conciliation officer\*/Arbitrator/Tribunal or, National Tribunal.....,  
In the matter of ..... Reference No.....  
A..... Complainant(s);

Versus

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

Address:

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of section 90 of the Industrial Relation code, 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 may be pleased to take the complaint into account for mediation and promote the settlement of the dispute/ \*Arbitrator/ \*Industrial Tribunal or \*National 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 Relation Code are submitted herewith.

Dated this.....day of.....20..... Signature of the Complainant(s)

**Verification**

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

\* Strike off which is not applicable

Signature or thumb impression  
of the person verifying

By order of the Governor,  
**MINI ANTONY**  
*Secretary to Government*

